



# **AGENDA**

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

Regular Meeting 2021-12  
November 3, 2021 - 7:00 PM

City Hall Council Chambers, 120 Malabar Road SE

### **CALL TO ORDER:**

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ADOPTION OF MINUTES:**

1. Regular Meeting 2021-11; October 6, 2021

### **ANNOUNCEMENTS:**

### **OLD/UNFINISHED BUSINESS:**

1. **CP-9-2021 - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single-Family Residential Use. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 96.66 acres. Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW**
2. **\*\*PD-21-2021 - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A Preliminary Development Plan for a PUD to allow a development with a mixture of townhomes and single-family lots called Medley at Everlands. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 96.66 acres. Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW**
3. **CP-10-2021 - FP&L IBIS Solar Energy Center - Michael Sole, Florida Power & Light (Jake Wise, P.E., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Agricultural (Brevard County), R1:2.5 (Brevard County), and Centerlane Use (City) to Utilities Use. Tax Parcel 250 of Section 29, Township 30, Range 37, Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, and Tax Parcel 1 of Section 31, Township 30, Range 37, Brevard County, Florida, containing approximately 3,266.49 acres. Two miles east of Babcock Street, in the vicinity north of the Indian River County line**
4. **\*\*CPZ-10-2021 - FP&L IBIS Solar Energy Center - Michael Sole, Florida Power & Light (Jake Wise, P.E., Rep.) - A zoning amendment from General Use (Brevard County) to a**

**GU, General Use Holding District. Tax Parcel 250 of Section 29, Township 30, Range 37, Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, and Tax Parcel 1 of Section 31, Township 30, Range 37, Brevard County, Florida, containing approximately 3,266.49 acres. Two miles east of Babcock Street, in the vicinity north of the Indian River County line**

5. **CP-11-2021 - CONTINUED TO 12/01 P&Z - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Industrial Use to Bayfront Mixed Use. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE**
6. **\*\*CPZ-11-2021 - CONTINUED TO 12/01 P&Z - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A zoning amendment from an LI, Light Industrial and Warehousing District to a BMU, Bayfront Mixed Use District. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE**

#### **NEW BUSINESS:**

1. **CP-14-2021 - Palm Vista at Everlands Phase II - Greg Pettibon, Lennar Homes, LLC (Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use and Single-Family Residential Use. Part of Tax Parcel 1 and Tax Parcel 252, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 26.67 acres. In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW**
2. **\*\*PD-49-2021 - Palm Vista at Everlands Phase II - Greg Pettibon, Lennar Homes, LLC (Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - Preliminary Development Plan for a PUD to allow a 638-unit residential development called Palm Vista at Everlands Phase II. Part of Tax Parcel 1 and all of Tax Parcel 252, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 158.69 acres. East of and adjacent to St. Johns Heritage Parkway NW, and north of Emerson Drive NW**
3. **CP-16-2021 - Hossein Rezvani (Alexander M. Fundora, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single-Family Residential Use. Tract A, Port Malabar Unit 11, Section 8, Township 29, Range 37, Brevard County, Florida, containing approximately 11.91 acres. South of and adjacent to Coconut Street SE, in the vicinity west of Emerson Drive SE**

#### **OTHER BUSINESS:**

#### **ADJOURNMENT:**

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.



Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the city clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (Section 59.03, Palm Bay Code of Ordinances)

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Land Development Division at (321) 733-3042 or Florida Relay System at 711.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

**\*\*Quasi-Judicial Proceeding.**



## **MEMORANDUM**

**DATE:** November 3, 2021

**SUBJECT:** Regular Meeting 2021-11; October 6, 2021

**ATTACHMENTS:**

**Description**

- ▣ **P&Z/LPA Minutes - Regular Meeting 2021-11; October 6, 2021**

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING 2021-11**

Held on Wednesday, October 6, 2021, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Donald Boerema led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present	
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present	
<b>MEMBER:</b>	Donald Boerema	Present	
<b>MEMBER:</b>	James Boothroyd	Absent	
<b>MEMBER:</b>	Richard Hill	Absent	(Excused)
<b>MEMBER:</b>	Khalilah Maragh	Present	
<b>MEMBER:</b>	Rainer Warner	Present	
<b>NON-VOTING MEMBER:</b>	David Karaffa	Absent	(Excused)
	(School Board Appointee)		

The absence of Mr. Hill was excused.

**CITY STAFF:** Present were Mr. Patrick Murphy, Acting Growth Management Director; Mr. Christopher Balter, Senior Planner; Mr. Grayson Taylor, Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

**ADOPTION OF MINUTES:**

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-10 September 1, 2021.**

Motion to approve the minutes as presented.

Motion by Ms. Maragh, seconded by Ms. Jordan. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Maragh, Warner.

### **ANNOUNCEMENTS:**

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.
2. Mr. Weinberg announced that Item 6 under New Business, Case CU-43-2021 (Randall and Kimberly Haire) had been withdrawn. Board action was not required to withdraw the case.

### **NEW BUSINESS:**

1. **\*\*V-38-2021 - Larry Huffman - A variance to grant an existing detached garage relief from the requirement that no accessory structure shall exceed the size of the principal structure's living area in an RS-2, Single-Family Residential District, as established by Section 185.118(C) of the Palm Bay Code of Ordinances. Lots 14 through 16 and Lot 22, Block 947, Port Malabar Unit 18, Section 21, Township 29, Range 37, Brevard County, Florida, containing approximately .92 acres. South of and adjacent to Tugwell Street SE, and north of and adjacent to Sandusky Street SE, specifically at 1518 Tugwell Street SE**

Mr. Taylor presented the staff report for Case V-38-2021. The board had to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Weinberg asked for clarification that the subject garage was built prior to a permit being applied for or issued. Mr. Taylor stated that this was correct, and he explained that the applicant might have interpreted the slab permit to include the garage. The Building Department would issue a permit for the garage if the variance was granted.

Mr. Weinberg asked if there would be a penalty involved with the permit. Mr. Murphy indicated that there would be a double fee for the permit.

Ms. Maragh inquired about the applicant's other accessory structures. Mr. Taylor explained that two other accessory structures existed on the property and that the square footage was included in the variance request.

Mr. Warner remarked on the garage being a permanent fixture for the home. Mr. Taylor stated that this was correct; the variance would run with the land.

Mr. Larry Huffman (applicant) submitted pictures of the garage under consideration.

Mr. Warner questioned if a fence would be required for the site because of the number of structures on the property. Mr. Taylor indicated the existing six-foot high fence around the lot where the subject garage was located.

Mr. Huffman explained that he had believed the slab permit also allowed for the metal building to be constructed.

The floor was opened for public comments.

Ms. Betty Eastwood (resident at Sapelo Avenue SE) was appeased in discovering that the subject request was for an existing detached garage and no additional structure or access was planned.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case V-38-2021 to City Council for approval.

Motion by Ms. Jordan, seconded by Ms. Maragh.

Ms. Maragh and Mr. Warner were concerned that a precedent could be set to obtain variances for structures installed without permits. Mr. Weinberg commented that the double fee was a penalty in place as a prevention.

Mr. Boerema asked if the variance was the alternative to tearing down the structure. Mr. Murphy stated that this was correct.

A vote was called on the motion to submit Case V-38-2021 to City Council for approval.

Motion by Ms. Jordan, seconded by Ms. Maragh. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Maragh, Warner.

2. **\*\*FD-35-2021 - St. Johns Preserve-Tract A - Mike Evans, St. Johns Preserve, LLC (BSE Consultants, Inc., Rep.) - Final Development Plan to allow a proposed PMU for a 120-unit residential development called St. Johns Preserve-Tract A. Tract A of St. Johns Preserve - Phase 1, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 19.12 acres. North of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW**

Mr. Murphy presented the staff report for Case FD-35-2021. Staff recommended Case FD-35-2021 for approval, subject to the staff comments.

Ms. Maragh wanted to know the typical timeframe for when commercial development should occur in order to address the staff comment for the board and City Council to decide at what stage of residential development the commercial development should be submitted for site plan review and approval. Mr. Murphy stated that a timeframe was not addressed by ordinance but could be dictated by a percentage or by the market.

Ms. Ana Saunders, P.E. with BSE Consultants, Inc. (representative for the applicant) stated that the applicant was in agreement with the staff conditions and would comply. Some technical comments would be revised with staff prior to the City Council hearing. She stated that the commercial development in the vicinity would be market driven based on residential rooftops. The commercial parcel was not owned by the applicant, so a fixed timeframe could not be provided for its development.

Mr. Warner inquired whether there was an existing development that the subject proposal would mirror. Ms. Saunders indicated that there was not a similar project to reference as there was not a specific builder at present. The proposed site plan was a result of working with the Land Development staff who had indicated a need for townhomes in the City.

Mr. Weinberg reminded the board that the subject request was only for the 120-unit residential development.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case FD-35-2021 to City Council for approval, subject to the staff comments.

Motion by Mr. Boerema, seconded by Ms. Jordan. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Maragh, Warner.

3. **\*\*CU-39-2021 - Rusty's Express Car Wash – Robert Black (David M. Tom, P.E, Rep.) - Amendment to an existing Conditional Use to allow a proposed car wash in a CC, Community Commercial District. Tax Parcel 22, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 1.19 acres. South of and adjacent to Malabar Road SE, in the vicinity east of Valor Drive SE, specifically at 1000 Malabar Road SE**

Mr. Balter presented the staff report for Case CU-39-2021. Staff recommended Case CU-39-2021 for approval, subject to the staff comments contained in the staff report.

Mr. Jake Wise, P.E. with Construction Engineering Group, LLC (civil engineer for the project and representative for the applicant) stated that a new and modern tunnel-style car wash with outside vacuums was planned for the subject site. The building's modern architecture had been reviewed by staff, and both water and wastewater would be extended to the site with an advanced reuse water system. The site had an existing driveway that was shared with Sonny's Barbecue that

included easement access to the Wal-Mart parking lot and traffic signal. He said that there were no attendees at the Citizen Participation Plan (CPP) meeting.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case CU-39-2021 to City Council for approval, subject to the staff comments contained in the staff report.

Motion by Ms. Jordan, seconded by Mr. Boerema. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Maragh, Warner.

4. **\*\*FD-40-2021 - The Reserve at Country Club Lakes Estates - Mario Oliveira, Palm Bay Greens, Inc. (David Bassford and Brian Bussen, Reps.) - Final Development Plan to allow a proposed PUD for a 200-unit multiple-family and single-family residential development called The Reserve at Country Club Lakes Estates. Tax Parcels 251 and 253, Section 28, Township 28, Range 37, Brevard County, Florida, containing approximately 74.2 acres. In the vicinity north of Country Club Drive NE and south of Riviera Drive NE**

Mr. Murphy presented the staff report. Staff recommended Case FD-40-2021 for approval, subject to the staff comments contained in the staff report.

Mr. Weinberg noted how segments of Port Malabar Boulevard NE, Babcock Street NE, and Malabar Road SE would be affected when the overall community was completed in 2026. He wanted to know at what point would the impact be addressed. Mr. Murphy stated that during the administrative construction plan review stage, the Engineering Division would determine the proportionate fair shares that all developments impacting the road segments would pay. The funds would be held until the City could contribute the remaining funds to do the improvements.

Ms. Maragh inquired about any issues discussed at the Citizen Participation Plan (CPP) meeting. Mr. David Bassford, P.E. with MBV Engineering, Inc. (representative



for the applicant) stated that most issues had been addressed by the staff conditions, but area residents still had concerns.

The floor was opened for public comments.

Ms. Cindy Kazanovicz (president of Island Green Villas Homeowners Association and resident at Island Green Drive NE) submitted correspondence to the board regarding the request. She wanted the board and City Council to require the developer to pay all legal expenses that would be incurred by Island Green Villas for review of the documentation regarding Island Green Drive NE. She wanted the board and City Council to ensure that the proposed drainage solutions would be adequate for the project and ensured the safety of Island Green Villas. Her final request was for the proposed mail area to be moved entirely to the subject development's northern main entrance or for the mail area at the Island Green Villas roadway entrance to be solely for the proposed duplexes.

Mr. Russell Wood (resident at Wailae Circle NE) spoke against the request. He stated that he was the past president of the Port Malabar Country Club Community Association, which lost 200 members in disappointment to the development of the former golf course site. The community had since been given the impression that the development would include nice homes and lots and no two-story homes on the perimeter. The subject proposal, however, included duplexes and the option to build two-story homes where they would overlook the backyards of the existing community. The north portion of the former golf course was developed with luxury homes, but now the remaining land was being proposed with more lots, smaller homes, and duplexes.

Ms. Karen Schrimpf (resident at Island Green Drive NE) spoke against the request. She submitted correspondence to the board regarding the issues that Island Green Villas had concerning potential flooding, damage to utilities, loss of trees, mislocation of property, and mailbox traffic. She requested that the issues be added to the staff report and tracked to resolution.

Ms. Doreen Kharman-Wittig (resident at Island Green Drive NE) stated that Island Green Villas was unique as it was encircled 360 degrees by the proposed development. Factors regarding the proposed site plan were critical to the rights and

quiet enjoyment of land and homes for residents of the existing community. She detailed a series of requests presented to MBV Engineering by the residents of Island Green Villas and Bimini Bay. The denied requests included the preservation of as many specimen trees as possible in the duplex area; notification of when the proposal would be submitted to the City; elimination of two-story duplexes adjacent to Island Green Villas or adjacent to single-family units in Island Green Villas; rental units restricted to ten percent of the duplexes; increased green space to buffer Island Green Villas; a reduced amount of single-family residences to improve drainage flow; maintenance of waterways; installation of a perimeter fence and shrubs around the boundaries of Island Green Villas and Bimini Bay; and relocation of the mailbox cluster area away from the road entrance to Island Green Villas. She was concerned that the 1,300 square foot minimum unit size for the duplexes had been reduced to 800 square feet. She requested that her concerns be considered and addressed before the project was allowed to move forward.

Mr. Michael Valley (representative for the Bimini Bay Board of Directors and resident at Eleuthera Drive NE) noted that several community meetings were held during Phase I of the development and attended by the property owner, but only two community meetings were held for the current phase, and the MBV representatives holding the meetings did not have the authority to make decisions or compromise in the absence of the property owner. Bimini Bay was concerned about the impact the main entrance of the development would have on the drainage flow and believed a six-foot high perimeter fence with shrubs was required based on Palm Bay Ordinance 185.06. The applicant had only agreed to erect a fence to the pond.

In response to comments from the audience, Mr. Bassford remarked that the physical movement of Island Green Drive would be on paper only to show modifications to tie in the proposed road connection. The request to cover attorney costs by the Island Green Villas Homeowners Association was unreasonable and would be a conflict of interest. He clarified how the existing ditch west of the Island Green Villas property would be reshaped for lots. The east bank on the Island Green Villas side would not be modified and drainage would continue to flow west. The watershed basin on the plan was not an underground pipe. He stated that the mail kiosk location would be dictated by the United States Postmaster and relocating the mail area to the project's main roadway entrance could cause traffic problems. He

indicated where water and sewer and electrical would be located within side easements during the pond reshaping. All ponds were well below the existing drainage on adjacent developments. The project would be designed to meet City of Palm Bay and St. Johns River Water Management District storm criteria. The landscape architect for the project had certified distances to be maintained to provide trees with the best chance to survive. The survey provided for the project met all minimal technical standards. He would not acquiesce to restricting rentals to ten percent as it was not required of any other development in the City. The size of the townhomes would be confirmed on the construction plans as 1,300 square feet. He stated that the drainage at the north and east end of Bimini Bay would be addressed by enhancements to the ditch near the south side of the project's main entrance.

Ms. Maragh asked if the applicant was willing to install a perimeter fence for the adjacent developments, and if two-story homes would be restricted from being built adjacent to the neighboring development's single-family homes. Mr. Bassford stated that a fence would be installed to the pond. Fencing the pond was not a code requirement and would obstruct the subject development's view of the pond. A restriction for single-family homes to abut the single-family residences in the adjacent developments would be considered.

Mr. Warner asked for clarification on the location of the two entrances to the development. Mr. Bassford indicated the access points off Riviera Drive and off Country Club Drive.

Mr. Weinberg remarked that the minimum size of the townhomes would be 1,300 square feet, and that the 800 square foot minimum referred to the code minimum.

The floor was closed for public comments, and there was no previous correspondence in the file.

Motion to submit Case FD-40-2021 to City Council for approval, subject to the staff comments contained in the staff report.

Motion by Ms. Jordan, seconded by Mr. Boerema. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema.

**Nay:** Maragh, Warner.

5. **\*\*FD-41-2021 - Cypress Bay West Phase III - Benjamin E. Jefferies, Waterstone Farms, LLC (Jake Wise, P.E., Rochelle W. Lawandales, FAICP, and Chris Tyree, Forestar (USA) Real Estate Group, Reps.) - Final Development Plan to allow a proposed PUD for a 544-unit residential development called Cypress Bay West Phase III. Part of Tax Parcel 500 of Section 4, Township 30, Range 37, and Tracts 750, 752, and Part of 1 of San Sebastian Farms, Section 5, Township 30, Range 37, Brevard County, Florida, containing approximately 190.5 acres. In the vicinity west of Babcock Street and west of Mara Loma Boulevard SE**

Mr. Balter presented the staff report for Case FD-41-2021. Staff recommended Case FD-41-2021 for approval, subject to the staff comments contained in the staff report.

Mr. Balter stated that an updated traffic impact study had been received by the City Traffic Engineer earlier in the day but had not yet been reviewed.

Mr. Jake Wise, P.E. with Construction Engineering Group, LLC (civil engineer for the project and representative for the applicant) stated that Phase III was the final phase of Cypress Bay West PUD. The subject development was anticipated in the overall master plan for stormwater and utilities. The subject development had two recreational areas and would also share the recreation in Phases I and II. Roads would be built to City standards and privately maintained. He stated that he was in agreement with the staff conditions, and that technical comments by the Public Works Department had been modified.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Mr. Balter confirmed that the Public Works Department would be clarifying their technical comments. Mr. Weinberg noted that the technical Driveway/Right-of-Way comments by the Public Works Department had been eliminated.

Motion to submit Case FD-41-2021 to City Council for approval, subject to the staff comments contained in the staff report.

Motion by Ms. Jordan, seconded by Ms. Maragh. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Maragh, Warner.

6. **\*\*CU-43-2021 - WITHDRAWN - Randall and Kimberly Haire - Conditional Use to allow a proposed wedding venue in an RR, Rural Residential District. Tract 3.01, Block 8, Melbourne Poultry Colony Addition No. 1, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 18.06 acres. South of and adjacent to Hield Road NW, in the vicinity between Studley Drive NW and Henley Road NW, specifically at 4236 Hield Road NW**

Case CU-43-2021 was discussed under Announcements, Item 2.

#### **OTHER BUSINESS:**

1. There was no other business discussed.

#### **ADJOURNMENT:**

The meeting was adjourned at approximately 8:46 p.m.

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Philip Weinberg, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

**\*\*Quasi-Judicial Proceeding**



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Senior Planner

**DATE:** November 3, 2021

**SUBJECT:** CP-9-2021 - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single-Family Residential Use. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 96.66 acres. Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW

### ATTACHMENTS:

#### Description

- ▣ Case CP-9-2021 - Staff Report
- ▣ Case CP-9-2021 - City Traffic Analysis
- ▣ Case CP-9-2021 - Traffic Statement
- ▣ Case CP-9-2021 - Application
- ▣ Case CP-9-2021 - Legal-Sketch



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Christopher Balter, Senior Planner

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#### CASE NUMBER

CP-9-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 3, 2021

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#### PROPERTY OWNER & APPLICANT

Heritage Pkwy East Holdings, LLC AKA  
Lennar Homes, LLC (Represented by BSE  
Consultants, Inc)

#### PROPERTY LOCATION/ADDRESS

Part of Tax Parcel 1, Section 21, Township 28, Range  
36, Brevard County, Florida

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#### SUMMARY OF REQUEST

The applicant is requesting a large-scale Comprehensive Plan Future Land Use (FLU) Map Amendment to change 96.66 acres of vacant land from ROS, Recreation and Open Space Use and SFR, Single Family Residential Use to MFR, Multiple-Family Residential Use for Lennar Homes to develop the property with a mixed unit development.

#### Existing Zoning

AU, Agricultural Use (County Zoning)

#### Existing Land Use

Single-Family Residential Use and Recreation and Open Space Use

#### Site Improvements

Undeveloped Land

#### Site Acreage

96.66 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

AU, Agricultural Use (County); Undeveloped Land

##### East

Melbourne-Tillman Canal Number 59

##### South

Pace Drive NW

##### West

St. Johns Heritage Parkway NW

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**BACKGROUND:**

The subject property is located on the northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW. Specifically a portion of Tax 1, Section 21, Township 28, Range 36, of Brevard County Florida. This Comprehensive Plan Future Land Use (FLU) Map Amendment request includes approximately 96.66 acres of land.

In 2004 the subject property was annexed into the City via 2004-37 totaling 584.65 acres. The Future Land Use Map was amended to include the “Palm Vista” property through Ordinances 2004-54. The ordinances established land use categories on the property for Single Family Residential Use, Commercial Use, Multiple Family Residential Use, and Recreation and Open Space Use. In 2016 site-specific conditions were amended to allow for a maximum of 4,000 residential units which stated that they could be placed on the lands of “Palm Vista.” In 2019, FD-28-2019 was approved for a 162-lot subdivision called Palm Vista Everlands, which is currently under construction. The total entitlements encumbered out of 4000 units are as follows: 162 units for Palm Vista Everlands.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations; Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

The Comprehensive Plan (Plan) FLU Element Goal FLU-2 is to provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-8 is to provide for a diverse and self-sustaining pattern of land uses that supports the present and future population of the City of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-9 is to create large-scale, sustainable mixed-use communities.

The Multiple Family Residential (MFR) Use future land use category allows for a maximum residential density of 20 units per acre (UPA), with a range of 0-20 UPA. Typical uses allowed include single-family homes, duplexes, multi-family units, congregate living units, recreational uses, and institutional uses such as schools, churches, and utilities.



A companion rezoning request (PD-21-2021) has been applied for and the applicant is requesting the PUD zoning district be applied to the parcel. The provisions of the Preliminary Development Plan submitted will only permit a maximum of 2.88 UPA. This would result in no more than 840 units.

## 2. COASTAL MANAGEMENT ELEMENT

The subject property is not located within the Coastal Management Area.

## 3. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

The subject property is not located within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP). No other protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

**Recreation:** The proposed FLU amendment would increase the demand for recreation services as compared to the existing land use. However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area. It shall be noted that the Recreation and Open Space Element of the City's Comprehensive Plan sets a LOS Standard of 2 acres per 1,000 residents. The city maintains public ownership of park-designated lands that far exceed this requirement.

## 4. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the City. Instead, it will serve to create additional multi-family housing opportunities needed in Palm Bay.

## 5. INFRASTRUCTURE ELEMENT

The City evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure to support development.

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water and sewerage facilities are available at the site. If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

**Drainage:** If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the City during the administrative construction plan review process.

#### 6. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment to Multiple-Family Use will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

#### 7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. If developed, a traffic impact analysis will be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the administrative construction plan review process.

#### 8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

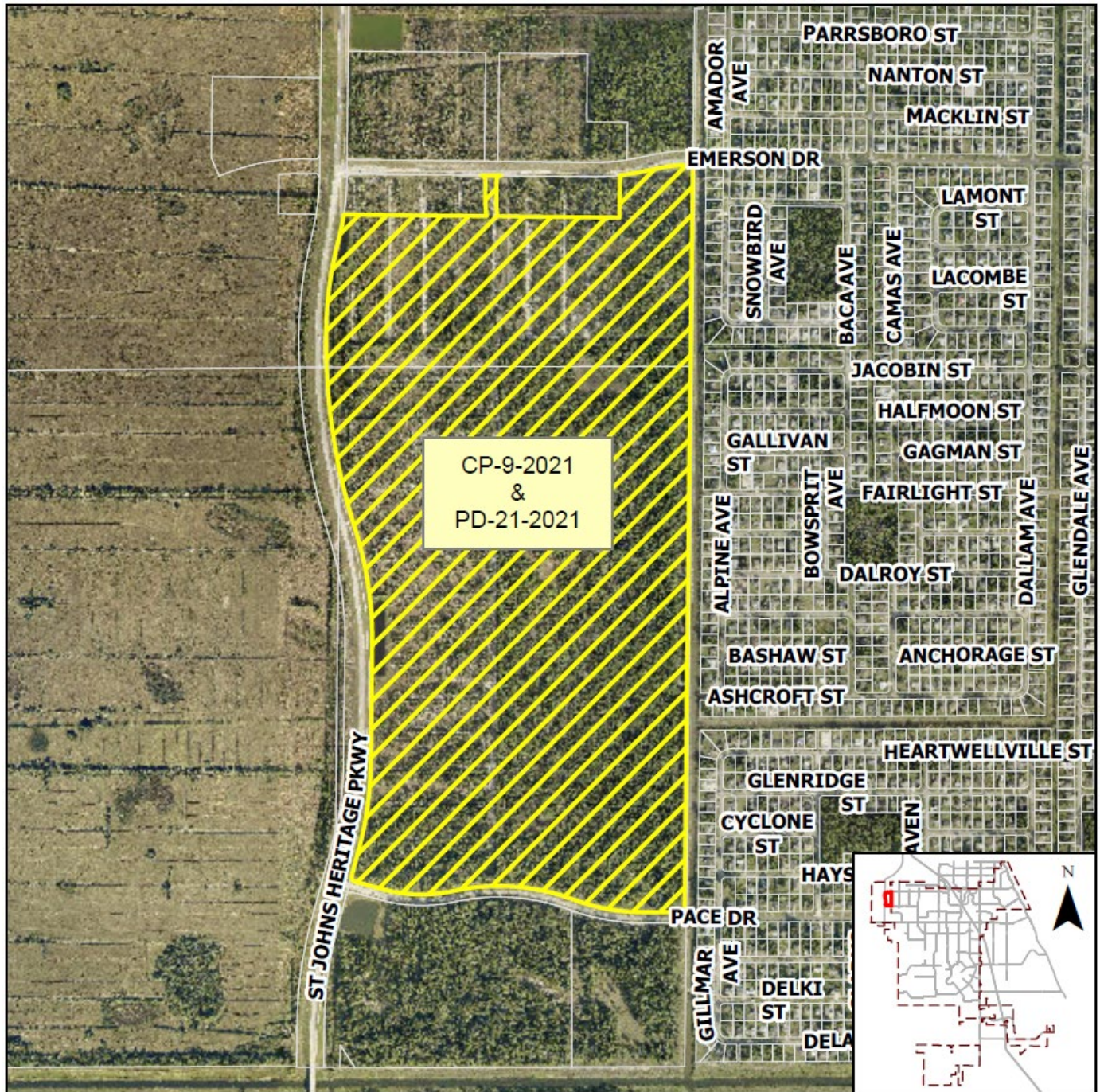
This proposed land use change does not appear to infringe upon the property rights of the applicant.

#### **STAFF RECOMMENDATION:**

Case CP-9-2021 is recommended for approval.



*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



## AERIAL LOCATION MAP CASE: CP-9-2021 & PD-21-2021

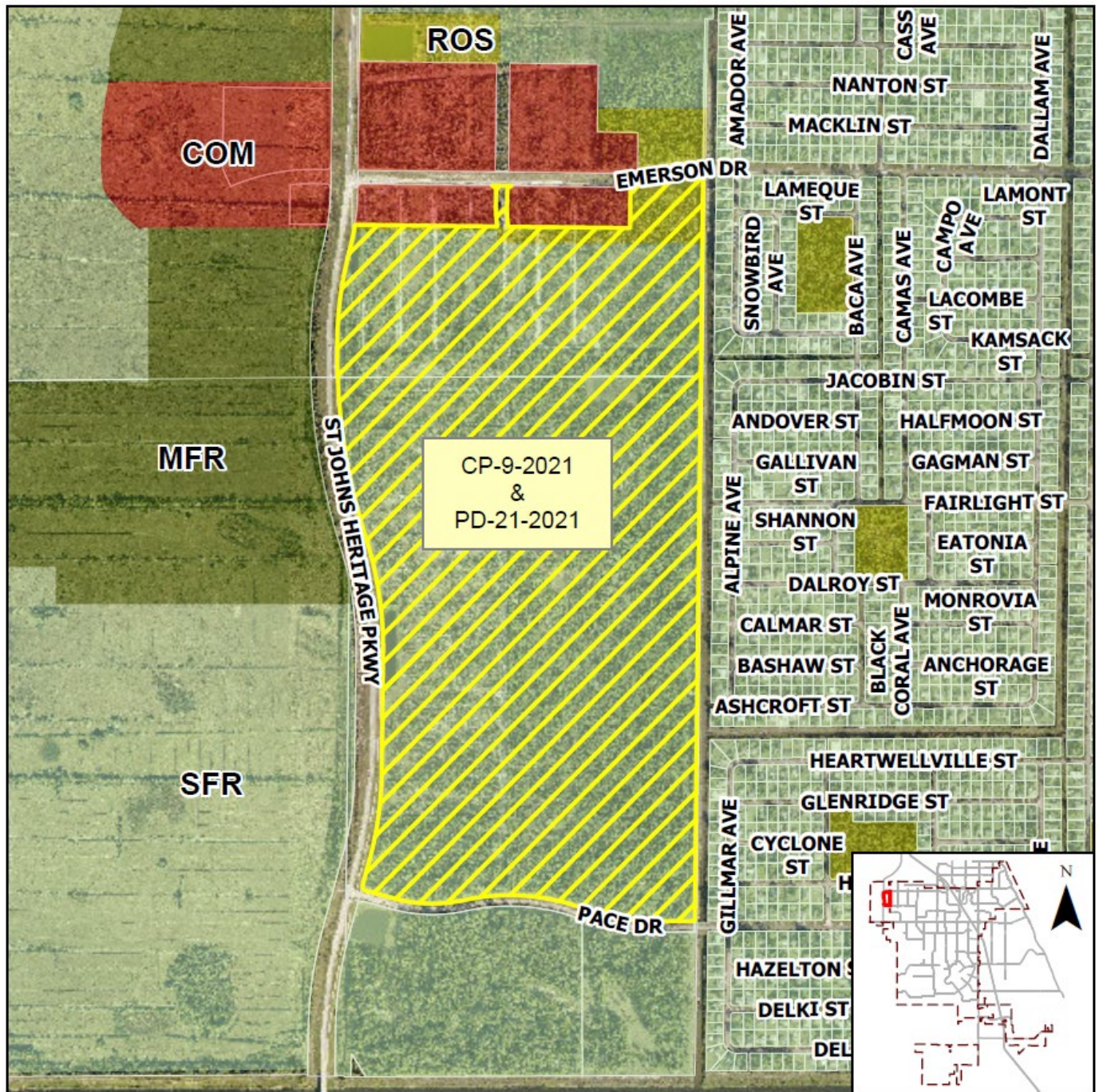
### Subject Property

Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP

CASE: CP-9-2021 & PD-21-2021

### Subject Property

Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW

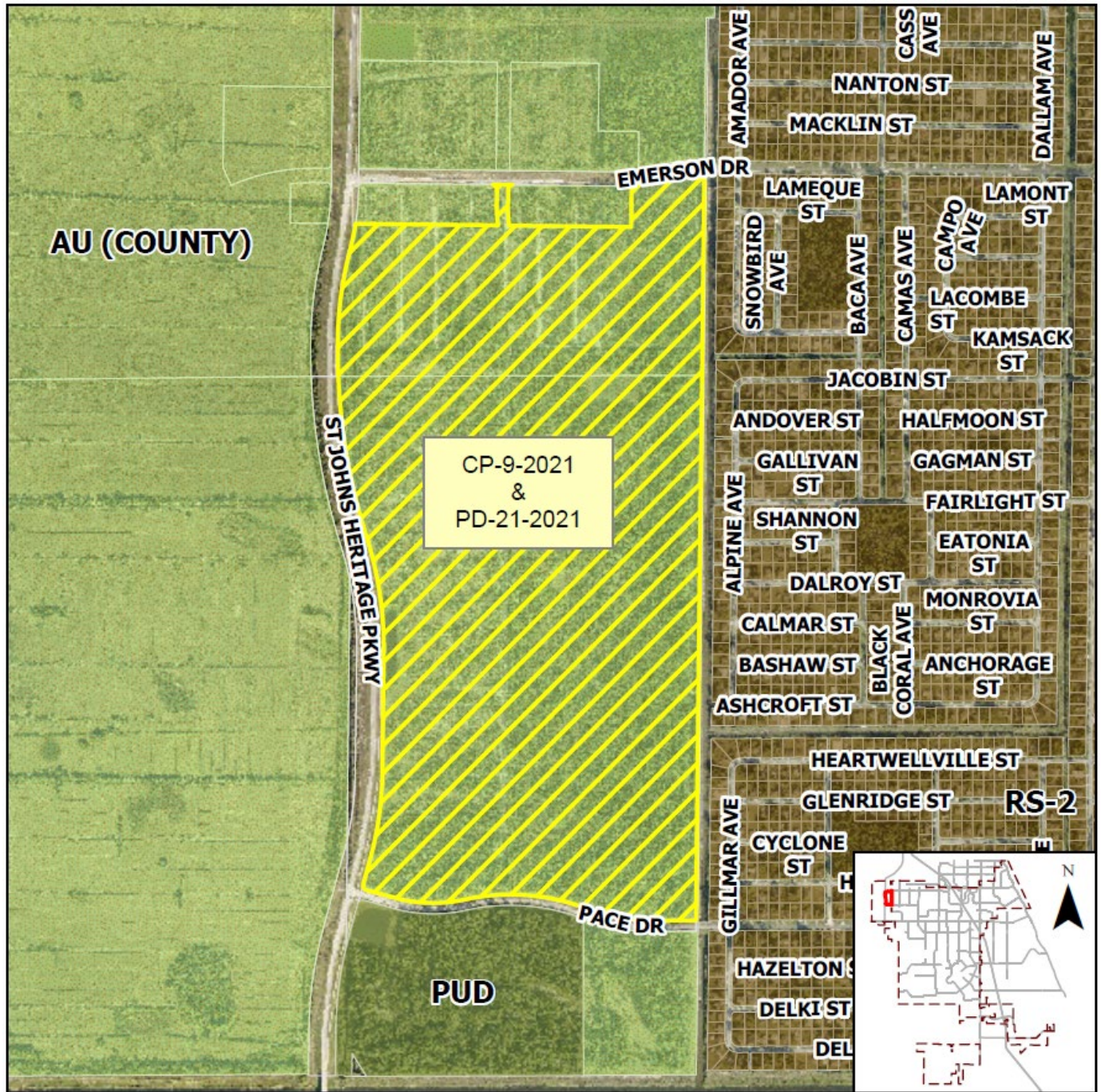
### Future Land Use Classification

SFR – Single Family Residential Use





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP

## CASE: CP-9-2021 & PD-21-2021

### Subject Property

Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW

### Current Zoning Classification

AU – Agricultural Residential Use



## PUBLIC WORKS DEPARTMENT

### Traffic Analysis for Pace Drive

By Frank Watanabe, City Engineer/Traffic Engineer

September 27, 2021

The property is 96.66 acres of vacant recreational and open space to Multiple Family Residential Use in the northwest City of Palm Bay. The applicant is requesting for an amendment to the City Comprehensive Plans and future land use map from Recreational and Open Space to Multiple Family Residential for Future Land Use (FLU). The existing current land use would allow for a maximum use of 1,455 units. The proposed Medley at Everland PUD would allow for of maximum use of 2,905 units.

Pace Drive is classified as a Major Collector Roadway maintained by the City of Palm Bay and latest traffic count collected on Pace Drive from St Johns Heritage Parkway (SJHP) to Glencove Avenue in FY 2018. Average Daily Traffic (ADT) count on Pave Drive for this segment is 2,461 vehicles.

The maximum allowable volume (MAV) is per the FDOT January 2020 Generalized Annual Average Daily Traffic (AADT) for Urbanized Area. Pace Drive from SJHP to Glencove Avenue has an existing posted speed of 40 mph which is considered a Class I roadway with the MAV is identified with 16,800 AADT with the 10% reduction for non-State roadway. Attached is the FDOT Generalize Annual Average Daily Table.

Existing ADT	No. of Lanes	LOS	Max Allowable Volume (MAV)	Available Capacity
2,461	2	C (City)	16,800	14,339

1. Using Peak Hour Trip Rates (ITE 10<sup>th</sup> Edition Trip Generation)  
Residential – Multifamily (Code 220) current with max allowed 1,455 units  
Multifamily (Code 220) proposed with max allowed 2,905 units
2. Analysis of traffic impact
  - a. Current Trips: - 1,455 units x 7.32 = 10,651
  - b. Proposed Trips: - 2,905 units x 7.32 = 21,264
3. Level of Service (LOS)  
The LOS standard for Pace Drive is LOS C per the City's Comprehensive Plan – Transportation Element.

### Finding:

The maximum usage of 2,905 units generate trips exceed the roadway capacity of Pace Drive Street causing a deficient level of service (LOS).



**PALM VISTA MEDLEY AT EVERLANDS**  
**B.S.E. FILE # 10860.600**

**TRAFFIC STATEMENT**

The Palm Vista Medley Everlands total project consists of up to 4,000 residential units including single family townhomes, paired villas, and multi-family townhome units.

Average daily trip generation for this phase is presented below. Peak hour analysis, capture rate, distribution and detailed trip generation to the broader street network will be submitted at development stages of the approval process.

The mix of unit types for this phase is projected as:

± 456 Single Family  
± 234 (4-Unit to 6-Unit Townhomes)  
± 150 Paired Villas  
***TOTAL 840 Units***

Using typical Institute of Transportation Engineers (ITE) trip generation rates, total daily trips generated for the life of this phase of the project are:

840 Single Family Units  
x 4.3 Trips Per Unit (*age restricted*)  
***3,612 Trips***

At some point of development, traffic improvements will be made to accommodate the growth of this area along with Palm Vista Medley Everlands.



## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

# COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting.** The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

### APPLICATION AMENDMENT TYPE:

☐

**Small Scale** (Less than 10 acres)

☐

**Text Amendment** (Comp. Plan)

☒

**Large Scale** (10 acres or more)

### PARCEL ID(S):

28-36-21-00-1 and 28-36-28-00-3

### TAX ACCOUNT NUMBER(S):

2803857 and 3017369

### LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

See attached.

### SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

+/- 96.66 acres



CITY OF PALM BAY, FLORIDA  
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION  
PAGE 2 OF 3

**LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):**

Residential Open Space

**LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):**

Multi-Family Residential

**PRESENT USE OF PROPERTY:**

Vacant/Ag

**STRUCTURES LOCATED ON THE PROPERTY:** N/A

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:** PUD

**JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):**

- To provide a transition from single-family residential to the commercial parcels along Emerson.
- To provide a variety of residential home product type with varying price points.

**SPECIFIC USE INTENDED FOR PROPERTY:**

Villa and town home portion of the Medley at Everlands residential project.

**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:**

☒ \*Application Fee. Make Check payable to "City of Palm Bay."

☐ \$1,200.00 - Small Scale (Less than 10 acres)

☒ \$2,000.00 - Large Scale (10 acres or more)

☐ \$2,000.00 - Text Amendment (Comp. Plan)


CITY OF PALM BAY, FLORIDA  
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION  
PAGE 3 OF 3

- ☐ Boundary Survey for land use amendments.
- ☐ Sketch with legal descriptions of properties covered by this application for land use amendments.
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guideline. Staff will provide a sign template.
- ☐ Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative \_\_\_\_\_

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature  Date 6-11-2021

Printed Name Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Full Address 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone 561-345-6704 Email Greg.Pettibon@Lennar.com

**\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

March 26, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Tax Parcel ID: 3017369

I, Owner Name: Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Address: 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone: 561-345-6704

Email: Greg.Pettibon@Lennar.com

hereby authorize: Scott M. Glaubitz, P.E., P.L.S., President (or assigned BSE Representative), B.S.E. Consultants, Inc.

Address: 312 South Harbor City Blvd., Suite 4 Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

to represent the request(s) for:

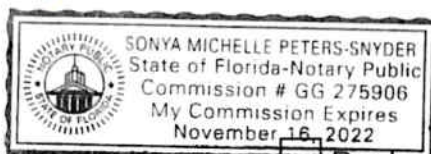
Medley at Everlands - PH1

  
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26<sup>th</sup> day of March, 20 21 by Greg Pettibon, property owner.



☒ Personally Known or ☐ Produced the Following Type of Identification:

Sonya Michelle Peters-Snyder Notary Public

# THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE

## MEDLEY LAND USE CHANGE AREA

PART OF THOSE LANDS LYING NORTH OF PACE DRIVE, EAST OF ST. JOHNS HERITAGE PARKWAY, SOUTH OF EMERSON DRIVE AND WEST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, LYING AND BEING IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PACE DRIVE, (AN 80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), AND RUN N00°42'46"E, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, A DISTANCE OF 3662.19 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, N00°42'46"E A DISTANCE OF 362.45 FEET TO THE NORTH LINE OF SAID SECTION 28; THENCE N89°45'59"E, ALONG SAID NORTH LINE AND CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 7.00 FEET; THENCE N00°44'56"E, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1489.36 FEET TO THE SOUTHEAST CORNER OF SAID EMERSON DRIVE, (A 100.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE WESTERLY ALONG THE ARC OF THE CURVED SOUTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1390.00 FEET, A CENTRAL ANGLE OF 11°58'18", A CHORD LENGTH OF 289.91 FEET AND A CHORD BEARING OF S84°04'50"W), A DISTANCE OF 290.44 FEET TO THE END OF SAID CURVE; THENCE S78°05'41"W, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 102.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1650.00 FEET, A CENTRAL ANGLE OF 05°23'59", A CHORD LENGTH OF 155.45 FEET AND A CHORD BEARING OF S80°47'41"W), A DISTANCE OF 155.50 FEET TO THE NORTHEAST CORNER OF COMMERCIAL PARCELS C-10 THROUGH C-12, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7950, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S00°40'06"W, ALONG THE EAST LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, A DISTANCE OF 312.92 FEET TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12; THENCE N89°19'54"W, ALONG THE SOUTH LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, A DISTANCE OF 899.66 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT AND THE SOUTHWEST CORNER OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12; THENCE ALONG THE WEST LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, THE FOLLOWING 3 (THREE) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 910.00 FEET, A CENTRAL ANGLE OF 08°38'41", A CHORD LENGTH OF 137.17 FEET AND A CHORD BEARING OF N03°39'15"W), A DISTANCE OF 137.30 FEET TO THE END OF SAID CURVE; 2) THENCE N00°40'06"E A DISTANCE OF 128.22 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 3) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD LENGTH OF 49.50 FEET AND A CHORD BEARING OF N45°40'06"E), A DISTANCE OF 54.98 FEET TO A CUSP OF CURVE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE; THENCE N89°19'54"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 150.00 FEET TO A CUSP OF CURVE AND A POINT ON THE BOUNDARY OF COMMERCIAL PARCELS C-13 THROUGH C-16, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7950, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD LENGTH OF 49.50 FEET AND A CHORD BEARING OF S44°19'54"E) A DISTANCE OF 54.98 FEET TO THE END OF SAID CURVE; 2) THENCE S00°40'06"W A DISTANCE OF 128.22 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 3) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 990.00 FEET, A CENTRAL ANGLE OF 07°56'29", A CHORD LENGTH OF 137.11 FEET AND A CHORD BEARING OF S03°18'09"E), A DISTANCE OF 137.22 FEET TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16; 4) THENCE N89°19'54"W A DISTANCE OF 1052.38 FEET TO THE SOUTHWEST CORNER OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16 AND A NON-TANGENT INTERSECTION WITH THE CURVED EAST RIGHT-OF-WAY LINE OF SAID ST. JOHNS HERITAGE PARKWAY, (A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE ALONG THE ARC OF SAID CURVED EAST RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 2200.00 FEET, A CENTRAL ANGLE OF 06°09'07", A CHORD LENGTH OF 236.11 FEET AND A CHORD BEARING OF S11°13'05"W), A DISTANCE OF 236.22 FEET TO A POINT OF REVERSE CURVATURE; THENCE CONTINUING ALONG THE ARC OF SAID CURVED EAST RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 14°17'39", A CHORD LENGTH OF 671.85 FEET AND A CHORD BEARING OF S07°08'50"W), A DISTANCE OF 673.60 FEET TO THE END OF SAID CURVE; THENCE S00°00'00"E, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 58.06 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 4500.00 FEET, A CENTRAL ANGLE OF 07°30'23", A CHORD LENGTH OF 589.12 FEET AND A CHORD BEARING OF S03°45'11"E), A DISTANCE OF 589.54 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE EAST; THENCE N88°45'01"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 2639.57 FEET TO THE POINT OF BEGINNING. CONTAINING 96.66 ACRES, MORE OR LESS.

## MEDLEY LAND USE CHANGE APPLICATION

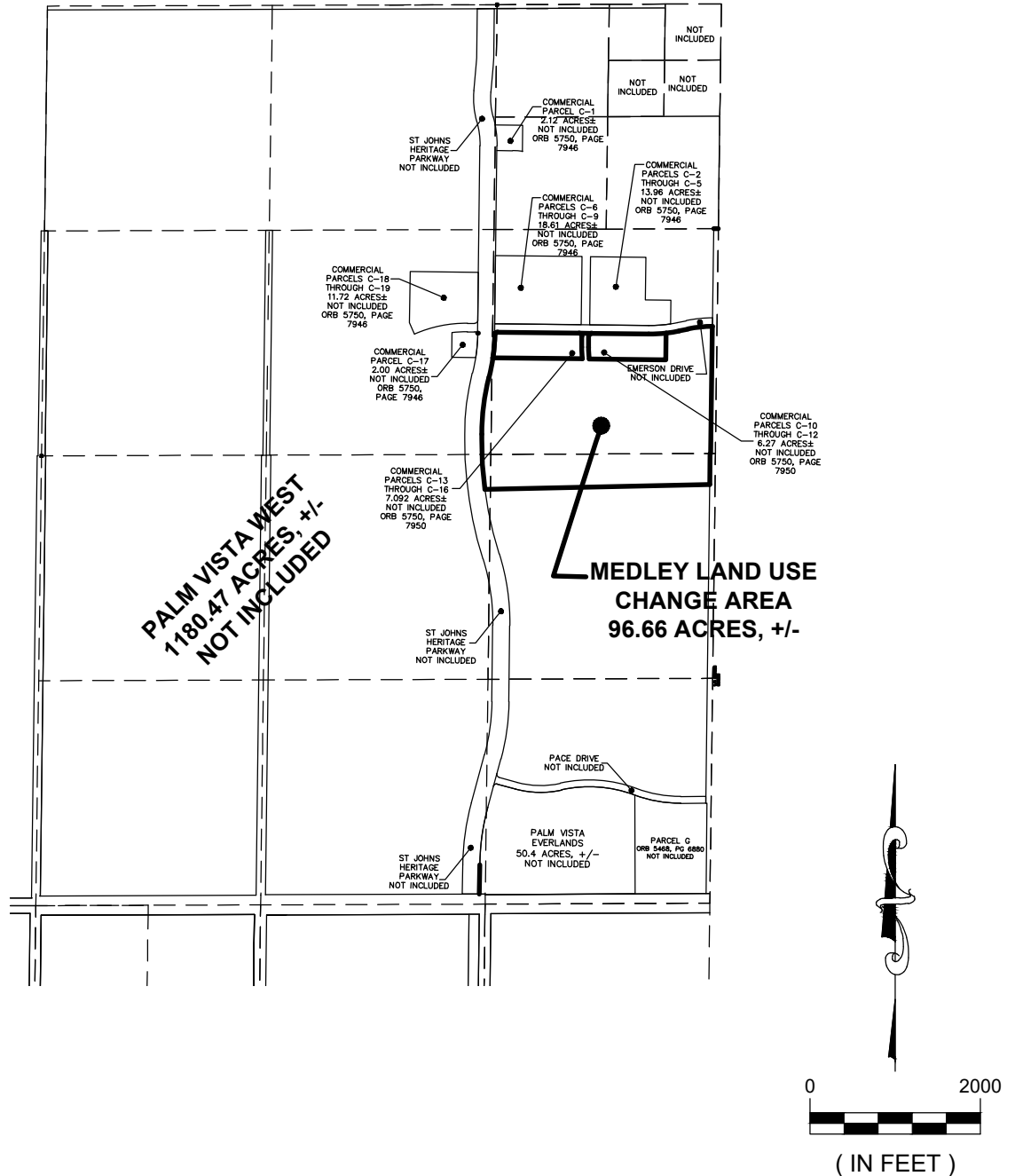
LESLIE E. HOWARD  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 5611



**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  
PHONE: (321) 725-3674 FAX: (321) 723-1159  
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 04/29/2021  
DESIGN/DRAWN: LEH  
DRAWING# 10860600\_100\_003  
PROJECT# 10860.600  
SHEET 1 OF 2

THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE



## MEDLEY LAND USE CHANGE APPLICATION



**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  
PHONE: (321) 725-3674 FAX: (321) 723-1159  
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DATE: 04/29/2021  
DESIGN/DRAWN: LEH  
DRAWING# 10860600\_100\_003  
PROJECT# 10860.600  
SHEET 2 OF 2



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Senior Planner

**DATE:** November 3, 2021

**SUBJECT:** \*\*PD-21-2021 - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A Preliminary Development Plan for a PUD to allow a development with a mixture of townhomes and single-family lots called Medley at Everlands. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 96.66 acres. Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW

\*\*Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▣ Case PD-21-2021 - Staff Report
- ▣ Case PD-21-2021 - Preliminary Development Plan
- ▣ Case PD-21-2021 - Narrative
- ▣ Case PD-21-2021 - Traffic Statement
- ▣ Case PD-21-2021 - Application
- ▣ Case PD-21-2021 - Location Map
- ▣ Case PD-21-2021 - Legal-Sketch



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

### Prepared by

Christopher Balter, Senior Planner

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#### CASE NUMBER

PD-21-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 3, 2021

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#### PROPERTY OWNER & APPLICANT

Heritage Pkwy East Holdings, LLC AKA  
Lennar Homes, LLC  
(Represented by BSE Consultants, Inc)

#### PROPERTY LOCATION/ADDRESS

Part of Tax Parcel 1, Section 21, Township 28, Range  
36, Brevard County, Florida

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#### SUMMARY OF REQUEST

Preliminary Planned Unit Development approval for an 840-unit residential subdivision to be known as Medley at Everlands PUD.

##### Existing Zoning

AU, Agricultural Residential (County Zoning)

##### Existing Land Use

Single-Family Residential Use and Recreation and Open Space Use

##### Site Improvements

Vacant Undeveloped Land

##### Site Acreage

291.11 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

AU, Agricultural Residential Use (County); Vacant Land

##### East

Melbourne Tillman Canal Number 59

##### South

Pace Drive Northwest

##### West

St. Johns Heritage Parkway

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#### COMPREHENSIVE PLAN COMPATIBILITY

The future land use designations of the subject parcels are proposed as a mix of Single-Family Residential Use and Multiple Family Residential Use. The development of a mixed unit development is compliant with the goals and policies of the Comprehensive Plan. The proposed density is 2.88 units per acre, which is below the maximum density defined in the City's Comprehensive Plan for Single-Family Residential Use up to (5 units per acre and Multiple Family Residential 20 units per acres.)

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**BACKGROUND:**

The subject properties are located on the northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW. Specifically a portion of Tax 1, Section 21, Township 28, Range 36, of Brevard County Florida. This Preliminary PUD request includes approximately 291.11 acres of land.

**ANALYSIS:**

The applicant is requesting Preliminary Development Plan (PDP) approval for a Planned Unit Development (PUD), to construct a single-family residential subdivision called Medley at Everlands. The planned unit development is a concept that encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification found in the City's Zoning Code.

Specifically, the PDP proposes 456 single-family residential homes, 234 townhomes, and 150 villas, all age restricted. It is proposed that the development will be constructed in multiple phases. Per the PDP, the lot sizes for the single-family residential parcels will vary from 40', 50' and 60' wide, 4- and 6-unit townhomes, and 2-unit villas. The development will consist of two entrances with amenities such as a neighborhood park, passive recreation areas, tennis and pickle ball courts, swimming pool, clubhouse, community center, and stormwater management ponds.

**CONDITIONS:**

In order to receive Preliminary Planned Unit Development approval, the proposal must meet the requirements of Section 185.066 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being submitted with a Final PUD application:

- A preliminary subdivision plat and a boundary & title opinion.
- Deed restrictions establishing development standards.
- The amenities will need to be shown on the Final Development Plan.
- A School Capacity Determination Letter from Brevard County Schools.
- This project will be required to pay its Proportionate Fair Share costs to off-set the impacts of this development on the surrounding road network.
- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the FDP, and construction drawings.



**STAFF RECOMMENDATION:**

Case PD-21-2021 is recommended for approval, subject to the staff comments contained in this report.

## TECHNICAL COMMENTS

### CASE PD-21-2021 – MEDLEY AT EVERLANDS PUD

#### **PUBILC WORKS (Natalie Shaber, PE, Engineer II):**

##### Engineering Comments:

1. It is unclear from the concept plan whether all stormwater management design and performance criteria are being met per CH 174 City Code of Ordinances and Ch 62-330 F.A.C.
2. PW Staff reserves to the right to make specific comments that may impact the conceptual layout of the project during the administrative site plan approval process.
3. All City Code of Ordinances regarding right-of-way construction shall be met.
4. The subdivision, and all facilities and amenities shall be private unless the request process per Chapter 182 of the City's Code of Ordinances is followed.
5. A stormwater review fee in the amount of \$22,482.50 is required by the second site plan review.
6. On site engineering inspection fees would be required in the amount of 1.5% of the total cost of on site public improvements.
7. Off site engineering inspection fees would be required in the amount of 0.5% of the total cost of on site public improvements.
8. A signed and sealed engineer's opinion of cost for on site and a separate for off site improvements would be required for review and acceptance when the site plan is at 90% completion.
9. More detail would be required on the western entrance from the Parkway as it currently does not appear to meet City geometric standards.

##### Traffic Comments:

- A comprehensive Traffic Impact Study will be required including all surrounding development in construction including the development to the north at the 1-92 and the Parkway intersection.
- A traffic signal warrant study and turn lanes would be required on the SJHP and Emerson Dr.

##### Survey Comments:

- A detailed and current boundary and topographic survey and preliminary plat will be required prior to approval of the site plan.

**UTILITIES (Christopher Little, PE, Utilities Director):**

The Utilities Department has no objection to the proposed 234 multi-family and 456 single-family residential units PUD.

Upon development of the site, the following shall apply for connection to the City's water and sewer utilities system:

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water & sewer system. [§ 200.11(D)(1) - On-Site Facilities].
2. The applicant/owner may be required to extend and/or loop service from the existing water and sewer connection points [§ 200.11(D)(2) -Off-Site Facilities].
3. The applicant/owner will be responsible for the property's hydraulic share for the utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [§ 200.1(D) & (E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the City's current pipe sizing requirements.
4. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
5. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Department Policies, Procedures and Standards Handbook and the Standard Detail Drawings. Prior to any construction , all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copied of the Permits filled with the Utilities Department.

**BUILDING-FIRE (Michael Bloom, CFPS, Fire Plans Examiner):**

1. Subdivisions shall meet all requirements of the currently adopted Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC) Florida State Statute (FSS) and City of Palm Bay Ordinances (COPBO).
2. (FFPC 1:18.4.5.1.1) The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire flow area that does not exceed 5000 ft<sup>2</sup>(464.5 m<sup>2</sup>) shall be 1000 gpm (3785 L/min) for 1 hour.
3. (FFPC 1-18.4.5.2.1) Fire flow and flow duration for one- and two-family dwellings having a fire flow area in excess of 5000 ft<sup>2</sup> (334.5 m<sup>2</sup>) shall not be less than that specified in Table 18-4.5.1.2.

4. Townhouses shall meet all requirements of (FSS 481.203(16)) or they shall be protected by a fire sprinkler system per FFPC and COPBO.
5. (FFPC 1-18.2.2.2) The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system. All motorized gates shall include a Click to Enter System or a Siren Operated Switch and Knox Key Switch backup. All manual gates shall have a Knox Padlock. Order Knox products at [knoxbox.com](http://knoxbox.com). Indicate the gates shall have a minimum clear width of 14 feet.

**BUILDING-FLOODZONE (James Williams, CFM, Floodplain Coordinator):**

This project will require an approved FEMA Conditional Letter of Amendment/Revision (CLOMR) before the site plans are approved. Then upon completion an approved Letter of Map Revision (LOMR) rezoning the project site to Floodzone X.

This site has had extensive flooding in the past. The location of this project is adjacent to the St. Johns Heritage Parkway. A Parkway Project LOMR was submitted to FEMA but never approved. Since the construction of the Parkway, published 100-year Base Flood Elevations for this area may not be accurate. It cannot be assumed that upon completion of the placement of fill that FEMA will approve a LOMA-F for the project without an approved CLOMR.

These policies are outlined specifically in Ord. 174.005 (C) (2) "require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source" and also 174.005 (C)( 4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Ordinance 174.036 Other Development (E) General requirement for installation of new roads. All new roads in flood hazard areas shall have all traffic lanes elevated to or above the approved base flood elevation.

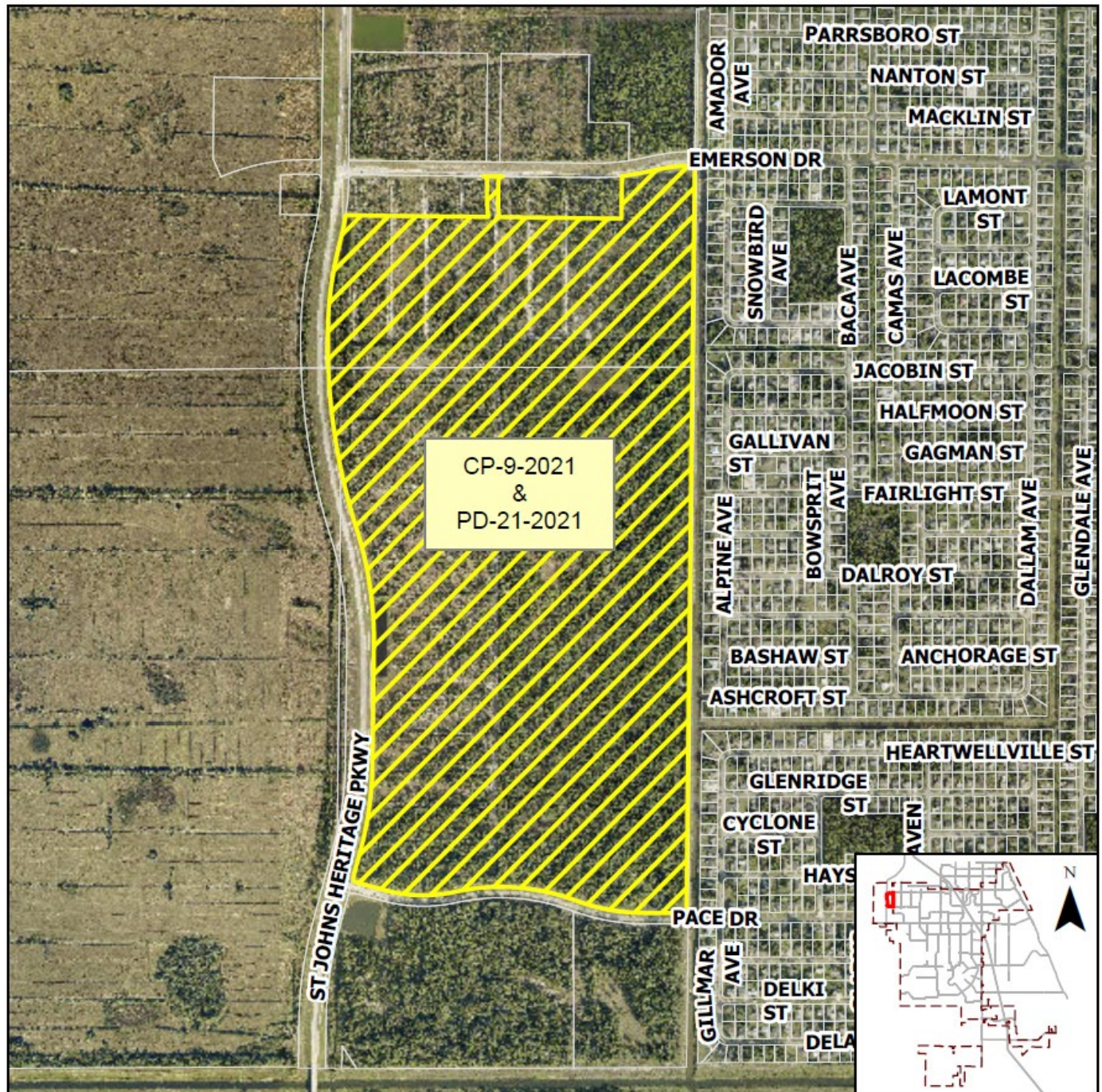
Any structure built within a Special Flood Hazard Area (SFHA) will require a Floodplain Permit at time of construction. An approved CLOMR does not exempt the requirement for Floodplain Permits in the SFHA.

The Building Official will not issue any building permits without a Floodplain Permit until an approved LOMR is on file at the Palm Bay Building Dept.





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## AERIAL LOCATION MAP CASE: CP-9-2021 & PD-21-2021

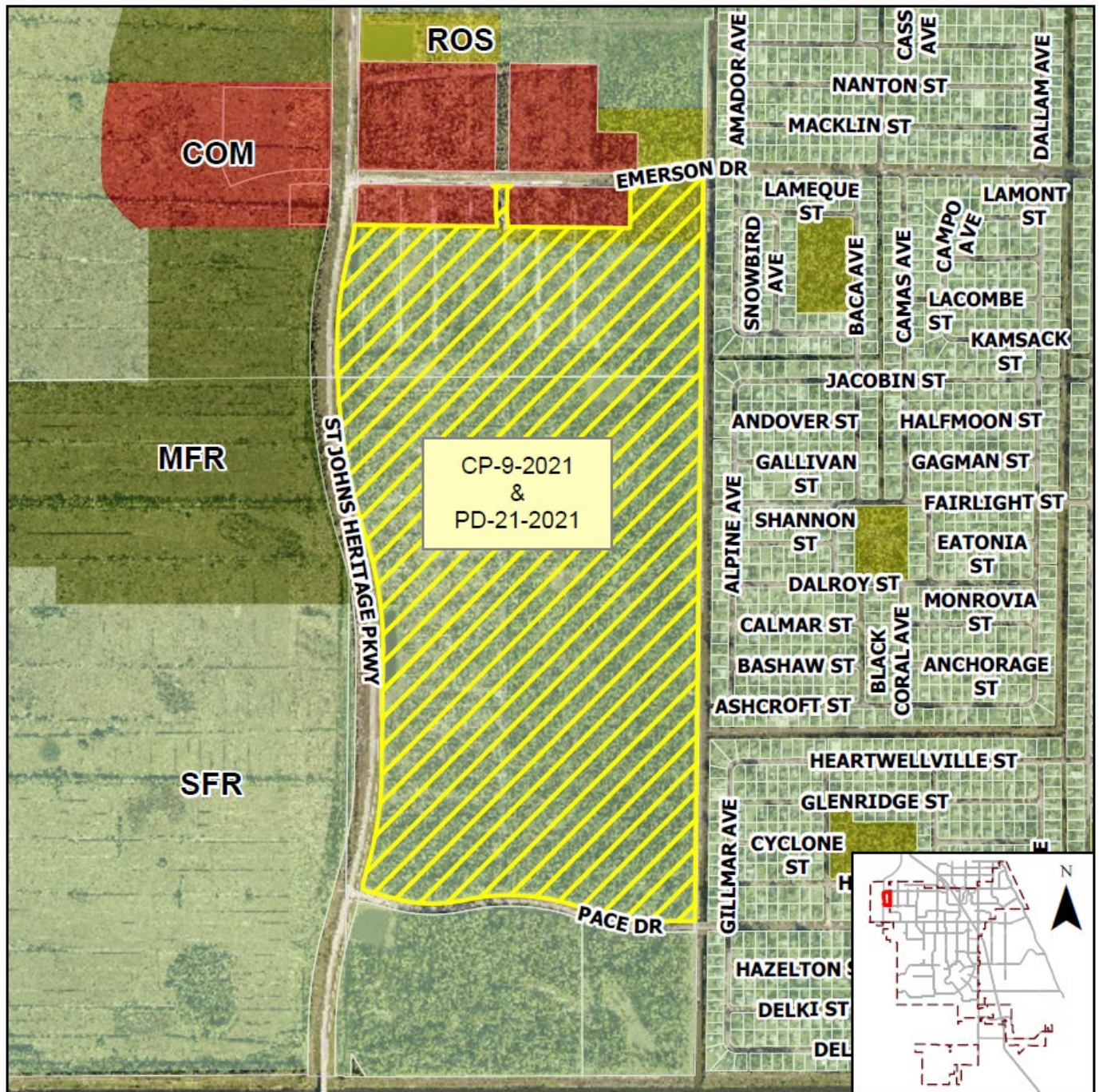
### Subject Property

Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP

CASE: CP-9-2021 & PD-21-2021

### Subject Property

Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW

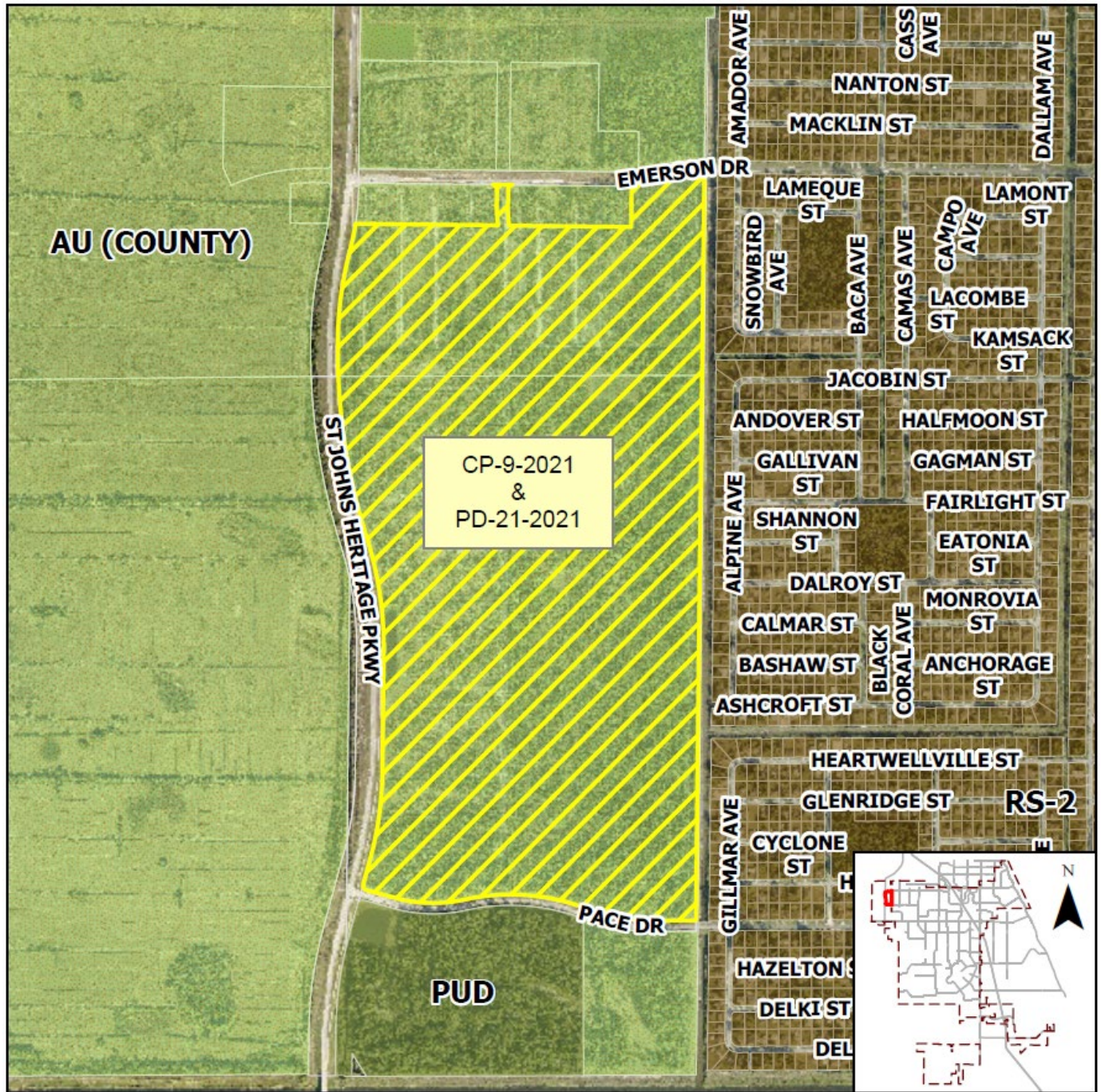
### Future Land Use Classification

SFR – Single Family Residential Use





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP

## CASE: CP-9-2021 & PD-21-2021

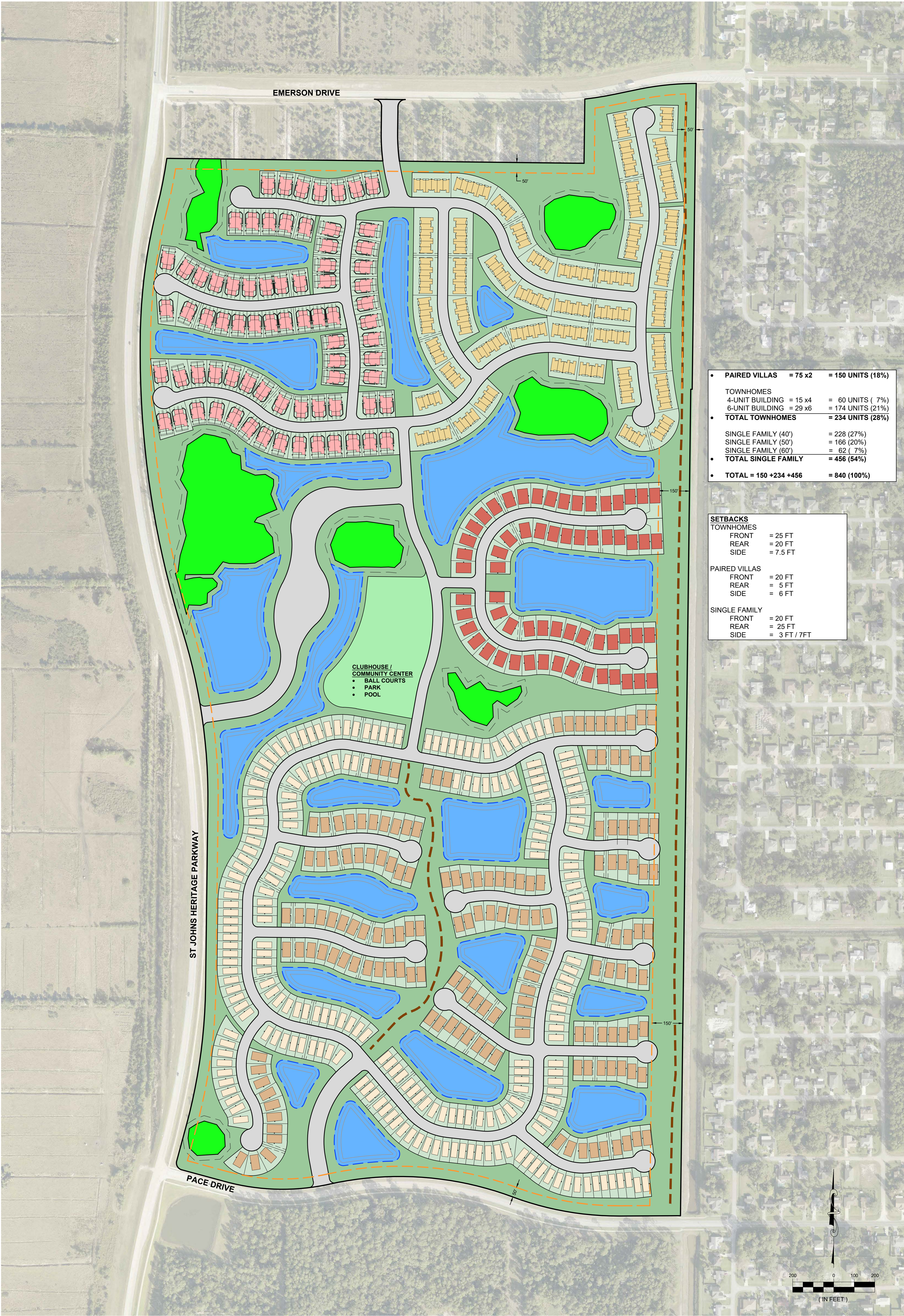
### Subject Property

Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW

### Current Zoning Classification

AU – Agricultural Residential Use





•	PAIRED VILLAS	= 75 x2	= 150 UNITS (18%)
	TOWNHOMES		
	4-UNIT BUILDING	= 15 x4	= 60 UNITS ( 7%)
	6-UNIT BUILDING	= 29 x6	= 174 UNITS (21%)
•	TOTAL TOWNHOMES		= 234 UNITS (28%)
	SINGLE FAMILY (40')		= 228 (27%)
	SINGLE FAMILY (50')		= 166 (20%)
	SINGLE FAMILY (60')		= 62 ( 7%)
•	TOTAL SINGLE FAMILY		= 456 (54%)
•	TOTAL	= 150 +234 +456	= 840 (100%)

SETBACKS	
TOWNHOMES	
FRONT	= 25 FT
REAR	= 20 FT
SIDE	= 7.5 FT
PAIRED VILLAS	
FRONT	= 20 FT
REAR	= 5 FT
SIDE	= 6 FT
SINGLE FAMILY	
FRONT	= 20 FT
REAR	= 25 FT
SIDE	= 3 FT / 7FT

CLUBHOUSE /  
COMMUNITY CENTER

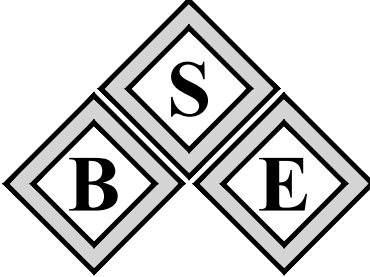
- BALL COURTS
- PARK
- POOL

ST JOHNS HERITAGE PARKWAY

EMERSON DRIVE

PACE DRIVE

DESIGN/DRAWN: SMG/DRB	DATE: 03/31/21
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B.S.E. CONSULTANTS, INC.  
CONSULTING - ENGINEERING -  
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
MELBOURNE, FLORIDA 32901  
PHONE: (321) 725-3074 FAX: (321) 723-1159

CERTIFICATE OF PROFESSIONAL ENGINEERS  
BUSINESS AUTHORIZATION: 4925  
CERTIFICATE OF LAND SURVEYING  
BUSINESS AUTHORIZATION: LB0004905

PALM VISTA  
MEDLEY AT EVERLANDS

CONCEPT PLAN

SCOTT M. GLAUBITZ, P.E. & P.L.S.  
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.  
STATE OF FLORIDA, No. 41951

PROJECT NO.

10860.600

DRAWING NO.

10860\_200\_008

SHEET

1 of 1

SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE, ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.



**PALM VISTA MEDLEY AT EVERLANDS**  
**B.S.E. FILE # 10860.600**

**PROJECT NARRATIVE**

**HISTORY**

Palm Vista Medley at Everlands, a planned unit development consisting of  $\pm$  291.11 acres was originally approved in 2005 by the City of Palm Bay. It was zoned GU, General Use - Brevard County with a land use designation of agricultural. The City approved Palm Vista for 2,930 units as a PUD with 61.5 acres of commercial and 47 acres of institutional land use.

The project fell victim to the economic downturn of 2006-2008 and did not proceed. In the interim, the St. Johns Heritage Parkway was constructed, the landowner is extending utilities (16" potable water main and 16" sanitary sewer force main to Emerson with a potable water connection to the existing 8" water main just east of Melbourne-Tillman Canal C-59). These utility extensions are scheduled for completion in June 2021 currently the utility extensions are complete to Pace Boulevard. A single stand-alone phase of Palm Visa named Everlands is currently under construction east of the Parkway. The water management district wetland jurisdictional and ACOE permitting has been completed east of the Parkway and west of the Parkway this process is  $\pm$  95% complete.

**CURRENT**

**Surrounding land use is:**

- North: PRCAC- Platt Ranch
- East: RS-2 Single Family and Vacant Land (Melbourne-Tillman Water Canal District), and GU (General Use)
- South: Palm Bay Regional Park - (GU)
- West: Remaining Palm Vista Land

**Current Traffic Counts Are (2019):**

- St. Johns Heritage parkway North of Emerson: 11,222
- St. Johns Heritage Parkway North of Pace: 7,830
- St. Johns Heritage Parkway North of Malabar: 6,269
- Emerson 1.5 miles east of the site: 12,705

## **PROPOSED DEVELOPMENT**

A portion of Palm Vista lying east of the Parkway between Pace and Emerson are covered by this application. As reference, Palm Vista Overall and including lands west of the Parkway currently consist of 4,000 units. The unit count was increased from 3,000 - 4,000 units under action taken by the City on 6/1/2017. The commercial component, still visible, is not included in this application. The commercial component is under separate ownership.

Unit Types For This Application as Proposed are:

- |                             |                                       |
|-----------------------------|---------------------------------------|
| • Single family             | 456 units - <i>All Age Restricted</i> |
| • 4 unit - 6 unit Townhomes | 234 units - <i>All Age Restricted</i> |
| • Town Villas               | 150 units - <i>All Age Restricted</i> |
| <b><i>Total</i></b>         | <b><i>840 units</i></b>               |

### **Amenities:**

Amenities include: park, open space, tennis and pickle ball courts, pool, clubhouse and Community Center.

\* Note that the unit mix may vary due to public demand over the life of the project.

**PALM VISTA MEDLEY AT EVERLANDS**  
**B.S.E. FILE # 10860.600**

**TRAFFIC STATEMENT**

The Palm Vista Medley Everlands total project consists of up to 4,000 residential units including single family townhomes, paired villas, and multi-family townhome units.

Average daily trip generation for this phase is presented below. Peak hour analysis, capture rate, distribution and detailed trip generation to the broader street network will be submitted at development stages of the approval process.

The mix of unit types for this phase is projected as:

± 456 Single Family  
± 234 (4-Unit to 6-Unit Townhomes)  
± 150 Paired Villas  
***TOTAL 840 Units***

Using typical Institute of Transportation Engineers (ITE) trip generation rates, total daily trips generated for the life of this phase of the project are:

840 Single Family Units  
x 4.3 Trips Per Unit (*age restricted*)  
***3,612 Trips***

At some point of development, traffic improvements will be made to accommodate the growth of this area along with Palm Vista Medley Everlands.



## PRELIMINARY DEVELOPMENT PLAN APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, Monday through Friday, during division office hours, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

### APPLICATION TYPE:

**PUD**

Planned Unit Development  
([Section 185.060](#))

**PMU**

Parkway Mixed Use District  
(Preliminary Design Plan)  
([Section 185.057](#))

**PCRD**

Planned Community  
Redevelopment District  
([Section 185.055](#))

**RAC**

Regional Activity Center District  
(Preliminary Concept Plan)  
([Section 185.056](#))

PROPOSED DEVELOPMENT NAME Medley at Everlands

PARCEL ID 28-36-28-00-3 & 28-36-21-00-1

TAX ACCOUNT NO. 3017369 & 2803857

### LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Please see attached Exhibit A.

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 291.11 acres

TOTAL LOTS PROPOSED (list by use): 234 Townhomes & 456 SFR (840 total lots) Active Adult Community (55+)

DEVELOPER Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Full Address 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone 561-345-6704

Email Greg.Pettibon@Lennar.com

ENGINEER Scott M. Glaubitz, P.E., P.L.S., President (or assigned BSE Representative), B.S.E. Consultants, Inc.

Full Address 312 South Harbor City Blvd., Suite #4 Melbourne, FL 32901

Telephone 321-725-3674

Email info@bseconsult.com

SURVEYOR Leslie E. Howard, P.S.M., Survey Director, B.S.E. Consultants, Inc.

Full Address 312 South Harbor City Blvd., Suite #4 Melbourne, FL 32901

Telephone 321-725-3674

Email lhoward@bseconsult.com

**PRELIMINARY PLAN CRITERIA FOR SUBMITTAL:**

TWO (2) COPIES OF THE FOLLOWING EXHIBITS SHALL BE ATTACHED TO THE PRELIMINARY APPLICATION. THE EXHIBITS SHALL ALSO BE PROVIDED ON MEMORY DRIVE.

- A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.
- B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:
  - 1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).
  - 2) Proposed name or title of project, the name of the engineer, architect, and developer.
  - 3) North arrow, scale (1 inch = 200 feet or larger), date and legal description of the proposed site.
  - 4) Boundaries of tract shown with bearings, distances, closures, and bulkhead liner. All existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.
  - 5) Proposed parks, school sites, or other public or private open space.
  - 6) Off-street parking, loading areas, driveways and access points.
  - 7) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary non-residential uses, and the total number of dwelling units, the maximum height of all structures, the minimum setbacks of all structures (and parking areas) and the total area of pervious and impervious surfaces.
  - 8) Delineation of phased development, if applicable.
  - 9) Proposed means of drainage for the site.
- C) A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network.
- D) Schematic drawing of the elevation and architectural construction of the proposed primary and secondary nonresidential structures.
- E) A Traffic Study meeting generally accepted engineering practices examining the impact of the proposed development on the surrounding roadway network. (If applicable)
- F) Narrative describing in detail how the proposed Preliminary Development Plan meets the requirements of the Land Development Code and the Palm Bay Comprehensive Plan.

**ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE PLAN FOR THE SPECIFIC TYPE OF DEVELOPMENT REQUESTED (PUD, PMU, PCRD, RAC).** The additional criteria are listed in the Code of Ordinances and available from staff.

CITY OF PALM BAY, FLORIDA  
PRELIMINARY DEVELOPMENT PLAN APPLICATION  
PAGE 3 OF 3

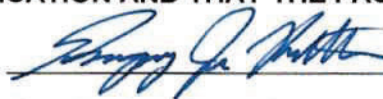
THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS PRELIMINARY DEVELOPMENT PLAN APPLICATION:

- ☒ \*A \$1,000.00 application fee shall accompany the Development Plan application for the purposes of administration. Make check payable to "City of Palm Bay."
- ☒ Vicinity Map (see Item A).
- ☒ Preliminary Development Plan (see Item B).
- ☒ Vehicular and Pedestrian Circulation Plan (see Item C).
- ☒ Schematic Drawing (see Item D).
- ☒ Traffic Study (see Item E).
- ☒ Narrative (see Item F).
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- ☒ Citizen Participation Plan. Refer to [Section 169.005](#) of the Land Development Code for guidelines.
- ☒ School Board of Brevard County [School Impact Analysis Application](#) (if applicable).
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines.
- ☐ Where property is not owned by the applicant, a [letter](#) must be attached giving the notarized consent of the owner to the applicant to apply for the preliminary development plan.

I, THE UNDERSIGNED UNDERSTAND THAT THIS PRELIMINARY DEVELOPMENT PLAN APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING PRELIMINARY DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date 3-26-21

Printed Name of Applicant

Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Full Address

8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone

561-345-6704

Email

Greg.Pettibon@Lennar.com

\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

## EXHIBIT A

### PALM VISTA EAST EXPANSION AREA

PART OF THOSE LANDS LYING NORTH OF PACE DRIVE, EAST OF ST. JOHNS HERITAGE PARKWAY, SOUTH OF EMERSON DRIVE AND WEST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, LYING AND BEING IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID PACE DRIVE, (AN 80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), AND RUN N00°42'46"E, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, A DISTANCE OF 4024.65 FEET TO THE NORTH LINE OF SAID SECTION 28; THENCE N89°45'59"E, ALONG SAID NORTH LINE AND CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 7.00 FEET; THENCE N00°44'56"E, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1489.36 FEET TO THE SOUTHEAST CORNER OF SAID EMERSON DRIVE, (A 100.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE WESTERLY ALONG THE ARC OF THE CURVED SOUTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1390.00 FEET, A CENTRAL ANGLE OF 11°58'18", A CHORD LENGTH OF 289.91 FEET AND A CHORD BEARING OF S84°04'50"W), A DISTANCE OF 290.44 FEET TO THE END OF SAID CURVE; THENCE S78°05'41"W, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 102.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1650.00 FEET, A CENTRAL ANGLE OF 05°23'59", A CHORD LENGTH OF 155.45 FEET AND A CHORD BEARING OF S80°47'41"W), A DISTANCE OF 155.50 FEET TO THE NORTHEAST CORNER OF COMMERCIAL PARCELS C-10 THROUGH C-12, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7950, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S00°40'06"W, ALONG THE EAST LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, A DISTANCE OF 312.92 FEET TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12; THENCE N89°19'54"W, ALONG THE SOUTH LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, A DISTANCE OF 899.66 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT AND THE SOUTHWEST CORNER OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12; THENCE ALONG THE WEST LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, THE FOLLOWING 3 (THREE) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 910.00 FEET, A CENTRAL ANGLE OF 08°38'41", A CHORD LENGTH OF 137.17 FEET AND A CHORD BEARING OF N03°39'15"W), A DISTANCE OF 137.30 FEET TO THE END OF SAID CURVE; 2) THENCE N00°40'06"E A DISTANCE OF 128.22 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 3) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD LENGTH OF 49.50 FEET AND A CHORD BEARING OF N45°40'06"E), A DISTANCE OF 54.98 FEET TO A CUSP OF CURVE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE; THENCE N89°19'54"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 150.00 FEET TO A CUSP OF CURVE AND A POINT ON THE BOUNDARY OF COMMERCIAL PARCELS C-13 THROUGH C-16, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7950, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD LENGTH OF 49.50 FEET AND A CHORD BEARING OF S44°19'54"E) A DISTANCE OF 54.98 FEET TO THE END OF SAID



CURVE; 2) THENCE S00°40'06"W A DISTANCE OF 128.22 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 3) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 990.00 FEET, A CENTRAL ANGLE OF 07°56'29", A CHORD LENGTH OF 137.11 FEET AND A CHORD BEARING OF S03°18'09"E), A DISTANCE OF 137.22 FEET TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16; 4) THENCE N89°19'54"W A DISTANCE OF 1052.38 FEET TO THE SOUTHWEST CORNER OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16 AND A NON-TANGENT INTERSECTION WITH THE CURVED EAST RIGHT-OF-WAY LINE OF SAID ST. JOHNS HERITAGE PARKWAY, (A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING 8 (EIGHT) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 2200.00 FEET, A CENTRAL ANGLE OF 06°09'07", A CHORD LENGTH OF 236.11 FEET AND A CHORD BEARING OF S11°13'05"W), A DISTANCE OF 236.22 FEET TO THE A POINT OF REVERSE CURVATURE; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 14°17'39", A CHORD LENGTH OF 671.85 FEET AND A CHORD BEARING OF S07°08'50"W), A DISTANCE OF 673.60 FEET TO THE END OF SAID CURVE; 3) THENCE S00°00'00"E A DISTANCE OF 58.06 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 4500.00 FEET, A CENTRAL ANGLE OF 17°24'15", A CHORD LENGTH OF 1361.68 FEET AND A CHORD BEARING OF S08°42'08"E), A DISTANCE OF 1366.93 FEET TO A POINT OF REVERSE CURVATURE; 5) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 18°06'58", A CHORD LENGTH OF 850.15 FEET AND A CHORD BEARING OF S08°20'46"E), A DISTANCE OF 853.70 FEET TO THE END OF SAID CURVE; 6) THENCE S00°42'43"W A DISTANCE OF 893.10 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 7) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 2697.00 FEET, A CENTRAL ANGLE OF 14°26'59", A CHORD LENGTH OF 678.37 FEET AND A CHORD BEARING OF S07°56'12"W), A DISTANCE OF 680.17 FEET TO THE END OF SAID CURVE; 8) THENCE S15°09'41"W A DISTANCE OF 180.00 FEET TO THE NORTHWEST CORNER OF SAID PACE DRIVE AND THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID PACE DRIVE, THE FOLLOWING 6 (SIX) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°02'36" A CHORD LENGTH OF 49.52 FEET AND A CHORD BEARING OF S29°51'36"E), A DISTANCE OF 55.00 FEET TO THE END OF SAID CURVE; 2) THENCE S74°52'54"E A DISTANCE OF 221.98 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 3) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1060.00 FEET, A CENTRAL ANGLE OF 27°34'32", A CHORD LENGTH OF 505.25 FEET AND A CHORD BEARING OF S88°40'09"E), A DISTANCE OF 510.16 FEET TO A POINT OF REVERSE CURVATURE; 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1580.00 FEET, A CENTRAL ANGLE OF 32°56'36", A CHORD LENGTH OF 895.99 FEET AND A CHORD BEARING OF S85°59'07"E), A DISTANCE OF 908.45 FEET TO A POINT OF REVERSE CURVATURE; 5) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1462.49 FEET, A CENTRAL ANGLE OF 20°44'51", A CHORD LENGTH OF 526.69 FEET AND A CHORD BEARING OF S79°53'15"E), A DISTANCE OF 529.58 FEET TO THE END OF SAID CURVE; 6) THENCE N89°44'20"E A DISTANCE OF 298.01 FEET TO THE POINT OF BEGINNING. CONTAINING 291.11 ACRES, MORE OR LESS.



March 26, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Tax Parcel ID: 3017369

I, Owner Name: Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Address: 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone: 561-345-6704

Email: Greg.Pettibon@Lennar.com

hereby authorize: Scott M. Glaubitz, P.E., P.L.S., President (or assigned BSE  
Representative: Representative), B.S.E. Consultants, Inc.

Address: 312 South Harbor City Blvd., Suite 4 Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

to represent the request(s) for:

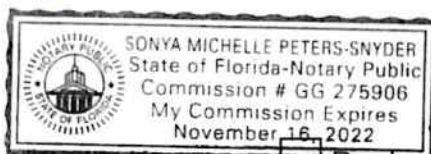
Medley at Everlands - PH1

  
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization, this 26<sup>th</sup> day of March, 20 21 by  
Greg Pettibon, property owner.

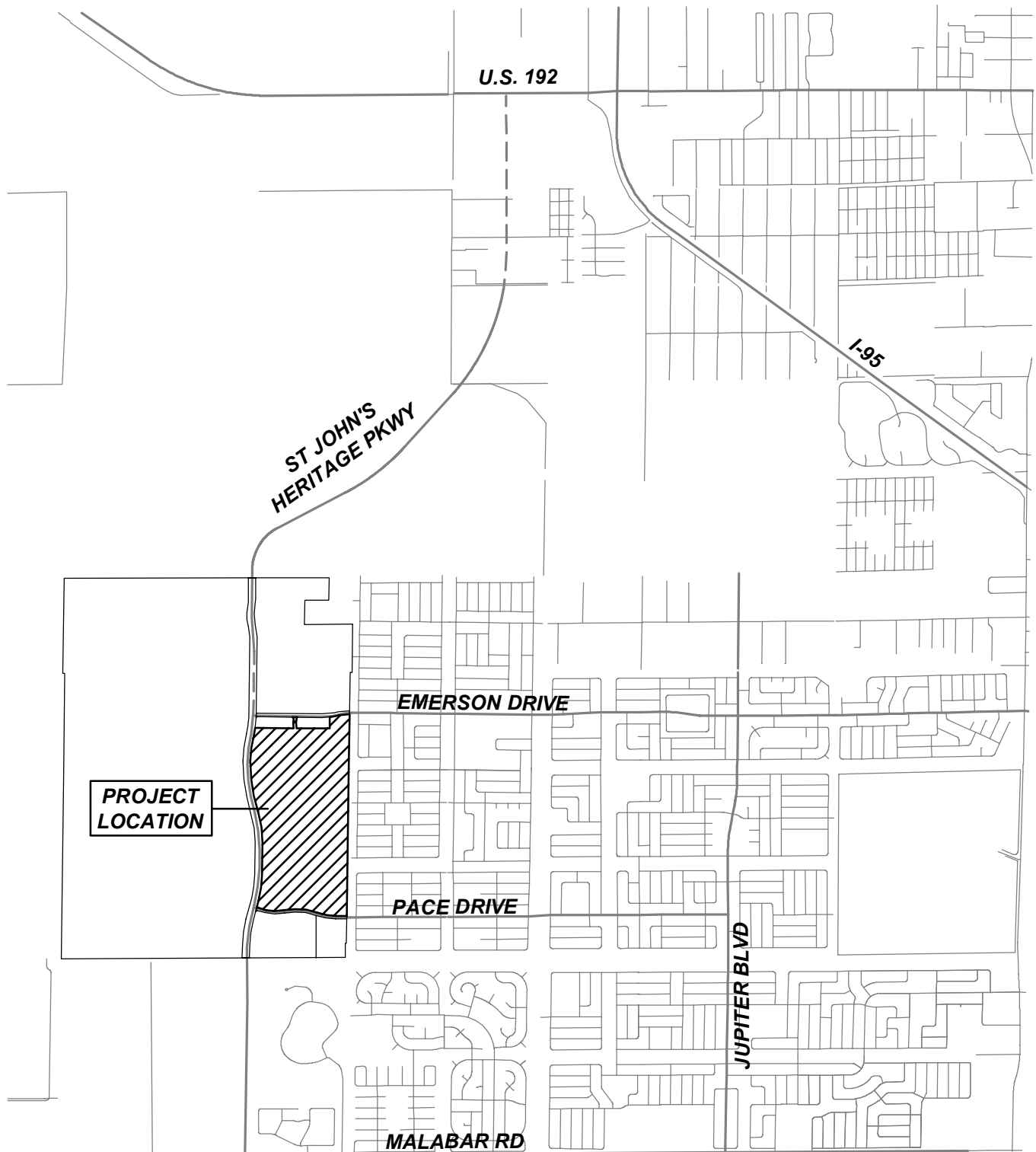


☒ Personally Known or ☐ Produced the Following Type of Identification:

Sonya Michelle Peters-Snyder Notary Public

# **PALM VISTA MEDLEY AT EVERLANDS**

## **LOCATION MAP**



### **B.S.E. CONSULTANTS, INC.**

CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  
PHONE: (321) 725-3674 FAX: (321) 723-1159  
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 03/31/21  
DESIGN/DRAWN: SMG/DRB  
DRAWING# 10860600\_200\_002  
PROJECT# 10860.600  
SHEET 1 OF 1

# THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE

## MEDLEY PDP AREA

PART OF THOSE LANDS LYING NORTH OF PACE DRIVE, EAST OF ST. JOHNS HERITAGE PARKWAY, SOUTH OF EMERSON DRIVE AND WEST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, LYING AND BEING IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID PACE DRIVE, (AN 80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), AND RUN N00°42'46"E, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, A DISTANCE OF 4024.65 FEET TO THE NORTH LINE OF SAID SECTION 28; THENCE N89°45'59"E, ALONG SAID NORTH LINE AND CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 7.00 FEET; THENCE N00°44'56"E, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1489.36 FEET TO THE SOUTHEAST CORNER OF SAID EMERSON DRIVE, (A 100.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE WESTERLY ALONG THE ARC OF THE CURVED SOUTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1390.00 FEET, A CENTRAL ANGLE OF 11°58'18", A CHORD LENGTH OF 289.91 FEET AND A CHORD BEARING OF S84°04'50"W), A DISTANCE OF 290.44 FEET TO THE END OF SAID CURVE; THENCE S78°05'41"W, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 102.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1650.00 FEET, A CENTRAL ANGLE OF 05°23'59", A CHORD LENGTH OF 155.45 FEET AND A CHORD BEARING OF S80°47'41"W), A DISTANCE OF 155.50 FEET TO THE NORTHEAST CORNER OF COMMERCIAL PARCELS C-10 THROUGH C-12, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7950, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S00°40'06"W, ALONG THE EAST LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, A DISTANCE OF 312.92 FEET TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12; THENCE N89°19'54"W, ALONG THE SOUTH LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, A DISTANCE OF 899.66 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT AND THE SOUTHWEST CORNER OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12; THENCE ALONG THE WEST LINE OF SAID COMMERCIAL PARCELS C-10 THROUGH C-12, THE FOLLOWING 3 (THREE) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 910.00 FEET, A CENTRAL ANGLE OF 08°38'41", A CHORD LENGTH OF 137.17 FEET AND A CHORD BEARING OF N03°39'15"W), A DISTANCE OF 137.30 FEET TO THE END OF SAID CURVE; 2) THENCE N00°40'06"E A DISTANCE OF 128.22 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 3) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD LENGTH OF 49.50 FEET AND A CHORD BEARING OF N45°40'06"E), A DISTANCE OF 54.98 FEET TO A CUSP OF CURVE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE; THENCE N89°19'54"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 150.00 FEET TO A CUSP OF CURVE AND A POINT ON THE BOUNDARY OF COMMERCIAL PARCELS C-13 THROUGH C-16, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7950, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD LENGTH OF 49.50 FEET AND A CHORD BEARING OF S44°19'54"E) A DISTANCE OF 54.98 FEET TO THE END OF SAID CURVE; 2) THENCE S00°40'06"W A DISTANCE OF 128.22 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 3) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 990.00 FEET, A CENTRAL ANGLE OF 07°56'29", A CHORD LENGTH OF 137.11 FEET AND A CHORD BEARING OF S03°18'09"E), A DISTANCE OF 137.22 FEET TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16; 4) THENCE N89°19'54"W A DISTANCE OF 1052.38 FEET TO THE SOUTHWEST CORNER OF SAID COMMERCIAL PARCELS C-13 THROUGH C-16 AND A NON-TANGENT INTERSECTION WITH THE CURVED EAST RIGHT-OF-WAY LINE OF SAID ST. 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CONTAINING 291.11 ACRES, MORE OR LESS.

## MEDLEY PDP APPLICATION



### B.S.E. CONSULTANTS, INC.

CONSULTING - ENGINEERING - LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901

PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF BUSINESS AUTHORIZATION: 4905

CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 03/26/2021

DESIGN/DRAWN: LEH

DRAWING# 10860600\_100\_002

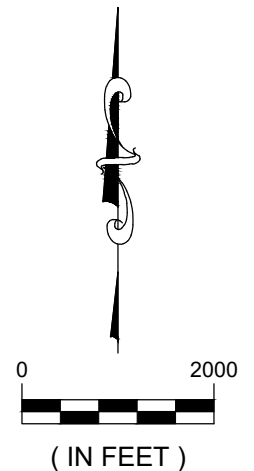
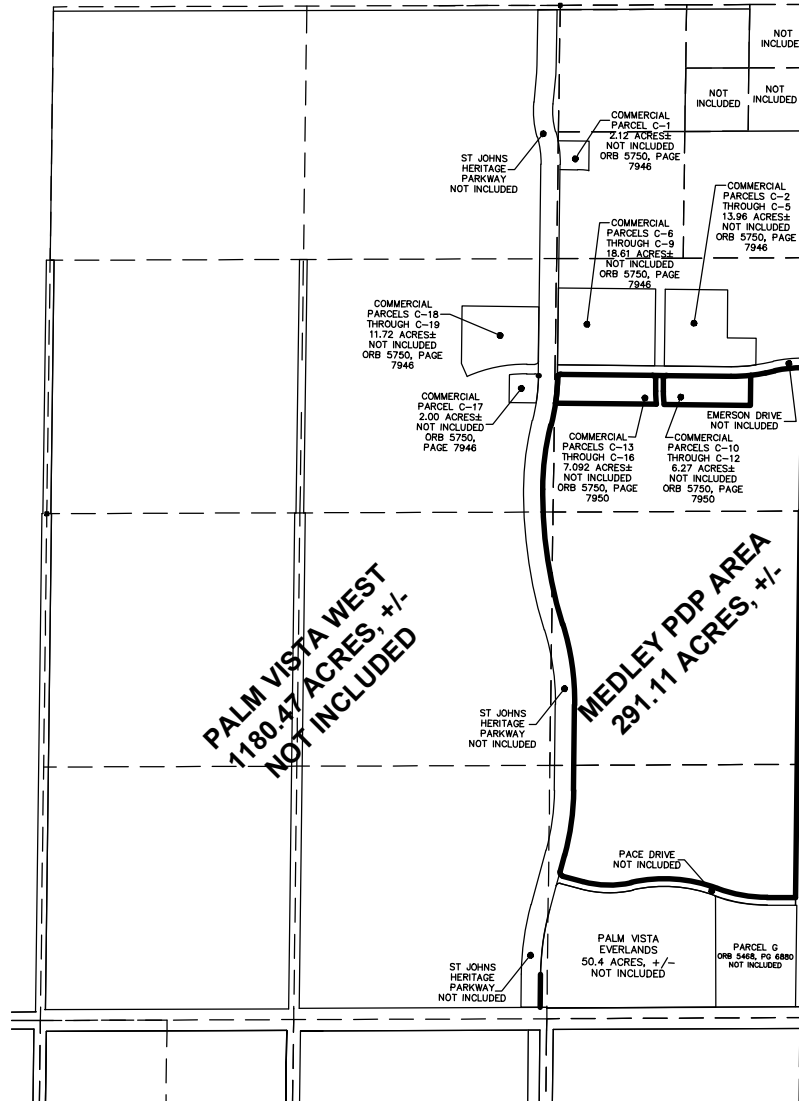
PROJECT# 10860.600

SHEET 1 OF 2

LESLIE E. HOWARD

PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 5611

THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE



## MEDLEY PDP APPLICATION



### B.S.E. CONSULTANTS, INC.

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312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901

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CERTIFICATE OF BUSINESS AUTHORIZATION: 4905

CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 03/26/2021

DESIGN/DRAWN: LEH

DRAWING# 10860600\_100\_002

PROJECT# 10860.600

SHEET 2 OF 2



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Patrick Murphy, Acting Growth Management Director

**DATE:** November 3, 2021

**SUBJECT:** CP-10-2021 - FP&L IBIS Solar Energy Center - Michael Sole, Florida Power & Light (Jake Wise, P.E., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Agricultural (Brevard County), R1:2.5 (Brevard County), and Centerlane Use (City) to Utilities Use. Tax Parcel 250 of Section 29, Township 30, Range 37, Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, and Tax Parcel 1 of Section 31, Township 30, Range 37, Brevard County, Florida, containing approximately 3,266.49 acres. Two miles east of Babcock Street, in the vicinity north of the Indian River County line

### ATTACHMENTS:

#### Description

- ▣ Case CP-10-2021 - Staff Report
- ▣ Case CP-10-2021 - City Traffic Analysis
- ▣ Case CP-10-2021 - Executive Summary
- ▣ Case CP-10-2021 - De Minis Determination Letter
- ▣ Case CP-10-2021 - Utilities Letter
- ▣ Case CP-10-2021 - Site Map
- ▣ Case CP-10-2021 - Survey - West Parcel
- ▣ Case CP-10-2021 - Survey - East Parcel
- ▣ Case CP-10-2021 - Application



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

### Prepared by

Patrick Murphy, Acting Growth Management Director

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#### CASE NUMBER

CP-10-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 3, 2021

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#### PROPERTY OWNER & APPLICANT

Florida Power & Light Company

#### PROPERTY LOCATION/ADDRESS

Located in South Palm Bay, between Deer Run and the County line, West of Babcock Street SE

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#### SUMMARY OF REQUEST

The applicant is requesting a large-scale Comprehensive Plan Future Land Use (FLU) Map Amendment to change 3,266.49 acres of vacant land from Agricultural Use and R1:2.5 Use (Brevard County categories) and City Centerlane Use (City category) to Utilities Use, for the Florida Power and Light Company to develop the property with a 74.5 Megawatt solar electrical generating facility

##### Existing Zoning

GU, General Use (Brevard County)

##### Existing Land Use

Agricultural Use, R1:2.5 (Brevard County); Centerlane Use (City)

##### Site Improvements

Undeveloped Land

##### Site Acreage

3,266.49 acres (5.10 sq miles)

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#### SURROUNDING ZONING & USE OF LAND

##### North

GU, General Use (Brevard County); Farmland

##### East

GU, General Use (City); FPL Solar Farm

##### South

Melbourne-Tillman Drainage Canal No. 54

##### West

GU, General Use (Brevard County); Vacant Agricultural Land

---



**BACKGROUND:**

The subject properties are located south of Deer Run and West of Babcock Street SE. The parcels are undeveloped land located off Centerlane Road. Formerly, the site was used for citrus farming. Specifically, the property consists of Tax Parcel 250 of Section 29, Township 30, Range 37; and Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, Brevard County, Florida.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations; Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Policy FLU-1.1F is to ensure energy-efficient development through enforcement of the “Energy Conservation” section of the Florida Building Code.

The Comprehensive Plan (Plan) FLU Element Policy FLU-697-1C is to provide incentives for development design techniques that promote energy efficiency, including [...] Solar access and renewable energy access provisions.

The Comprehensive Plan (Plan) FLU Element Objective FLU-697-3 is to establish Energy Conservation Areas on the Future Land Use Map and within the Future Land Use Element to retrofit existing energy, inefficient land use patterns, and transportation systems, to increase energy efficiency and conservation of energy resources.

The Comprehensive Plan (Plan) FLU Element Policy FLU-697-3B is to retrofit strategies within Energy Conservation areas to include actions to [...] accommodate existing and future electric power generation and transmission systems, including alternative energy facilities.

The proposed Comprehensive Plan Future Land Use amendment will be compatible with the City’s objectives and policies listed above by designating the subject property to the Utilities Use category. If approved, the site will be used to develop an energy-efficient solar electrical generating facility capable of providing power to approximately 15,000 homes. The proposed solar farm will have zero emissions, and the operation is virtually silent.

**2. COASTAL MANAGEMENT ELEMENT**

The subject property is not located within the Coastal Management Area.

### 3. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

The subject parcel is not located within any of the Florida scrub-jay polygons identified on the City's Habitat Conservation Plan (HCP). No additional listed species are known to inhabit the subject property. Any listed species identified on the subject parcel would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

**Recreation:** The proposed FLU amendment would not exceed the existing parkland or recreational level of service standards for the planning area, as Utilities Use creates no demand on this City service.

### 4. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the City.

### 5. INFRASTRUCTURE ELEMENT

The City evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure needed to support development.

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. The intended use as a solar electric generating facility will not require water or sewerage facilities to operate. No connections to the City's services are planned.

**Drainage:** If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City. The panels will be attached to small poles which have minimal impact on the existing drainage pattern. The impervious footprint is considered de minimis.

**Solid Waste:** Solid waste collection is provided to the area by Republic Services Inc. Sufficient capacity exists within the Brevard County landfills to service the property.

### 6. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: No adverse impacts to the public school system are anticipated.

### 7. TRANSPORTATION ELEMENT

The objectives of the Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the

needs of the community. The development of the solar electric generating facility will not increase traffic; once installed, no negative impacts to the surrounding transportation system are expected.

#### 8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

This proposed land-use change does not appear to infringe upon the property rights of the applicant.

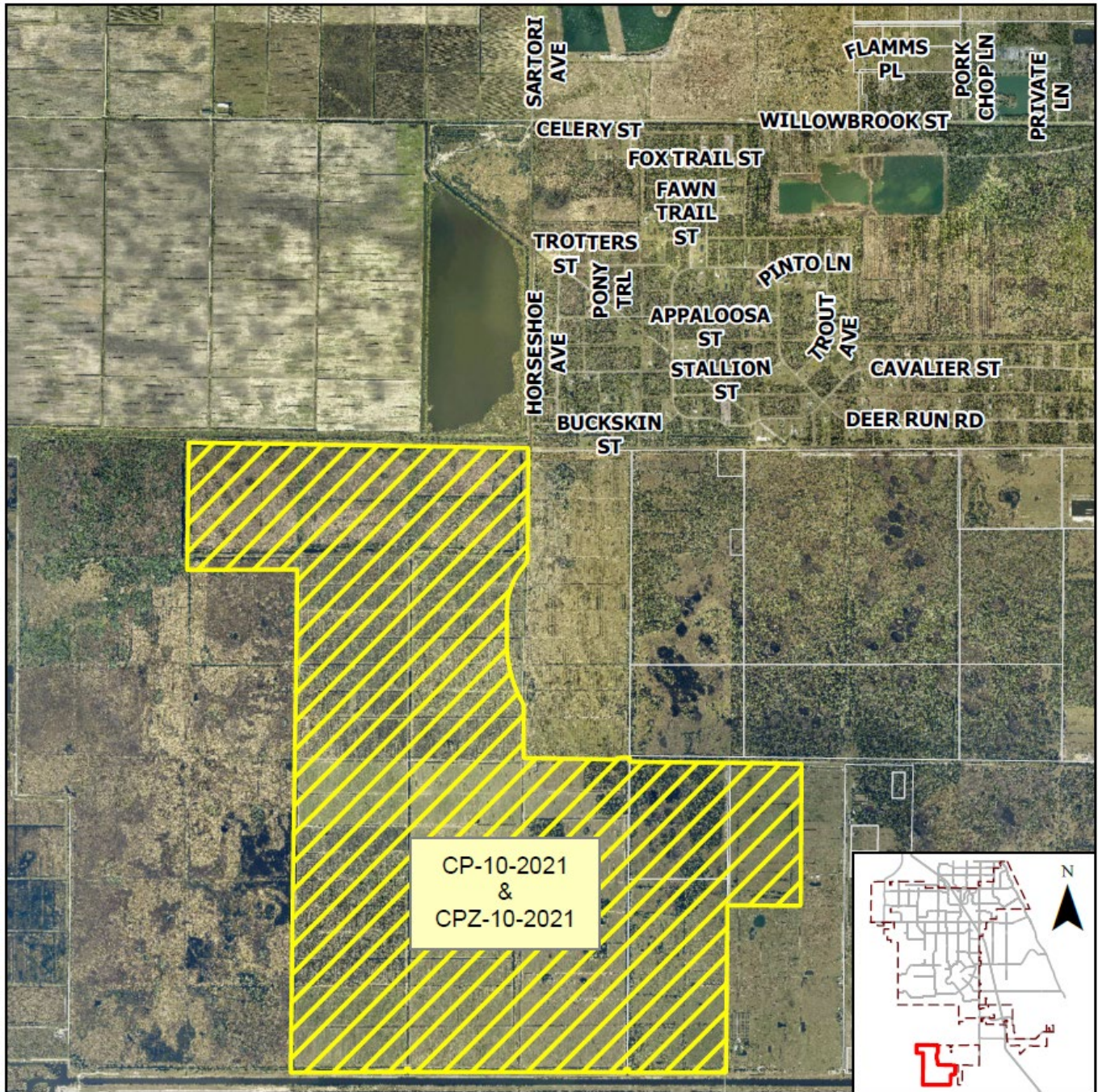
#### **STAFF RECOMMENDATION:**

Case CP-10-2021 is recommended for approval.





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## AERIAL LOCATION MAP CASE: CP-10-2021 & CPZ-10-2021

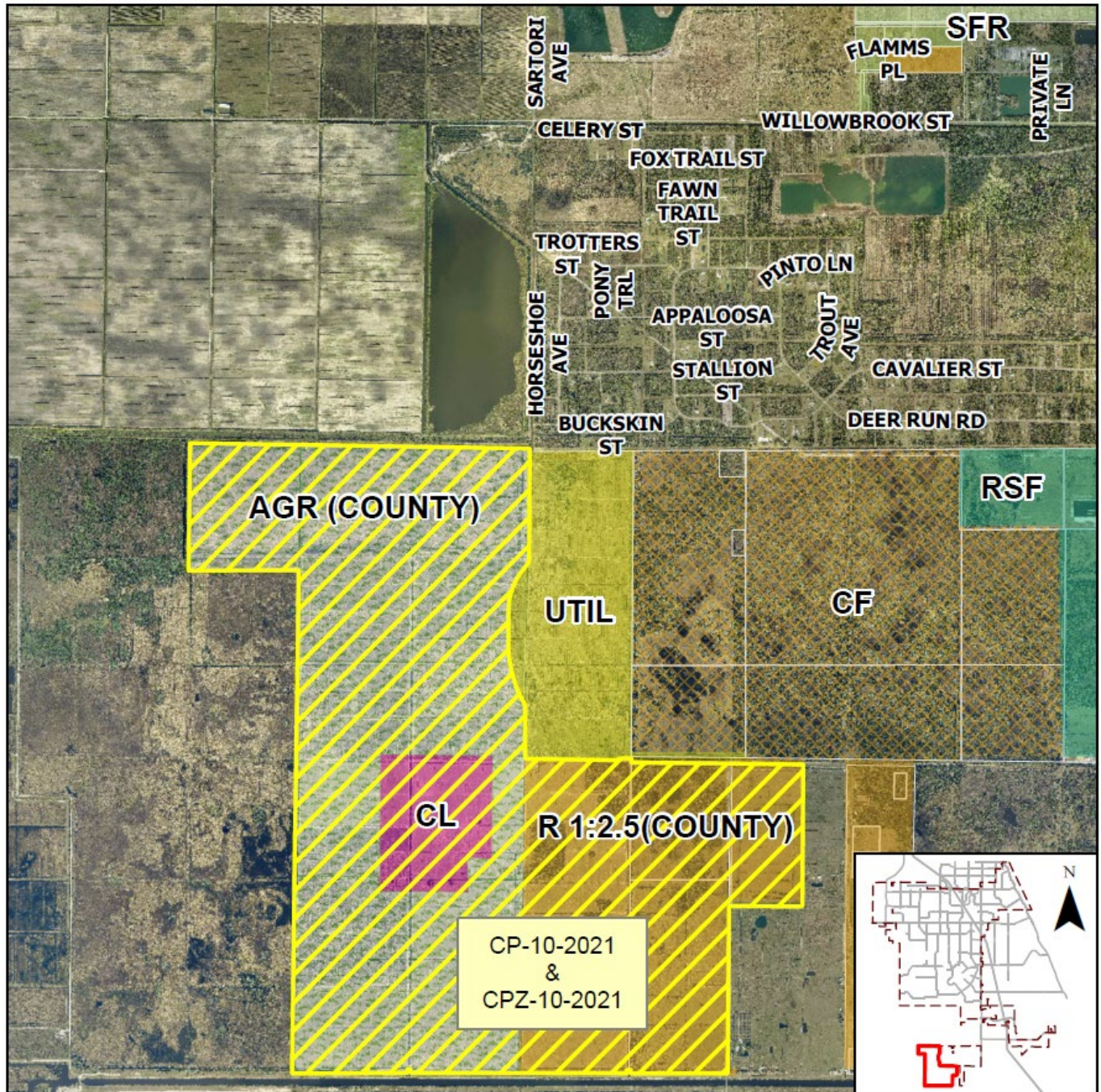
### Subject Property

Two miles east of Babcock Street, in the vicinity north of the Indian River County line





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP CASE: CP-10-2021 & CPZ-10-2021

### Subject Property

Two miles east of Babcock Street, in the vicinity north of the Indian River County line

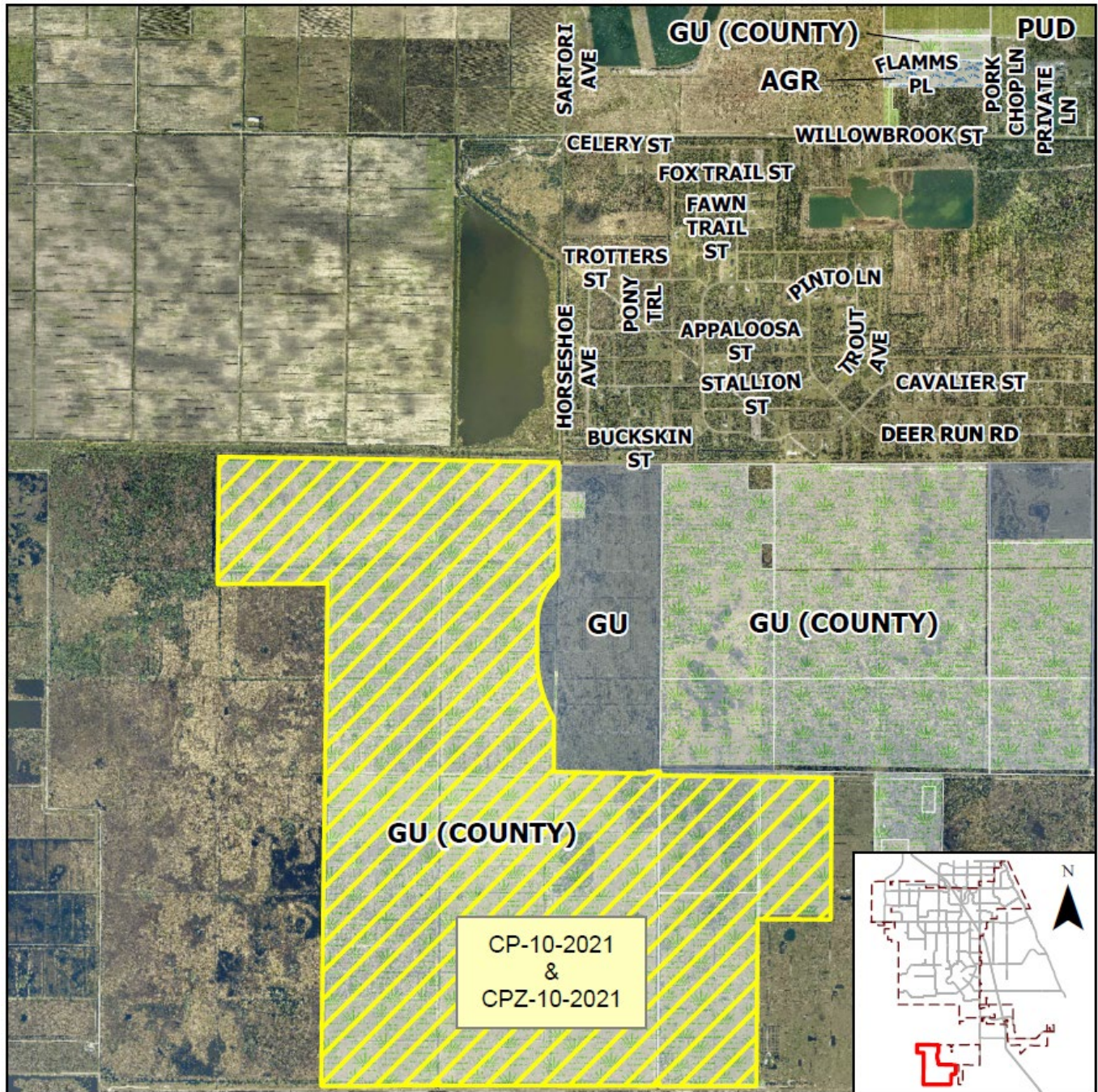
### Future Land Use Classification

AGR (COUNTY), CL, R 1:2.5 (COUNTY) – Agricultural Use, Centerlane Use, Residential, Low Density Use





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP

## CASE: CP-10-2021 & CPZ-10-2021

### Subject Property

Two miles east of Babcock Street, in the vicinity north of the Indian River County line

### Current Zoning Classification

GU (COUNTY) – General Use





## PUBLIC WORKS DEPARTMENT

### **Traffic Analysis for Babcock Street**

**By Frank Watanabe, City Engineer/Traffic Engineer**

**September 27, 2021**

The property is 3,266 acres of vacant agricultural land with no trees located in southeast in the City of Palm Bay. The current property is adjacent to the existing FPL Palm Bay Solar Energy Field. The applicant is requesting for an amendment to the City Comprehensive Plans and future land use map from Brevard County General Use (GU) to designation of City Utility Future Land Use (FLU). The submitted FLU request/amendment would allow for a maximum of use the 3,200 acres for utilities to ensure energy efficient development and FPL will develop at least one 64.5 MW solar energy site.

Babcock Street is classified as an Arterial Roadway maintained by Brevard County and recent traffic count from the Brevard County TPO collected in FY 2020. The Average Daily Traffic (ADT) count for Babcock Street from Southern County Limit to Micco Road is 3,370 vehicles.

The maximum allowable volume (MAV) is per the FDOT January 2020 Generalized Annual Average Daily Traffic (AADT) for Urbanized Area. Babcock Street from the Southern County Limit to Micco Road has an existing posted speed of 50 mph which is considered a Class I roadway and per the TPO annual traffic count, the MAV is identified with 14,200 AADT with the 10% reduction for non-State roadway. Attached is the FDOT Generalize Annual Average Daily Table.

Existing ADT	No. of Lanes	LOS	Max Allowable Volume (MAV)	Available Capacity
3,370	2	E (County)	14,200	10,830

1. Using Peak Hour Trip Rates (ITE 10<sup>th</sup> Edition Trip Generation)  
Industrial – Utility: 13.24 trips/unit (Use code #170)
2. Analysis of traffic impact
  - a. Proposed Trips: Utility – 3,200 acres/1,000 x 13.24 rate = 42 Trips
3. Level of Service (LOS)  
The LOS standard for Babcock Street is LOS E per the City's Comprehensive Plan – Transportation Element.

### **Finding:**

The maximum usage of 3,200 acre for FPL Solar Site will not impact the roadway capacity of Babcock Street to be deficient in level of service (LOS).

**FPL'S PROPOSED IBIS SOLAR ENERGY CENTER  
EXECUTIVE SUMMARY**

Florida Power & Light Company (FPL) is the owner of approximately 3,200 acres of property located in southeast Palm Bay, Florida (the "Property"). See Exhibit EX-1 for a location map aerial. The Property is adjacent to the existing FPL Palm Bay Solar Energy Center. The Property was annexed by city of Palm Bay and is not zoned correctly. FPL's immediate plans are to develop a single 74.5 MW universal solar energy center on the Property and hold the remainder of the Property for other future development opportunities.

In order to properly zone the Property for future development of all lands owned, FPL is requesting the City of Palm Bay amend the City Comprehensive Plan and Future Land Use Map to change the Property's future land use designation from Brevard County General Use (GU) to City Utility future land use (FLU). Concurrently, FPL is submitting an application for rezoning from the current Brevard County GU to City of Palm Bay GU.

This submittal includes the completed application forms and supporting documentation to amend the City Comprehensive Plan and Future Land Use Map as follows:

**1. APPLICATION 1 – COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT**

The purpose of the amendment is to change the future land use designation for the Property to "City of Palm Bay Utilities."

**2. APPLICATION 2 – REZONING**

The purpose of the rezoning is to change the current Brevard County General Use (GU) to "City of Palm Bay GU."

**COMPREHENSIVE PLAN AND FUTURE LAND USE COMPATIBILITY**

The proposed comprehensive plan amendment/future land use change is compatible with the City of Palm Bay's comprehensive plan. Specifically, this proposal meets the following criteria:

FLU – 1.1F: Ensure energy efficient development through enforcement of the "Energy Conservation" section of the Florida Building Code.

FLU – 4: Provide sufficient area for growth and development of clean industry to provide employment opportunities and expand the City's economic base.

FLU – 697 – 1: Establish standards and requirements to promote energy efficient land use patterns consistent with the following policies no later than July 2011.



FLU – 697 – 1C: Require and/or provide incentives for development design techniques that promote energy efficiency including, but not limited to:

- Solar access and renewable energy access provisions.
- Accommodate existing and future electric power generation and transmission systems, including alternative energy facilities.

FLU – 697 – 3B: Retrofit strategies within Energy Conservation Areas shall include actions to promote the following:

- Accommodate existing and future electric power generation and transmission systems, including alternative energy facilities.

FLU 11.1: Promote innovative approaches to development on lands that were formerly designated for solely agricultural or rural residential single purpose developments prior to annexation into the city.

FLU 11.1A: Centerlane Land Use District classification:

- Protects and enhances the natural environment.
- Promotes energy efficiency through innovative planning and on-site job creation alternative energy and green business.
- Provides job creation activities.

## **EXISTING CONDITIONS**

The Property is located off of Centerlane Road to the west and south of the existing Palm Bay Solar Energy Center. Centerlane Road is the only roadway providing access to the Property and connects to Babcock Street to the east. The Property is currently vacant with virtually no trees. Exhibit EX-2 provides an aerial of the site. There are no residential developments adjacent to the Property. FPL plans to develop at least one 74.5MW solar site and will submit a site plan once all application and supporting details are finalized.

## **PROPOSED USE**

Solar energy centers are quiet neighbors once in use. They are zero emission generators and this proposed project provides the following:

- Creates between approximately 200 to 250 jobs during construction which supports local businesses.
- They are a virtually silent neighbor with no increase in traffic and no lights at night.
- No water or fuel is needed.
- Solar panels generate virtually no stormwater runoff, site low to the existing grade.



June 7, 2021

Chris Balter  
City of Palm Bay  
Land Development Division  
120 Malabar Road, SE  
Palm Bay, Florida, 32907

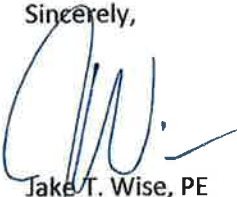
Re: FPL Palm Bay Solar Energy Center Traffic Impact Analysis  
Request for a De Minimis Determination

Dear Mr. Balter:

Florida Power & Light Company seeks to construct a solar energy center ("Facility") located at the west end of the Centerlane Road terminus in Palm Bay, Florida. Access to this Facility will be provided on Centerlane Road. The Facility will be monitored remotely and will not require onsite personnel for day-to-day operations. Personnel will occasionally visit the site to conduct required maintenance activities. Following construction of the Facility, no increase in traffic will be generated by the project on a typical day. It is our understanding that the Land Development application requires the submittal of a traffic impact analysis (TIA) for the proposed Facility. Given that the proposed Facility will not generate any vehicular trips on a typical day, it is my professional opinion that this Facility should be considered de minimis. As such, please consider this letter sufficient for the required TIA.

If you should have any additional questions, please feel free to contact me at (321) 610-1760.

Sincerely,



Jake T. Wise, PE  
Principal Civil Engineer  
Construction Engineering Group, LLC



June 7, 2021

Chris Balter  
City of Palm Bay  
Land Development Division  
120 Malabar Road, SE  
Palm Bay, Florida, 32907

Re: FPL Palm Bay Solar Energy Center Utilities

Dear Mr. Balter:

Florida Power & Light Company seeks to construct a solar energy center ("Facility") located at the west end of Centerlane Road in Palm Bay, Florida. The Facility would not need or propose any connections to potable water or City wastewater services.

If you should have any additional questions, please feel free to contact me at (321) 610-1760.

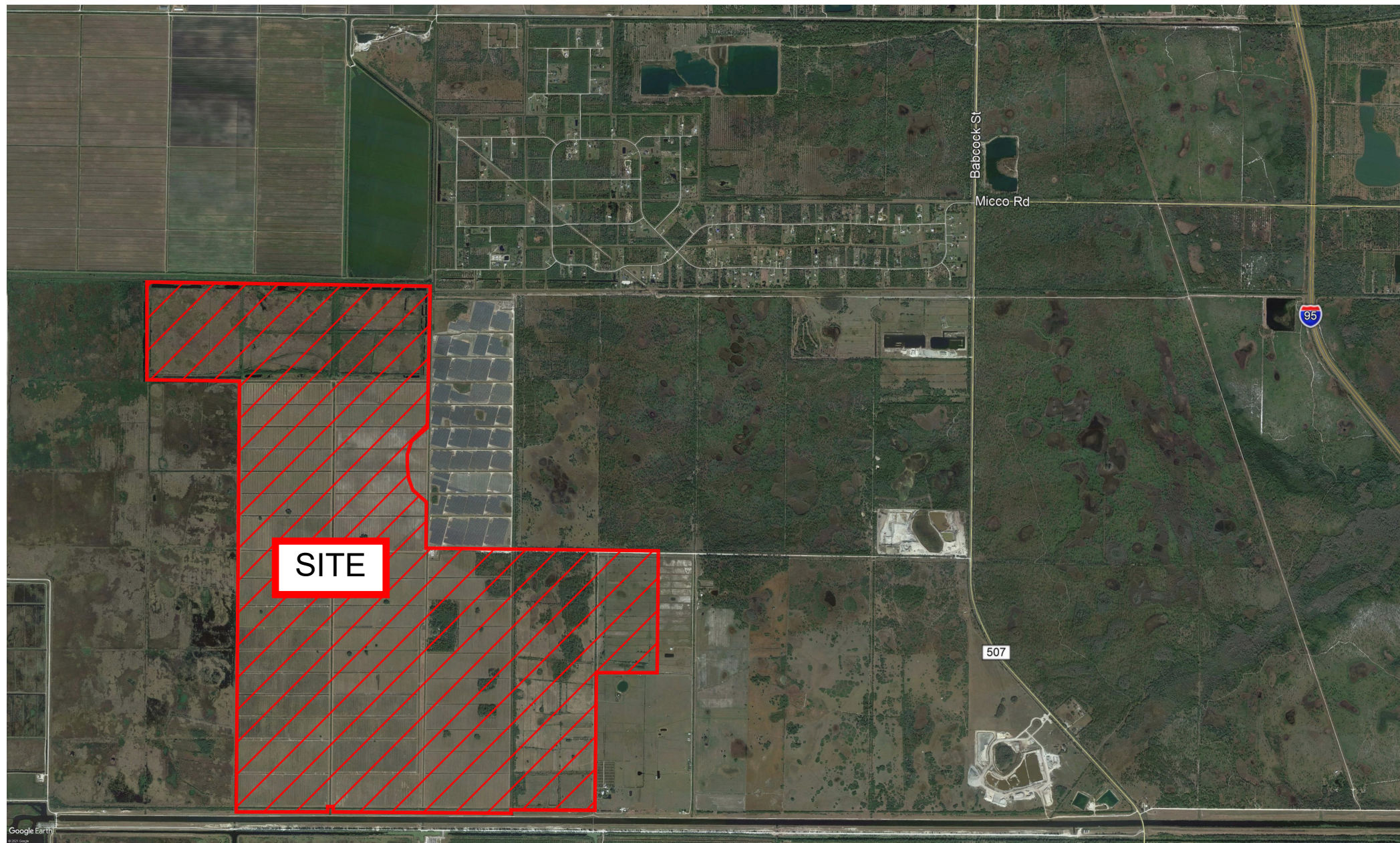
Sincerely,



Jake T. Wise, PE  
Principal Civil Engineer  
Construction Engineering Group, LLC





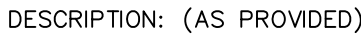


IBIS SOLAR SITE  
BREVARD COUNTY, FL 



**CONSTRUCTION  
ENGINEERING  
GROUP**  
*Consulting Engineers*





PORTIONS OF SECTIONS 30 AND 31, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND A PORTION OF THE AMMONIATE PRODUCTS CORPORATION SUBDIVISION OF UNSURVEYED TOWNSHIP 30 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF DEER RUN AS SHOWN ON THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27, PAGES 11 THROUGH 18, INCCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN NORTH 89°36'32" EAST THE SOUTH LINE OF SAID PLAT OF DEER RUN 2,530.83 FEET TO THE INTERSECTION OF SAID PLAT WITH THE NORTH LINE OF TOWNSHIP 30 SOUTH, RANGE 36 EAST; THENCE SOUTH 00°26'04" WEST ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL A DISTANCE OF 7,561.38 FEET TO THE NORTH RIGHT OF WAY OF CENTERLAND ROAD (A 150 FOOT RIGHT OF WAY) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°26'04" WEST 75.00 FEET ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL TO THE CENTERLINE OF CENTERLAND ROAD, THENCE RUN SOUTH 00°20'29" WEST A DISTANCE OF 1,000.03 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°20'29" WEST 722.57 FEET TO THE EAST LINE OF THOSE LANDS DESCRIBED AS THE WESTERN PORTION OF O.L.C., INC. - MARY "A" RANCH PROPERTY, RECORDED IN OFFICIAL RECORDS BOOK 4914, PAGES 1678 THROUGH 1688 INCCLUSIVE, BREVARD COUNTY, FLORIDA PUBLIC RECORDS; THENCE RUN THE FOLLOWING THREE (3) COURSES ALONG SAID EAST LINE OF THE WESTERN PORTION OF O.L.C., INC.; THENCE LEAVING SAID NORTH RIGHT-OF-WAY RUN NORTH 00°38'52" EAST A DISTANCE OF 1,031.01 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 00°38'52" EAST 722.57 FEET TO THE APPROXIMATE CENTERLINE OF A CANAL RUNNING EASTERLY AND WESTERLY; THENCE RUN THE NEXT SIX (6) COURSES ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL; RUN SOUTH 89°19'40" EAST A DISTANCE OF 951.86 FEET; THENCE SOUTH 88°54'44" EAST A DISTANCE OF 1,876.27 FEET; THENCE SOUTH 89°54'52" EAST A DISTANCE OF 1,600.03 FEET; THENCE SOUTH 89°05'54" EAST A DISTANCE OF 1,988.72 FEET; THENCE SOUTH 89°05'54" EAST 1,031.01 FEET TO THE EAST LINE OF TOWNSHIP 30 SOUTH, RANGE 36 EAST; SAID SOUTH 89°05'54" EAST BEING THE EAST LINE OF THE AFFOREMENTED AMMONIAE PRODUCTS CORPORATION SUBDIVISION; THENCE RUN SOUTH 00°51'01" WEST ALONG SAID EAST LINE A DISTANCE OF 317.96 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF TOWNSHIP 30 SOUTH; THENCE CONTINUE SOUTH 00°51'01" WEST 82.79 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE 82.79 FEET; THENCE SOUTH 00°19'47" WEST A DISTANCE OF 2,716.23 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1,400.00 FEET AND A RADIAL BEARING OF NORTH 59°17'04" WEST; THENCE A DISTANCE OF 231.21 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°00'00" HAVING A CHORD WHICH BEARS SOUTH 35°26'48" WEST 230.94 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 35°26'48" WEST TO THE CURVE TO THE LEFT HAVING A RADIUS OF 1,600.00 FEET, A CENTRAL ANGLE OF 40°10'40", AND A CHORD WHICH BEARS SOUTH 20°05'20" WEST A DISTANCE OF 1,099.13 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°00'00" WEST A DISTANCE OF 631.24 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY A DISTANCE OF 3,320.13 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 32°20'13", AND A CHORD WHICH BEARS SOUTH 16°10'07" EAST A DISTANCE OF 1,726.47 FEET; THENCE SOUTH 00°00'00" WEST 1,322.70 FEET TO THE NORTH LINE OF A 60 FEET WIDE EASEMENT, RECORDED IN RECORDS BOOK 4508, PAGE 968, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; SOUTH 89°08'10" EAST ALONG THE NORTH LINE OF SAID 60 FOOT WIDE EASEMENT A DISTANCE OF 2,317.94 FEET; THENCE NORTH 00°51'50" EAST A DISTANCE OF 2,317.94 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 89°08'10" EAST ALONG SAID WESTERLY EXTENSION A DISTANCE OF 299.44 FEET TO THE POINT OF BEGINNING

TOGETHER WITH THE NON-EXCLUSIVE PERPETUAL CENTER DITCH EASEMENT CREATED IN THAT CERTAIN EASEMENT AGREEMENT BETWEEN CHARLES M. CAMPBELL, JR., BERNARD A. EGAN, AND J.J. PARRISH, JR. DATED SEPTEMBER 14, 1988 AND RECORDED DECEMBER 19, 1988 IN OFFICIAL RECORDS BOOK 3099, PAGE 3788, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

Fidelity National Title Insurance Company  
Commitment, Order No. 7136825  
Revision Number: "1" August 3, 2018  
Commitment date: July 19, 2018 at 8:00 a.m.

*Schedule B-II Exceptions:*

8. Drainage Easement recorded in Official Records Book 2760, Page 2585.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
9. Easement Agreement recorded in Official Records Book 3099, Page 3788.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
10. Ingress/egress Easement recorded in Official Records Book 3592, Page 3538.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
11. Easement in favor of Florida Power & Light Company recorded in Official Records Book 4247, Page 2365.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
12. Non-exclusive Perpetual Access Easement recorded in Official Records Book 4509, Page 978  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
13. Non-exclusive Perpetual Access Easement recorded in Official Records Book 4509, Page 994.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
14. Non-exclusive Perpetual Access Easement recorded in Official Records Book 4591, Page 1722.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
15. Easement Agreement recorded in Official Records Book 5356, Page 8076, and modification recorded in Official Records Book 5589, Page 5707.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
16. Subject to Easement set forth in Warranty Deed recorded in Official Records Book 5356, Page 8071.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
17. Subject to Easement set forth in Corrective Warranty Deed recorded in Official Records Book 5616, Page 1573.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
18. Storm Water Drainage Easement recorded in Official Records Book 5589, Page 5683.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
19. A 60 foot wide ingress and egress easement as set forth in Conservation Easement recorded in Official Records Book 4509, Page 968, Official Records Book 4509, Page 984 and Official Records Book 4591, Page 1729.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**
20. Easement to Florida Power & Light Company recorded in Official Records Book 5723, Page 859.  
**AFFECTS PROPERTY & PLOTTED ON SURVEY.**



## SURVEY CERTIFICATION

I, Robert R. Doerr, Jr., a registered land surveyor, License No. 3982, in and for the State of Florida and legally doing business in Brevard County, does hereby certify to Florida Power & Light Company, a Florida corporation, Jebbie (FL) LLC, a Delaware limited liability, DPW Law Firm and Fidelity National Title Insurance Company:

This is to certify that this map or plat on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 7(b)(1) & (2), 7(c), 8, 11, 13, 14, 16, 17, 18, and 19 of Table A thereof. The field work was completed on September 13, 2018.

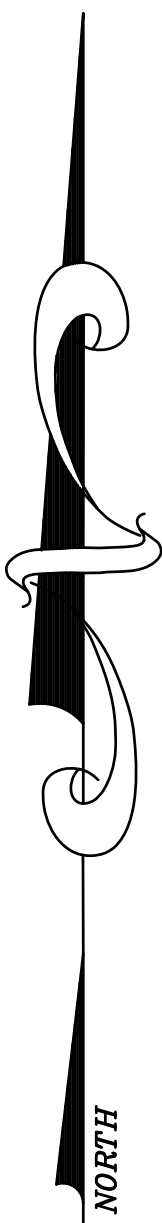
Date: September 24, 2018

Robert R. Doerr, Jr.  
Professional Land Surveyor  
Florida Registration No. 3982

	ALSO KNOWN AS
A.K.A.	CONCRETE BLOCK STRUCTURE
C.B.S.	COSTAL CONSTRUCTION CONTROL LINE
C.C.C.	CONCRETE
CMP	CORRUGATED METAL PIPE
CMP	COATED
CMP	CONCRETE
CMP	CORRUGATED PLASTIC PIPE
E.O.A.	EDGE OF ASPHALT
ELEV.	ELEVATION
ENCL.	ENCLOSED
F.H.	FIRE HYDRANT
F.L.	FLOW LINE
FD	FOUND
I.P.	IRON PIPE
I.R.	IRON ROD
I.N.V.	INVERT
L	ARC LENGTH OF CURVE
MEAS.	MEASURED
M.H.W.L.	MEAN HIGH WATER LINE
N.D.V.	NATIONAL GEODETIC VERTICAL DATUM
N.W.	NAIL WITH DISK
N.W.	OVERHEAD WIRE
O.B.	OFFICIAL RECORDS BOOK
P.	PLAT
P.C.	POINT OF CURVATURE
P.C.P.	PERMANENT CONTROL POINT
P.O.B.	POINT OF INTERSECTION
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.P.	POWER POLE
P.R.	PERMANENT REFERENCE MONUMENT
P.U. & D.E.	PUBLIC UTILITY & DRAINAGE ASSESSMENT
P.U.E.	PUBLIC UTILITY EASEMENT
R.	RADIUS OF CURVE
R.C.P.	REINFORCED CONCRETE PIPE
R.W.	RIGHT-OF-WAY
S.W.	SANITARY SEWER MANHOLE
T.O.B.	TOP OF BANK
T.O.S.	TOP OF SLOPE
TYP.	TYPICAL
W.	WATER
W.C.	CENTRAL ANGLE OF CURVE
	CENTERLINE
	DENOTES 24", 5/8" I.R. (5" REBAR)
	3" DIAMETER METAL PIPE CAP
	STAMPED "CONTROL MONUMENT"
	PHONE RISER
	WOOD UTILITY POLE

SURVEYORS NOTES:

1. THE BEARING BASIS FOR THIS SURVEY IS THE FLORIDA STATE PLANE COORDINATE SYSTEM, ZONE EAST, N.A.D. 83 (2011), BASED ON BREVARD COUNTY GPS MONUMENT 1053, PID - A#7748 AND BREVARD COUNTY GPS MONUMENT 5038, PID - AE#240.
2. THE SURVEY WAS RUN IN THE FOLLOWING BEARING AND DISTANCE: BEARINGS 22° AND 23° 14' 00" (NAVD 1988) AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP #2009C 0775 G, COMMUNITY #215092 0775 G & COMMUNITY #210404 0775 G DATED 3-17-14.
3. THE LEGAL DESCRIPTION SHOWN HEREIN IS AS PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, ORDER NO. 7136825, REVISION NUMBER "1", COMMITMENT DATE JULY 19, 2013, AND IS NOT TO BE CONSIDERED AS AFFECTED BY THE UNDERSIGNED FOR EASEMENTS, RIGHTS OF WAY OR RESERVATIONS OF RECORD.
4. THE PRIMARY BENCHMARK IS A SURVEY DISK STAMPED "C 54 1", PID - AE#234, LOCATED ON TOP OF A GUARD RAIL AT THE NW CORNER OF A BRIDGE THAT CROSSES OVER THE C-54 CANAL, LOCATED AT THE INTERSECTION OF THE CANAL AND THE STREET, POSTED ELEVATION = 32.30 FEET, NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88).
5. THERE ARE NO ABOVE GROUND IMPROVEMENTS ENCRANCHING ON OR OVER THE PROPERTY LINES AS DEPICTED ON THIS SURVEY.
6. CARTER'S SURVEY: REFERENCE TO BOUNDARY SURVEY OF "MARY A" PROVIDED BY CARTER SURVEYING, INC., PROJECT #17445 C2, DATED: 6-15-04, REVISED: 12-27-05.
7. THE AERIAL MAPPING PROVIDED BY SOUTHERN RESOURCE MAPPING ON JUNE 15, 2006 AND THE SURVEY AND MAP REPORT FOR SAID TOPOGRAPHIC SURVEY WILL BE PROVIDED TO CLIENT ALONG WITH THIS SURVEY.
8. MAJOR DITCH TOP OF BANKS AND ELEVATIONS SHOWN HERE ON WERE LOCATED WITH GPS.
9. THERE ARE NO GAPS, CROOKS OR HIATUSES.



<div>HORIZON SURVEYORS</div> <div>OF CENTRAL FLORIDA, INC. LB 6360</div> <div>390 POINCIANA DR., MELBOURNE, FL 32935</div> <div>E-MAIL: INFO@HORIZONSURVEYORS.COM</div> <div>(321) 254-8133</div>	SCALE 1" = 1000'	REVISION TABLE				I HEREBY CERTIFY THAT THE PROPERTY HEREON WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT THIS MAP OF SURVEY IS ACCURATE AND CORRECT. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.	NOTE: THIS SKETCH IS NOT VALID UNLESS IT BEARS A SIGNATURE AND AN EMBOSSED SURVEYOR'S SEAL.		SURVEY FOR:
	DATE 9-24-18	DATE	DESCRIPTION	BY	APVD				JEBBIE LLC
	FIELD BOOK: 220								
	PAGE: 18								
	FIELD DATE: 9-13-18								
							DRAWING NUMBER:		
							6491		

PART OF TOWNSHIP 30 SOUTH, RANGE 36 & 37 EAST  
BREVARD COUNTY, FLORIDA

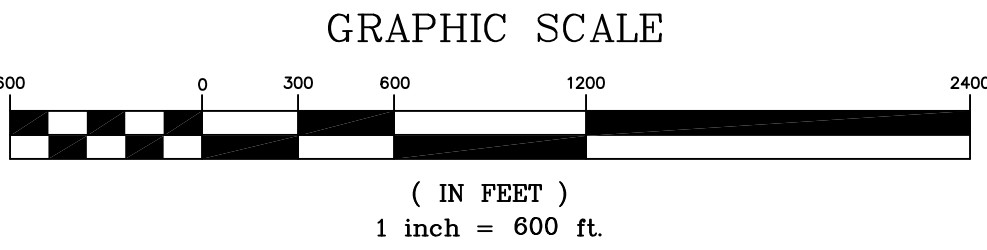
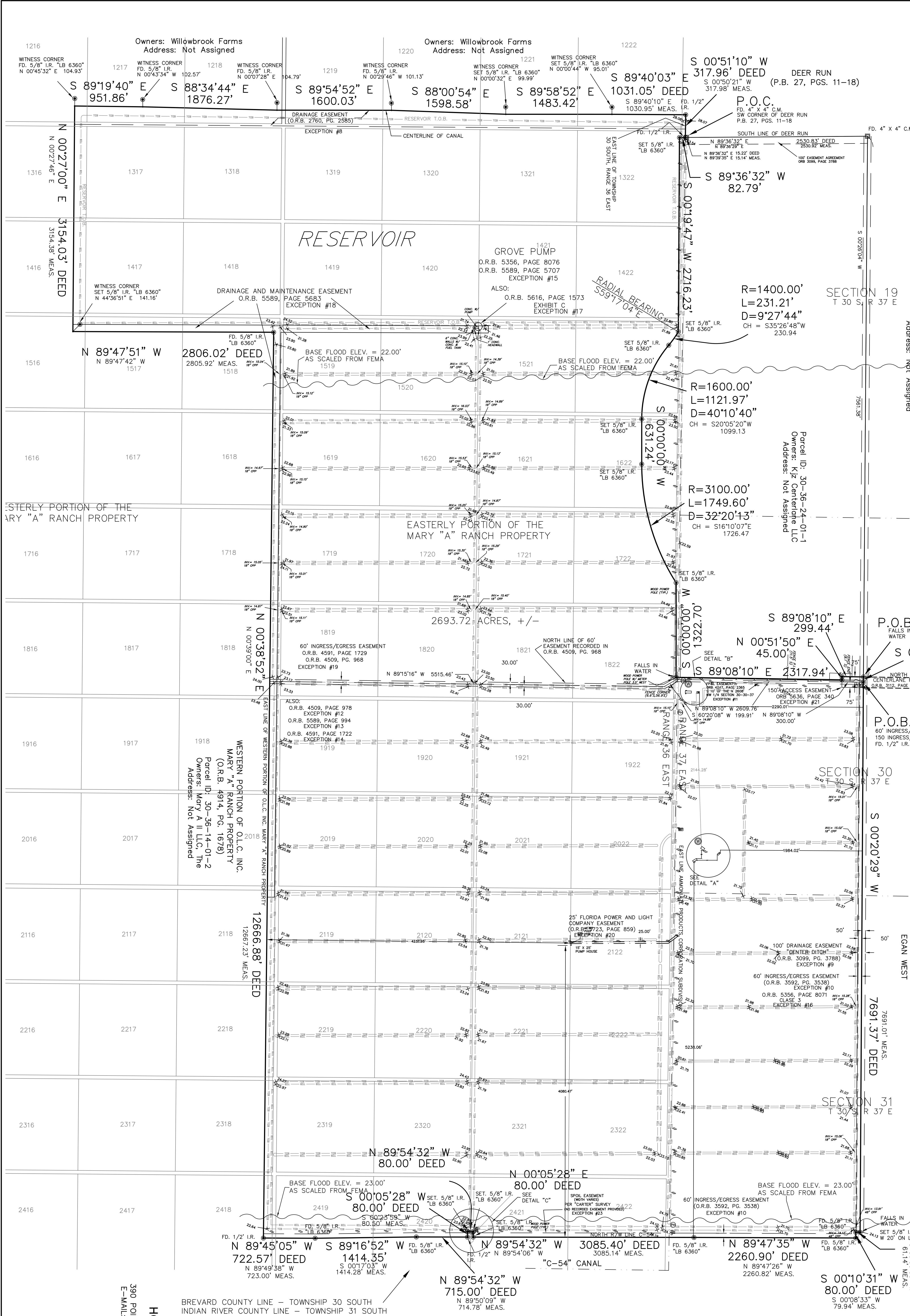
Parcel ID: 30-37-19-H6-\*69  
Owners: Babcok LLC  
Address: Not Assigned

Parcel ID: 30-37-30-00-2  
Owners: Babcok LLC  
Address: Not Assigned

Parcel ID: 30-37-30-00-1  
Owners: Nail Ranch Inc  
Address: Not Assigned

Parcel ID: 30-37-31-00-1  
Owners: Nail Ranch Inc  
Address: Not Assigned

HORIZON

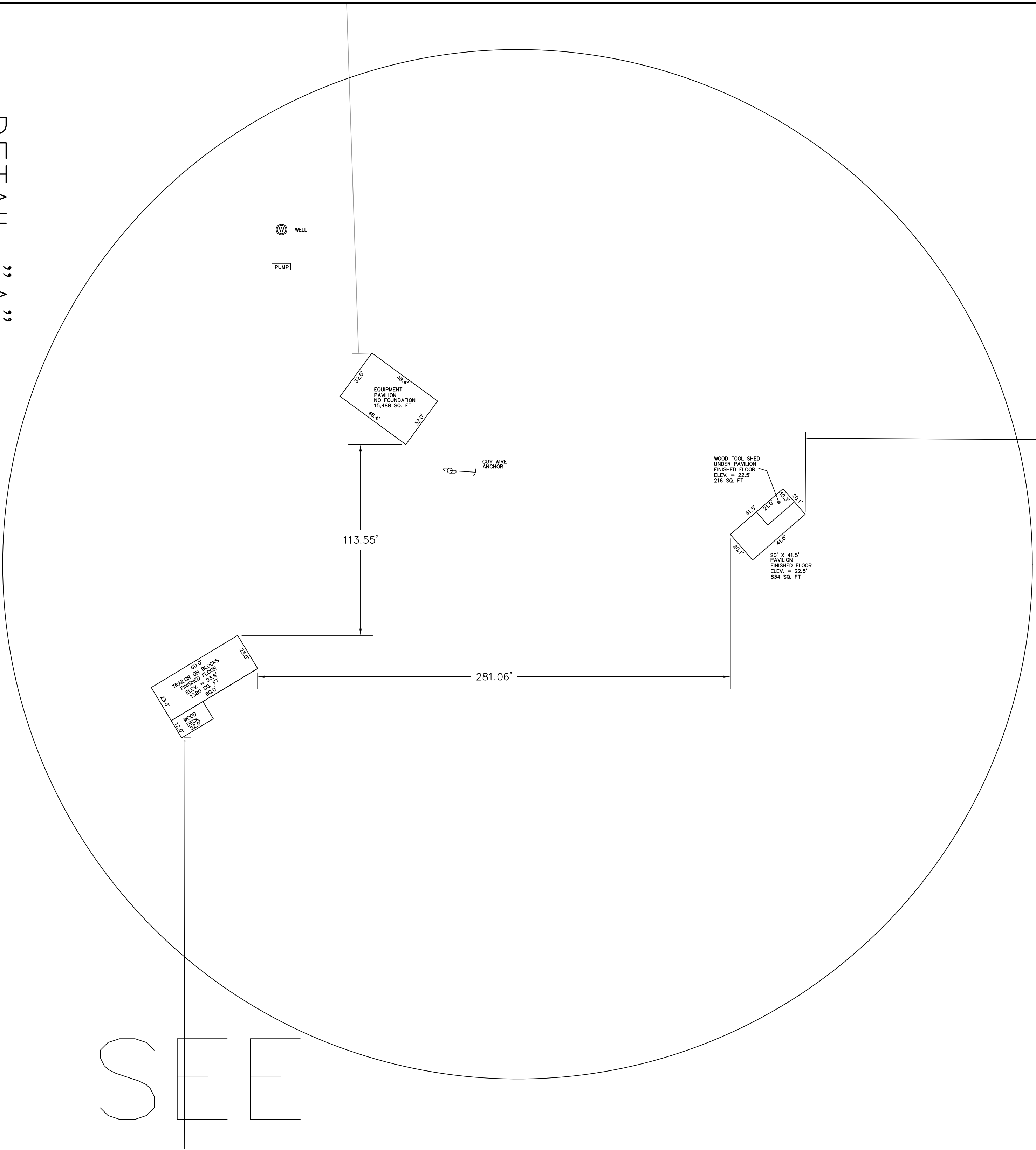
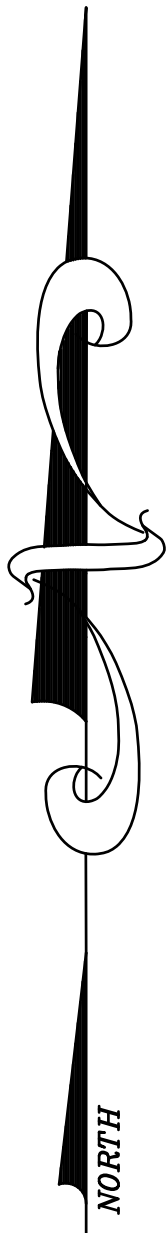


HORIZON SURVEYORS  
OF CENTRAL FLORIDA, INC., LB 6360  
390 PONCICIANA DR., MELBOURNE, FL 32935  
E-MAIL: INFO@HORIZONSURVEYORS.COM  
(321) 254-8133

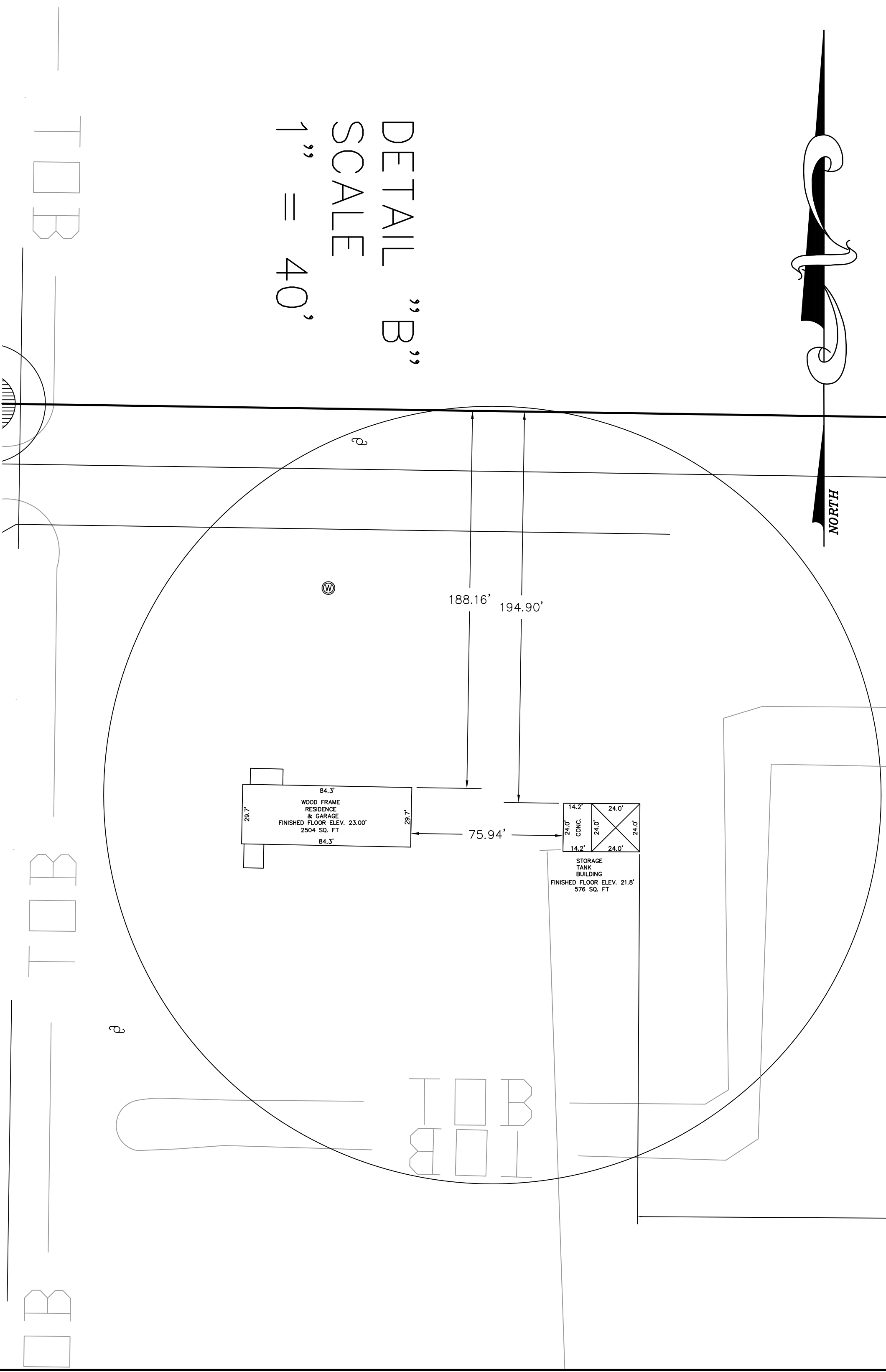
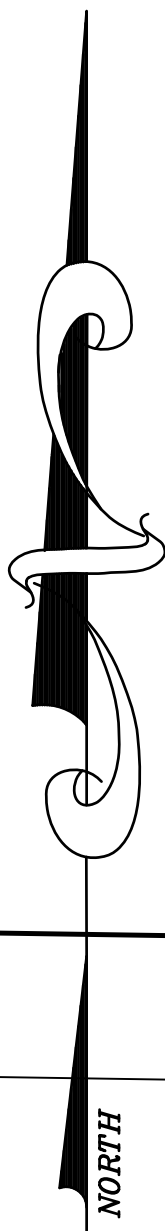
SURVEY FOR:	JEBBIE LLC
DRAWING NUMBER:	6491



PART OF TOWNSHIP 30 SOUTH, RANGE 36 & 37 EAST  
BREVARD COUNTY, FLORIDA

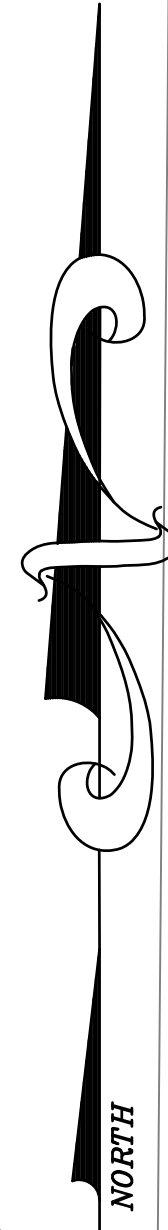
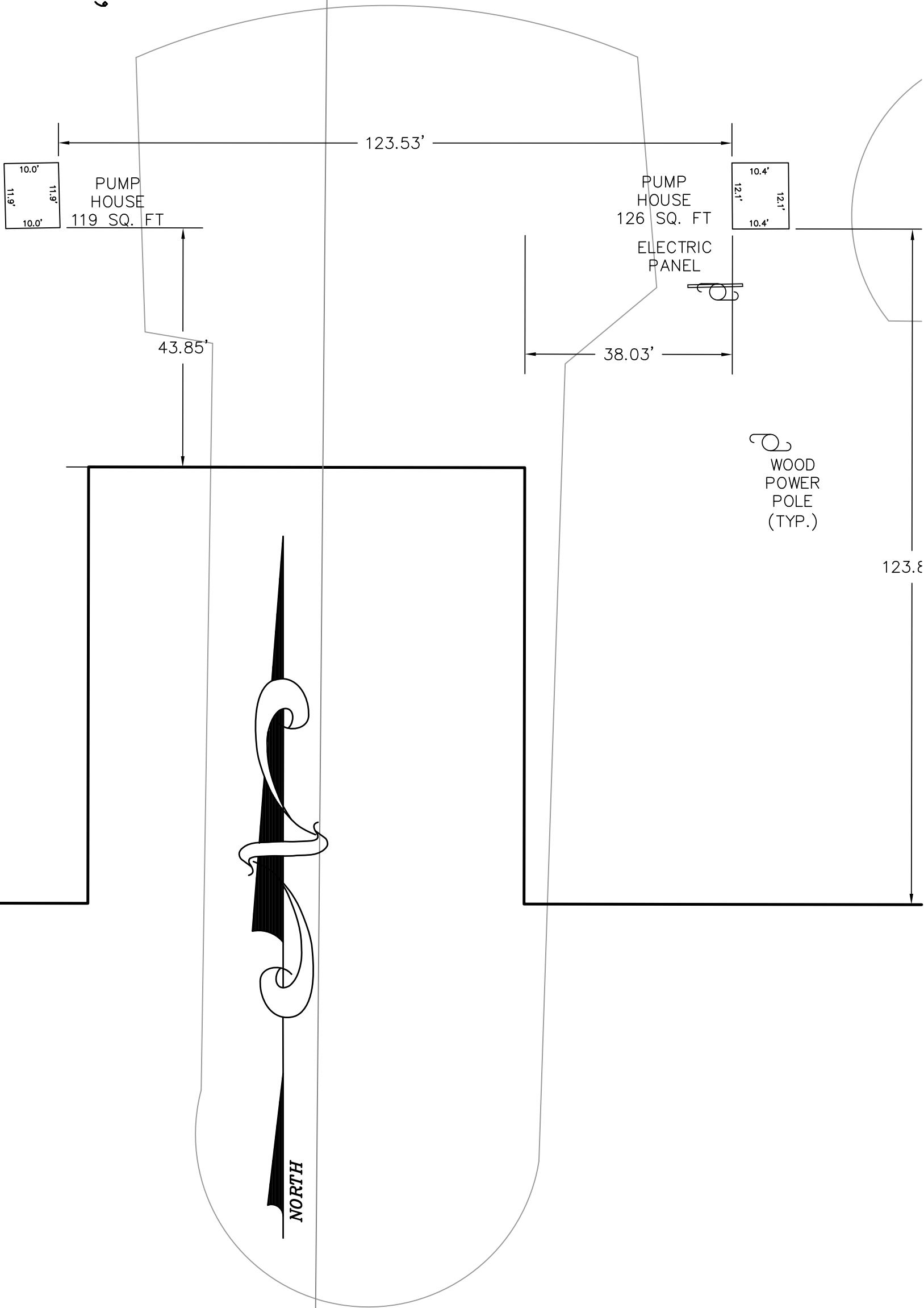


DETAIL "A"  
SCALE  
1" = 40'



DETAIL "B"  
SCALE  
1" = 40'

DETAIL "C"  
SCALE  
1" = 20'





Drawing name: S:\FLA\170\_Brevard Nail Ranch\DWG-Civil\_3D\FLA\_170 SURVLA.dwg SHEET 1 Feb 20, 2018 2:27pm by: Hiranovase

SURVEYOR'S REPORT:

I HEREBY REPORT TO CHICAGO TITLE INSURANCE COMPANY THAT I HAVE MADE AN ACCURATE SURVEY OF LAND DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT NUMBER 40699, EFFECTIVE DATE OF DECEMBER 17, 2017, AND WHICH IS ALSO SHOWN ON THE SURVEY THAT I HAVE PREPARED DATED FEBRUARY 20, 2018. IN CONNECTION WITH SUCH SURVEY I HAVE MADE A CAREFUL INSPECTION OF THE PREMISES ON JANUARY 28, 2018, AND AT THE TIME OF INSPECTION I FOUND THE PREMISES TO BE IN POSSESSION OF NAIL RANCH, INC., ACCORDING TO PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SET FORTH BELOW ARE ANSWERS TO CERTAIN QUESTIONS RELATING TO THE PROPERTY AND THE LOCATION OF IMPROVEMENTS THEREON. "IMPROVEMENTS" ARE BUILDINGS, ATTACHED STRUCTURES SUCH AS SWIMMING POOLS, CAR PORTS, DRIVEWAYS, FENCES, TREES OR SUBSTANTIAL SHRUBBERY.

I HAVE MADE A SPECIFIC EXAMINATION WITH RESPECT TO THE FOLLOWING ITEMS AND REPORT THE EXISTENCE OF EVIDENCE OF THE FOLLOWING: (IF NONE, STATE "NONE") OR IF THERE ARE MORE AND MORE SPACE IS NEEDED, PLEASE ATTACH A MORE FULLY DETAILED DESCRIPTION ON A SEPARATE SHEET OF PAPER IDENTIFYING THE PARAGRAPH AND ATTACH THE STATEMENT TO THE REPORT:

- 1.THERE ARE THE FOLLOWING IMPROVEMENTS LOCATED ON THE LAND: FENCING
- 2.THERE IS NO ENCROACHMENT OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND, NOR ANY ENCROACHMENT ONTO THE LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND EXCEPT AS FOLLOWS: NONE
- 3.THERE IS NO ENCROACHMENT OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO THAT PORTION OF THE LAND SUBJECT TO ANY EASEMENTS SET FORTH IN THE SURVEY OR SHOWN IN SCHEDULE B OF THE ABOVE REFERENCED TITLE INSURANCE COMMITMENT: NONE
- 4.THERE IS NO EVIDENCE ON THE LAND OF ANY ACTIVITIES THAT REVEAL ANY EFFORTS TO EXTRACT OR DEVELOP MINERALS FROM THE LAND: NONE
- 5.EXISTING IMPROVEMENTS ON THE LAND DO NOT VIOLATE ANY BUILDING SETBACK LINES SHOWN ON A PLAT OF SUBDIVISION RECORDED OR FILED IN THE PUBLIC RECORDS AS SAME ARE REFLECTED IN THE ABOVE REFERENCED TITLE INSURANCE COMMITMENT, EXCEPT: NONE
- 6.RIGHTS OF WAY, INCLUDING THOSE FOR ROADS, LANES, DRIVEWAYS OR WALKS ACROSS SAID PREMISES SERVING OTHER PROPERTY: NONE
- 7.STREAMS, PONDS, LAKES OR OTHER BODIES OF WATER LOCATED, BORDERING ON OR RUNNING THROUGH SAID PREMISES: VARIOUS LOW AREAS WITH WATER AND FARM DITCHES/CANALS ON SITE
- 8.TELEPHONE, TELEGRAPH OR ELECTRIC POWER POLES OR WIRES OVERHANGING OR CROSSING SAID PREMISES AND SERVING OTHER PROPERTY OR PROPERTIES: UTILITY LINE ALONG THE NORTH SIDE OF THE PROPERTY, WITHIN THE CENTERLANE ROAD RIGHT-OF-WAY.
- 9.UNDERGROUND INSTALLATIONS SUCH AS SEWERS, WATER PIPES, GAS OR OIL PIPE LINES, CONDUITS, ACROSS SAID PREMISES: NONE OBSERVED
- 10.DRAINAGE DITCHES OR UNDERGROUND DRAIN ACROSS SAID PREMISES: SEE #7
- 11.PHYSICAL EVIDENCE OF BOUNDARY LINES ON ALL SIDES (BE SPECIFIC AS TO HOW BOUNDARY LINES ARE EVIDENCED; THAT IS, BY FENCES, PLANTINGS, ETC. INDICATE WHETHER SAME DIFFER FROM DEED LINES AND WHETHER THERE IS EVIDENCE OF DISAGREEMENT AS TO BOUNDARIES): BOUNDARY LINES DERIVED FROM FOUND FIELD MONUMENTATION AND DEEDS
- 12.ANY UNUSUAL ELEMENTS OF USE OR POSSESSION AFFECTING SAID PREMISES (CEMETERIES, PARKS, ETC.): NONE
- 13.EVIDENCE OF CONTEMPLATED, COMMENCED OR NEWLY COMPLETED CONSTRUCTION (BE SPECIFIC AS TO WHAT HAS BEEN DONE AND INDICATE THE NAMES OF ANY PARTIES WHO MAY HAVE OR WILL SUPPLY EITHER LABOR OR MATERIALS): NONE
- 14.JOINT DRIVEWAYS OR WALKWAYS; PARTY OR CURTAIN WALLS; BEAM RIGHTS; PORCHES; STEPS OR ROOFS USED IN COMMON OR JOINT GARAGES: NONE

LEGAL DESCRIPTION:

(AS FURNISHED BY CHICAGO TITLE INSURANCE COMPANY – COMMITMENT NUMBER 40699)

PARCEL 1:

A PARCEL OF LAND CONTAINING PORTIONS OF SECTIONS 29, 30, 31 AND 32, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 30 SOUTH, RANGE 37 EAST, RUN SOUTH 00°23'58" WEST ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 5386.73 FEET TO THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE RUN SOUTH 00°20'51" WEST ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 2533.56 FEET; THENCE LEAVING SAID EAST LINE OF SECTION 28 RUN NORTH 89°27'11" WEST, A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY OF BABCOCK STREET AND THE CENTERLINE OF CENTERLANE ROAD; THENCE NORTH 89°11'06" WEST ALONG SAID CENTERLINE OF SAID CENTERLANE ROAD (SAME BEING THE NORTH LINE OF PROPERTY DESCRIBED AND CONVEYED IN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2950, PAGE 2812, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), A DISTANCE OF 5339.00 FEET; THENCE CONTINUE NORTH 89°11'06" WEST ALONG THE CENTERLINE OF CENTERLANE ROAD (SAME BEING THE NORTH LINE OF PROPERTY DESCRIBED AND CONVEYED IN ABOVE MENTIONED SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2950, PAGE 2812, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), A DISTANCE OF 3908.41 FEET TO POINT A; THENCE RUN SOUTH 0°24'30" WEST A DISTANCE OF 75.0 FEET TO THE SOUTH RIGHT OF WAY LINE OF CENTERLANE ROAD, A 150.0 FOOT WIDE RIGHT OF WAY AS DESCRIBED OFFICIAL RECORDS BOOK 3112, PAGE 568, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 0°24'30" WEST A DISTANCE OF 3516.02 FEET; THENCE RUN NORTH 89°38'11" WEST AND ALONG A WIRE FENCE A DISTANCE OF 1765.85 FEET; THENCE RUN NORTH 0°24'32" EAST A DISTANCE OF 3529.96 FEET TO THE SOUTH RIGHT OF WAY LINE OF CENTERLANE ROAD; THENCE RUN SOUTH 89°11'03" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1765.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,221,012 SQUARE FEET OR 142.81 ACRES, MORE OR LESS

PARCEL 2:

A PARCEL OF LAND CONTAINING PORTIONS OF SECTIONS 30 AND 31, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, SAID PARCEL LYING WITHIN THE PROPERTY CONVEYED BY FELLSMERE FARMS COMPANY, A FLORIDA GENERAL PARTNERSHIP, TO BERNARD A. EGAN AS DESCRIBED AND RECORDED IN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2950, PAGE 2812, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE SOUTH 00°23'58" WEST ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 5386.73 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE SOUTH 00°20'50" WEST ALONG THE EAST LINE OF SECTION 28, TOWNSHIP 30 SOUTH, RANGE 37 EAST, A DISTANCE OF 2533.47 FEET; THENCE RUN NORTH 89°11'10" WEST, A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION OF THE WEST RIGHT OF WAY OF BABCOCK STREET AND THE CENTERLINE OF CENTERLANE ROAD; THENCE NORTH 89°11'10" WEST ALONG THE CENTERLINE OF SAID CENTERLANE ROAD (SAME BEING THE NORTH LINE OF PROPERTY DESCRIBED AND CONVEYED IN ABOVE MENTIONED SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2950, PAGE 2812, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), A DISTANCE OF 11,063.26 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; FROM SAID POINT OF BEGINNING RUN SOUTH 00°24'37" WEST A DISTANCE OF 7744.18 A FEET TO A POINT ON THE NORTH RIGHT OF WAY OF C-54 CANAL, AS DESCRIBED IN OFFICIAL RECORDS BOOK 880, PAGE 739, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT OF WAY OF C-54 RUN THE FOLLOWING THREE COURSES: NORTH 89°49'29" WEST, A DISTANCE OF 2394.11 FEET; THENCE NORTH 00°10'31" EAST, A DISTANCE OF 80.00 FEET; THENCE NORTH 89°49'29" WEST, A DISTANCE OF 39.24 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY OF C-54 CANAL, RUN NORTH, 00°20'29" EAST ALONG THE APPROXIMATE CENTERLINE OF AN EXISTING CANAL AND ALONG THE CENTERLINE OF A 100 FOOT WIDE DRAINAGE EASEMENT AS SET FORTH AND DESCRIBED IN DRAINAGE EASEMENT AGREEMENT, RECORDED IN OFFICIAL RECORDS BOOK 3099, PAGE 3788 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 7691.37 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID CENTERLANE ROAD; THENCE SOUTH 89°11'10" EAST ALONG THE CENTERLINE OF SAID CENTERLANE ROAD, A DISTANCE OF 2442.99 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THE NORTH 75 FEET OF ABOVE DESCRIBED PROPERTY (BEING THE SOUTHERLY ONE-HALF OF A 150 FOOT WIDE RIGHT OF WAY FOR CENTERLANE ROAD AS DESCRIBED IN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 3112, PAGE 568, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA).

CONTAINING 18,728,868 SQUARE FEET OR 429.96 ACRES, MORE OR LESS

PLAT OF ALTA/NSPS LAND TITLE SURVEY

-FOR- ROBERT T. ROSEN, TRUSTEE OF THE CENTERLANE ROAD LAND TRUST -OF- NAIL RANCH, INC. PROPERTIES

LOCATED IN SECTIONS 29, 30, 31, & 32 TOWNSHIP 30 SOUTH, RANGE 37 EAST BREVARD COUNTY, FLORIDA

SCHEDULE B2 EXCEPTIONS:

(ITEMS 1-6 AND 19-22 INTENTIONALLY OMITTED)

7. OIL, GAS AND MINERAL RIGHTS RESERVED IN DEED FROM C. B. MOAK, INDIVIDUALLY AND AS A CO-PARTNER TRADING AND DOING BUSINESS AS CIRCLE F RANCH, AND JULIA R. MOAK, HIS WIFE, AND J. ARTHUR PANCOAST, INDIVIDUALLY AND AS CO-PARTNER TRADING AND DOING BUSINESS AS CIRCLE F RANCH, AND ALICE A. PANCOAST, HIS WIFE, TO MARY-A RANCH, INC., A FLORIDA CORPORATION, RECORDED JANUARY 17, 1955, IN DEED BOOK 393, PAGE 27, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (THE RIGHT OF ENTRY ASSOCIATED WITH SAID RESERVATION HAS BEEN BARRIED BY SECTION 712.04, FLORIDA STATUTES. (AFFECTS PARCELS 1 AND 2) AFFECTS PROPERTY – NOT PLOTTABLE

8. TERMS, COVENANTS, CONDITIONS AND OTHER MATTERS CONTAINED IN THE DRAINAGE EASEMENT AGREEMENT BY AND BETWEEN J. J. PARRISH, JR., AND BERNARD A. EGAN, DATED SEPTEMBER 14, 1988, RECORDED DECEMBER 19, 1990, IN OFFICIAL RECORDS BOOK 3099, PAGE 3771, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCELS 1 AND 2) EASEMENT IS OFFSITE (NORTH OF CENTERLANE ROAD). – PLOTTED HEREON

9. TERMS, COVENANTS, CONDITIONS AND OTHER MATTERS CONTAINED IN THE DRAINAGE EASEMENT AGREEMENT BY AND BETWEEN BERNARD A. EGAN, AND J. J. PARRISH, JR., DATED SEPTEMBER 14, 1988, RECORDED DECEMBER 19, 1990, IN OFFICIAL RECORDS BOOK 3099, PAGE 3780, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCELS 1 AND 2) AFFECTS PROPERTY – PLOTTED HEREON

10. TERMS, COVENANTS, CONDITIONS AND OTHER MATTERS CONTAINED IN THE EASEMENT AGREEMENT BY AND BETWEEN CHARLES M. CAMPBELL, BERNARD A. EGAN, AND J. J. PARRISH, JR., DATED SEPTEMBER 14, 1988, RECORDED DECEMBER 19, 1990, IN OFFICIAL RECORDS BOOK 3099, PAGE 3788, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCELS 1 AND 2) AFFECTS PROPERTY – PLOTTED HEREON

11. TERMS, COVENANTS, CONDITIONS AND OTHER MATTERS CONTAINED IN THE RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN NAIL RANCH, INC., A FLORIDA CORPORATION, AND BERNARD A. EGAN, DATED MARCH 10, 2000, RECORDED MARCH 16, 2000, IN OFFICIAL RECORDS BOOK 4134, PAGE 2841, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCEL 1) AFFECTS PROPERTY – NOT PLOTTED. CANAL 20" RUNS IN A NORTH-SOUTH DIRECTION AND IS LOCATED OFFSITE, LOCATED ±1100 FEET EAST OF PARCEL 1.

12. TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS CREATED BY AND SET FORTH IN SPECIAL WARRANTY DEED FROM BERNARD A. EGAN, TO NAIL RANCH, INC., A FLORIDA CORPORATION, DATED DECEMBER 21, 2001, RECORDED DECEMBER 28, 2001, IN OFFICIAL RECORDS BOOK 4496, PAGE 899, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCEL 1) AFFECTS PROPERTY – PLOTTED HEREON

13. TERMS, COVENANTS, CONDITIONS AND EASEMENTS CONTAINED IN THE RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN NAIL RANCH, INC., A FLORIDA CORPORATION, PAUL D. KINGERY, AS TRUSTEE, UTD FEBRUARY 2, 2001, PAUL D. KINGERY, SETTLER, JEFFREY HILMER, FREDERICK L. REMARK AND MARTHA M. REMARK, AND SAMUEL W. LONG AND MARTHA A. LONG, AND BERNARD A. EGAN, DATED DECEMBER 26, 2001, RECORDED DECEMBER 28, 2001, IN OFFICIAL RECORDS BOOK 4496, PAGE 969, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCELS 1 AND 2) AFFECTS PROPERTY – PLOTTED HEREON

14. TERMS, COVENANTS, CONDITIONS AND OTHER MATTERS CONTAINED IN THE DRAINAGE EASEMENT BY AND BETWEEN NAIL RANCH, INC., A FLORIDA CORPORATION, AND PAUL D. KINGERY, AS TRUSTEE, UTD FEBRUARY 2, 2001, PAUL D. KINGERY, SETTLER, DATED DECEMBER 26, 2001, RECORDED DECEMBER 28, 2001, IN OFFICIAL RECORDS BOOK 4496, PAGE 1004, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCEL 1) AFFECTS PROPERTY – PLOTTED HEREON

15. EASEMENT GRANTED BY PAUL D. KINGERY, TO FLORIDA POWER & LIGHT COMPANY, DATED JUNE 14, 2004, RECORDED JUNE 14, 2004, IN OFFICIAL RECORDS BOOK 5318, PAGE 3404, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCEL 1) AFFECTS PROPERTY – NOT PLOTTED. NOTE: THE DOCUMENT DOES NOT ADEQUATELY DESCRIBE THE PHYSICAL LOCATION OF SAID 10' WIDE EASEMENT. THERE IS AN EXISTING POWER LINE ALONG THE NORTH SIDE OF SUBJECT PARCELS (WITHIN THE CENTERLANE ROAD RIGHT OF WAY).

16. TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS CREATED BY AND SET FORTH IN THE SPECIAL WARRANTY DEED FROM GREGORY P. NELSON, AS CO-TRUSTEE OF THE BERNARD A. EGAN LIVING TRUST DATED MARCH 1, 2002, TO NAIL RANCH, INC., A FLORIDA CORPORATION, DATED NOVEMBER 17, 2004, RECORDED DECEMBER 4, 2004, IN OFFICIAL RECORDS BOOK 5392, PAGE 4574, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCEL 2) AFFECTS PROPERTY – PLOTTED HEREON

17. NOTE FOR INFORMATION ONLY: CITY OF PALM BAY, BREVARD COUNTY, FLORIDA ORDINANCE NO. 2007-87 (AMENDATION) ENACTED ON OCTOBER 4, 2007, RECORDED OCTOBER 11, 2007, IN OFFICIAL RECORDS BOOK 5818, PAGE 2142, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. AFFECTS PROPERTY – NOT PLOTTABLE

18. TERMS AND CONDITIONS OF THAT CERTAIN REAL ESTATE PURCHASE OPTION AGREEMENT DATED DECEMBER 19, 2017, BETWEEN NAIL RANCH, INC., A FLORIDA CORPORATION, ("SELLER"), AND CENTERLANE ROAD LAND TRUST DATED DECEMBER 15, 2017, ("BUYER"), EVIDENCED BY MEMORANDUM OF OPTION BETWEEN SAID PARTIES, DATED JANUARY 2, 2018, RECORDED JANUARY 3, 2018, IN OFFICIAL RECORDS BOOK 8062, PAGE 869, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. AFFECTS PROPERTY – NOT PLOTTABLE

ACREAGE TABLE:

PARCEL 1 = ±142.81 ACRES  
PARCEL 2 = ±429.96 ACRES  
TOTAL LANDS = ±572.77 ACRES

LEGEND AND ABBREVIATIONS:

ALTA	AMERICAN LAND TITLE ASSOCIATION
ACSM	AMERICAN CONGRESS ON SURVEYING & MAPPING
NSPS	NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
±	MORE OR LESS
EL.	ELEVATION
LB	LICENSED BUSINESS
NO.	NUMBER
LS	LAND SURVEYOR
LD.	IDENTIFICATION
ORB	OFFICIAL RECORDS BOOK
Q	CENTERLINE
(C)	CALCULATED MEASUREMENT
(D1)	DEED MEASUREMENT (PARCEL 1)
(D2)	DEED MEASUREMENT (PARCEL 2)
(M)	FIELD MEASUREMENT
(P)	PLAT MEASUREMENT
C.D.	CHORD LENGTH
C.B.	CHORD BEARING
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
PI	POINT OF INTERSECTION
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
CIP	CAST IRON PIPE
CMP	CORRUGATED METAL PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYL CHLORIDE
RCP	REINFORCED CONCRETE PIPE
NAVD	NORTH AMERICAN VERTICAL DATUM
NCVD	NATIONAL GEODETIC VERTICAL DATUM
PB	PLAT BOOK
ORB	OFFICIAL RECORDS BOOK
PG(S)	PAGE(S)
R/W	RIGHT OF WAY
SJRWMD	ST JOHNS RIVER WATER MANAGEMENT DISTRICT
SEC	SECTION
BM	BENCHMARK
CM	CONCRETE MONUMENT
IRC	IRON ROD & CAP
CCR	CERTIFIED CORNER RECORD
RLS	REGISTERED LAND SURVEYOR
☐	FOUND CONCRETE MONUMENT AS NOTED
○	FOUND NAIL AS NOTED
⊙	FOUND NAIL & DISK AS NOTED
●	FOUND IRON ROD & CAP AS NOTED
●	FOUND IRON PIPE AS NOTED
●	FOUND IRON ROD AS NOTED
●	SET NAIL & DISK (LB 8011)
⊙	SET 5/8" IRON ROD & CAP (LB 8011)
⊙	CONTROL/BENCHMARK AS DESCRIBED
☪	WOOD UTILITY POLE
☪	UTILITY POLE GUY ANCHOR
—OH—	OVERHEAD UTILITY LINE
—1/2—	APPROXIMATE TOP OF BANK
—x—x—	FENCE LINE AS NOTED
— — —	LINE BREAK
— — —	EASEMENT LINE



VICINITY MAP  
(NOT TO SCALE)

SURVEY NOTES:

1. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983 WITH 2011 ADJUSTMENT AND DERIVING A BEARING OF SOUTH 00°23'58" WEST ALONG THE EAST LINE OF SECTION 21, TOWNSHIP 30 SOUTH, RANGE 37 EAST.
2. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 12009C0775G, BREVARD COUNTY, FLORIDA, EFFECTIVE DATE OF MARCH 17, 2014, THE PROPERTY DESCRIBED HEREON LIES WITHIN ZONE "AE" (AREAS OF 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD) WITH BASE FLOOD ELEVATIONS DETERMINED).
3. UNDERGROUND FOUNDATIONS AND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY. ABOVE GROUND EVIDENCE OF UTILITIES WERE LOCATED AND ARE SHOWN HEREON.
4. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY (COMMITMENT NUMBER 40699), DATED DECEMBER 15, 2017.
5. NORTH-SOUTH AND EAST-WEST TIES TO FOUND MONUMENTATION AND IMPROVEMENTS ARE BASED ON CARDINAL DIRECTION.
6. WETLAND AREAS, IF EXISTING, WERE NOT ADDRESSED AS A PART OF THIS SURVEY.
7. THE ACCURACY OF THE SURVEY MEASUREMENTS USED FOR THIS SURVEY MEETS OR EXCEEDS THE EXPECTED USE OF THE PROPERTY DESCRIBED HEREON. (COMMERCIAL/HIGH RISK) 1 FOOT IN 10,000 FEET.
8. THERE ARE ZERO PARKING SPACES ON THE SUBJECT PARCEL.
9. SUBJECT PARCELS CONTAIN: ±572.77 ACRES  
ZONING: GU (COUNTY) – GENERAL USE  
(PER CITY OF PALM BAY PLANNING DEPARTMENT)  
  
SETBACKS:  
FRONT – 25 FEET  
REAR – 20 FEET  
SIDE – 15 FEET  
STREET SIDE ON CORNER LOT – 15 FEET  
MINIMUM LOT SIZE – 5 ACRES WITH A MINIMUM WIDTH OF 300 FEET AND A MINIMUM DEPTH OF 300 FEET  
MINIMUM FLOOR AREA – 750 SQUARE FEET OF LIVING AREA  
MAXIMUM HEIGHT OF STRUCTURES – 35 FEET  
(PER BREVARD COUNTY CODE OF ORDINANCES SECTION 62-1331)
10. SYMBOLS SHOWN ARE NOT TO SCALE.
11. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
12. THERE IS A GAP BETWEEN PARCEL 1 AND PARCEL 2. AS SHOWN ON SHEET 2, PID: 30-37-32-00-1 AND PID: 30-37-32-00-504 ARE IN BETWEEN SAID PARCEL 1 AND PARCEL 2.
13. INTERIOR FARM DIRT ROADS AND FENCES WERE NOT LOCATED AS A PART OF THIS SURVEY.
14. PARCEL 2 SHOWN HEREON WAS BEING USED AS AN ACTIVE SOD & HAY FARM AT THE TIME OF THIS SURVEY.
15. ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 88 AND WERE ESTABLISHED WITH MULTIPLE OBSERVATIONS FROM THE TRIMBLE VRS AND FDOT FPRN NETWORKS AS VERIFIED WITH NATIONAL GEODETIC SURVEY BENCHMARKS "BREVARD GPS 1053" AND "BREVARD GPS 5038".
16. AERIAL IMAGES, IF SHOWN, WERE CAPTURED IN 2015 AND WERE OBTAINED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION AERIAL PHOTO LOOK UP SYSTEM.

SURVEYOR'S CERTIFICATE:

TO ROBERT T. ROSEN, TRUSTEE OF THE CENTERLANE ROAD LAND TRUST DATED DECEMBER 15, 2017; NAIL RANCH, INC., A FLORIDA CORPORATION; CHICAGO TITLE INSURANCE COMPANY:


THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(b)(2), 7(c), 8, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 01/26/18.

DATE OF PLAT OR MAP: 02/20/18

I FURTHER CERTIFY THIS SURVEY MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE.

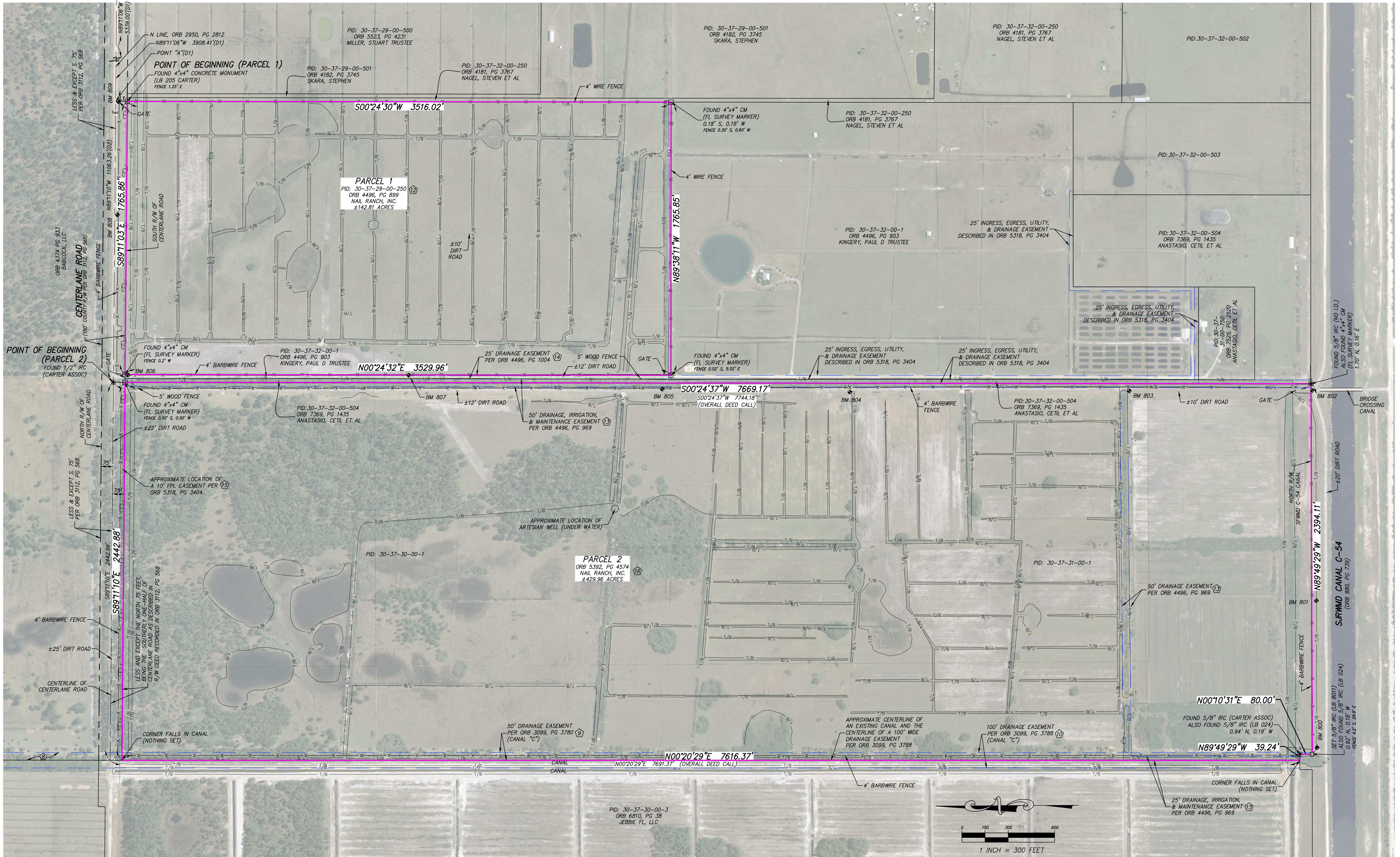
*William D. Donley* 02/20/18  
WILLIAM D. DONLEY DATE  
FLORIDA LICENSED SURVEYOR & MAPPER NO. LS 5381

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

R E V I S I O N S					 <b>Dewberry</b>  131 WEST KALEY STREET ORLANDO, FLORIDA 32806 PHONE: 321.354.9826 FAX: 407.648.9104 WWW.DEWBERRY.COM CERTIFICATE OF AUTHORIZATION NO. LB 8011	NAIL RANCH, INC. PROPERTIES  LOCATED IN SECTIONS 29, 30, 31, & 32 TOWNSHIP 30 SOUTH, RANGE 37 EAST BREVARD COUNTY, FLORIDA		PLAT OF BOUNDARY SURVEY —FOR— CENTERLANE ROAD LAND TRUST				FB/PG		FIELD DATE		PROJECT NO. 50098157		1 OF 2
FB/PG	DATE	DRAWN	REVISION	CKD								BREVARD CO. #2 / 13-16	01/26/18					
								DRAWING DATE		BY	APPROVED		SCALE N/A					
								02/20/18		TAT	WDD							



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°24'30"W	75.00'



<i>R E V I S I O N S</i>				
<i>F B / P G</i>	<i>D A T E</i>	<i>D R A W N</i>	<i>R E V I S I O N</i>	<i>C K D</i>



LOCATED IN SECTIONS 29, 30, 31, & 32  
TOWNSHIP 30 SOUTH, RANGE 37 EAST  
BREVARD COUNTY, FLORIDA

FB/PG		FIELD DATE		PROJECT NO. 50098157	<div style="text-align: center; vertical-align: middle;"> <div>2</div> <div>OF</div> <div>2</div> </div>
BREVARD CO. #2 / 13-16		01/26/18			
DRAWING DATE	BY	APPROVED		SCALE 1"=300'	
02/20/18	TAT	WDD			





**LAND DEVELOPMENT DIVISION**

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[Landdevelopmentweb@palmabayflorida.org](mailto:Landdevelopmentweb@palmabayflorida.org)

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT  
APPLICATION**

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting.** The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

**APPLICATION AMENDMENT TYPE:**

☐

**Small Scale** (Less than 10 acres)

☐

**Text Amendment** (Comp. Plan)

☒

**Large Scale** (10 acres or more)

**PARCEL ID(S):**

30-37-29-00-250; 30-37-30-00-1; 30-37-31-00-1; 30-37-30-00-3

**TAX ACCOUNT NUMBER(S):**

3010292, 3001197, 3001202 & 3001199

**LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):**

See attached

**SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):**

+/- 3,266.49 acres



CITY OF PALM BAY, FLORIDA  
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION  
PAGE 2 OF 3

**LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):**

Agricultural

**LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):**

Utilities

**PRESENT USE OF PROPERTY:**

Agricultural

**STRUCTURES LOCATED ON THE PROPERTY:** None

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:** Yes

**JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):**

See attached

**SPECIFIC USE INTENDED FOR PROPERTY:**

Proposed solar energy center

**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:**



\*Application Fee. Make Check payable to "City of Palm Bay."



\$1,200.00 - Small Scale (Less than 10 acres)



\$2,000.00 - Large Scale (10 acres or more)



\$2,000.00 - Text Amendment (Comp. Plan)

CITY OF PALM BAY, FLORIDA  
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION  
PAGE 3 OF 3

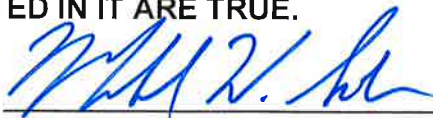
- ☐ Boundary Survey for land use amendments.
- ☒ Sketch with legal descriptions of properties covered by this application for land use amendments.
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☒ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guideline. Staff will provide a sign template.
- ☒ Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.

**Name of Representative** Jake Wise, PE- Construction Engineering Group, LLC

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

**Owner Signature**



**Date**

5/13/2021

**Printed Name**

Florida Power & Light Company

**Full Address**

700 Universal Blvd; Juno Beach, FL 33408

**Telephone**

561-691-7001

**Email**

Michael.Sole@FPL.com

**\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

May 13

, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-29-00-250

30-37-30-00-1; 30-37-31-00-1; 30-37-30-00-3 See attached legal description

I, Owner Name: Michael Sole and authorized officer to sign on behalf of Florida Power & Light Company

Address: 700 Universe Blvd; Juno Beach, FL 33408

Telephone: 561-371-6048

Email: michael.sole@fpl.com

hereby authorize:

Representative: Jake Wise, PE- Construction Engineering Group, LLC

Address: 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

CPA, Rezoning and any/ all associated applications for this project

*Michael W. Sole*

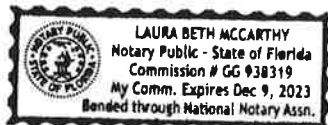
(Property Owner Signature)

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13<sup>th</sup> day of May, 20 21 by

Michael W. Sole, property owner.



*Laura Beth McCarthy*

Laura Beth McCarthy, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Patrick Murphy, Acting Growth Management Director

**DATE:** November 3, 2021

**SUBJECT:** \*\*CPZ-10-2021 - FP&L IBIS Solar Energy Center - Michael Sole, Florida Power & Light (Jake Wise, P.E., Rep.) - A zoning amendment from General Use (Brevard County) to a GU, General Use Holding District. Tax Parcel 250 of Section 29, Township 30, Range 37, Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, and Tax Parcel 1 of Section 31, Township 30, Range 37, Brevard County, Florida, containing approximately 3,266.49 acres. Two miles east of Babcock Street, in the vicinity north of the Indian River County line

\*\*Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▣ Case CPZ-10-2021 - Staff Report
- ▣ Case CPZ-10-2021 - Executive Summary
- ▣ Case CPZ-10-2021 - Site Map
- ▣ Case CPZ-10-2021 - Survey - West Parcel
- ▣ Case CPZ-10-2021 - Survey - East Parcel
- ▣ Case CPZ-10-2021 - Application



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Patrick Murphy, Acting Growth Management Director

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#### CASE NUMBER

CPZ-10-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 3, 2021

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#### PROPERTY OWNER & APPLICANT

Florida Power & Light Company

#### PROPERTY LOCATION/ADDRESS

Located in South Palm Bay, between Deer Run and the County line, West of Babcock Street SE

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#### SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject property from the GU, General Use District (Brevard County) to the City's GU, General Use Holding District.

##### Existing Zoning

GU, General Use (Brevard County)

##### Existing Land Use

Agricultural Use, R1:2.5 (Brevard County); Centerlane Use (City)

##### Site Improvements

Undeveloped Land

##### Site Acreage

3,266.49 acres (5.10 sq miles)

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#### SURROUNDING ZONING & USE OF LAND

##### North

GU, General Use (Brevard County); Farmland

##### East

GU, General Use (City); FPL Solar Farm

##### South

Melbourne-Tillman Drainage Canal No. 54

##### West

GU, General Use (Brevard County); Vacant Agricultural Land

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**BACKGROUND:**

The subject property is located south of Deer Run and West of Babcock Street SE. The parcels are undeveloped land located off Centerlane Road. Formerly, the site was used for citrus farming. Specifically, the property consists of Tax Parcel 250 of Section 29, Township 30, Range 37; and Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, Brevard County, Florida

**ANALYSIS:**

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C), which states that all proposed amendments shall be submitted to the Planning and Zoning Board, to study such proposals in accordance with Section 185.201(C), Items 1-4.

**Item 1 - *The need and justification for the change.***

The applicant states the justification for change is “to change the current Brevard County General Use zoning district to City of Palm Bay GU Zoning District.”

**Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.***

Florida Power and Light Company (FPL) proposes to develop the property with a state-of-the-art 74.5-Megawatt photovoltaic solar electric generating facility. The proposed rezoning of the land is consistent with this use. The site is currently undeveloped land, which was formerly used for citrus farming. Existing wetlands on the site will be preserved as part of the solar energy center development. There are no residential districts adjoining the subject property. To the northeast, is the Deer Run neighborhood, located in unincorporated Brevard County, with large single-family lots.

**Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the city having the same classification as that requested.***

The surrounding area is comprised of vacant agricultural lands zoned, GU (County), some of which were previously annexed into the City, but not yet assigned City Zoning designations. This request is to change the existing designation from GU (County) to GU (City), and therefore applying the City Code of Ordinances to the subject parcel.

**Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).***

The proposed amendment will further the purpose of Chapter 185 and the Comprehensive Plan by accommodating future power generation, using an alternative energy facility, and promoting innovative approaches to the development of lands that were solely agricultural prior to their annexation into the City.

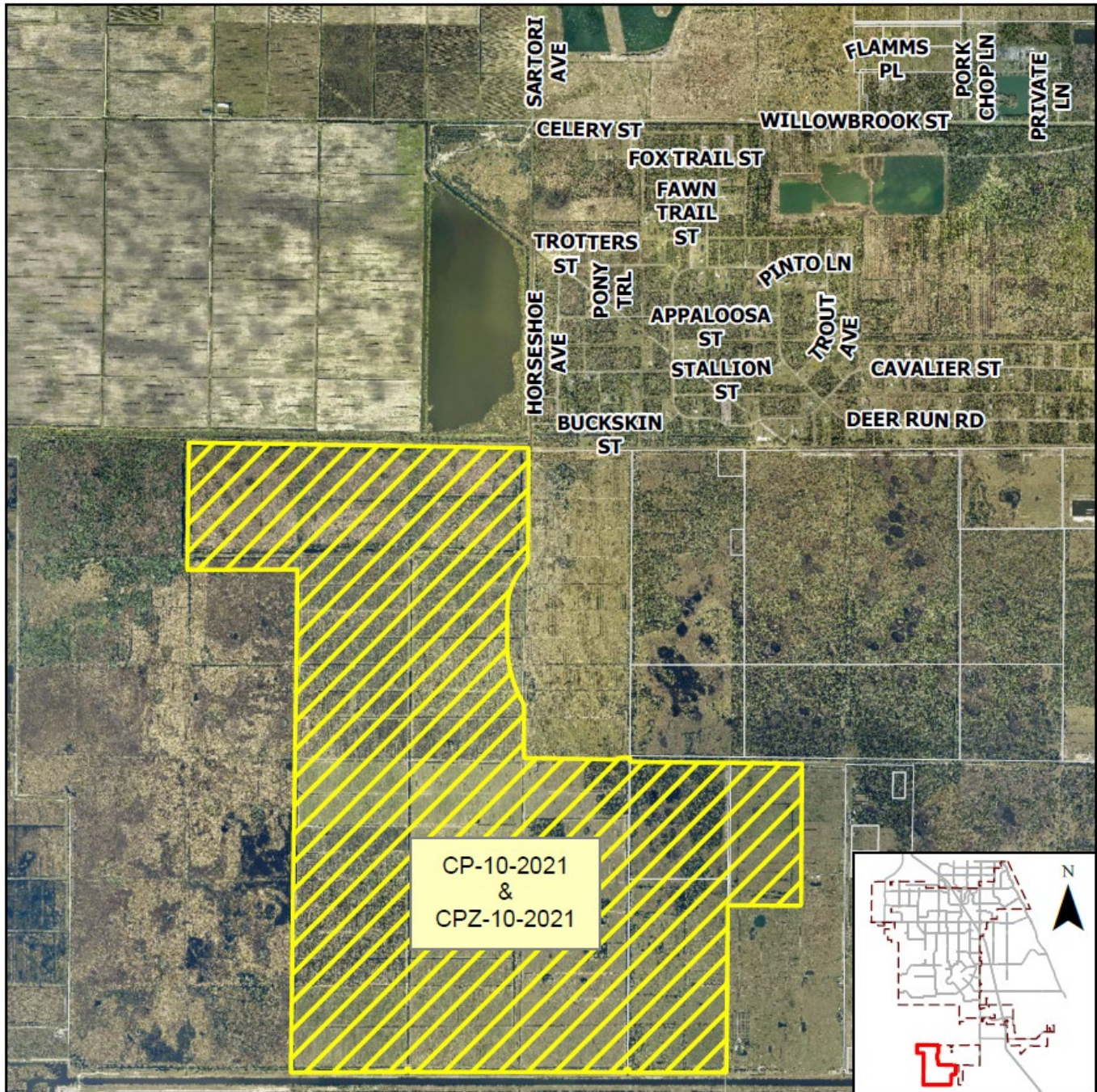
**STAFF RECOMMENDATION:**

Case CPZ-10-2021 is recommended for approval, pursuant to all applicable city ordinances.





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## AERIAL LOCATION MAP CASE: CP-10-2021 & CPZ-10-2021

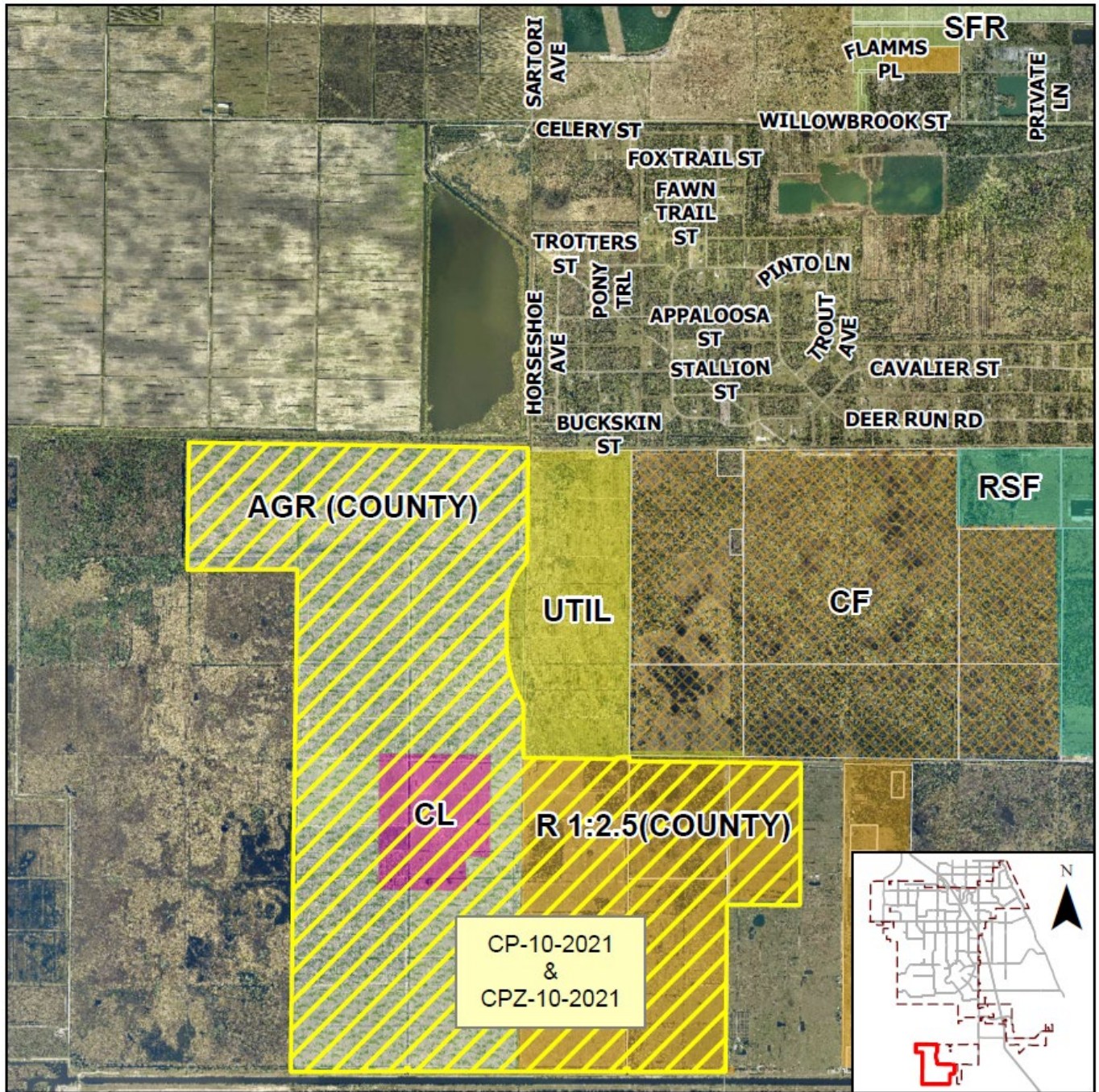
### Subject Property

Two miles east of Babcock Street, in the vicinity north of the Indian River County line





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP CASE: CP-10-2021 & CPZ-10-2021

### Subject Property

Two miles east of Babcock Street, in the vicinity north of the Indian River County line

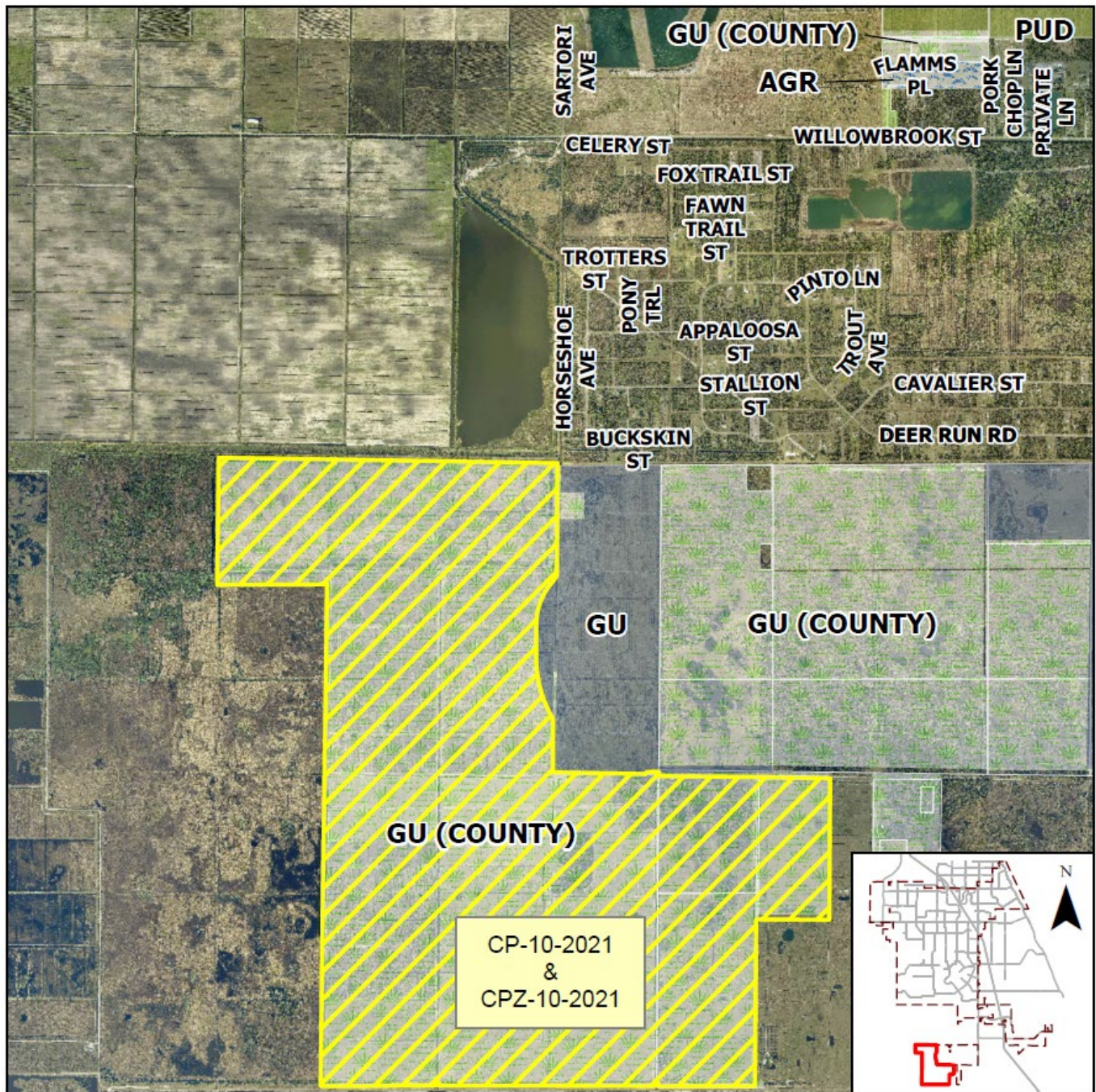
### Future Land Use Classification

AGR (COUNTY), CL, R 1:2.5 (COUNTY) – Agricultural Use, Centerlane Use, Residential, Low Density Use





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP

## CASE: CP-10-2021 & CPZ-10-2021

### Subject Property

Two miles east of Babcock Street, in the vicinity north of the Indian River County line

### Current Zoning Classification

GU (COUNTY) – General Use

**FPL'S PROPOSED IBIS SOLAR ENERGY CENTER  
EXECUTIVE SUMMARY**

Florida Power & Light Company (FPL) is the owner of approximately 3,200 acres of property located in southeast Palm Bay, Florida (the "Property"). See Exhibit EX-1 for a location map aerial. The Property is adjacent to the existing FPL Palm Bay Solar Energy Center. The Property was annexed by city of Palm Bay and is not zoned correctly. FPL's immediate plans are to develop a single 74.5 MW universal solar energy center on the Property and hold the remainder of the Property for other future development opportunities.

In order to properly zone the Property for future development of all lands owned, FPL is requesting the City of Palm Bay amend the City Comprehensive Plan and Future Land Use Map to change the Property's future land use designation from Brevard County General Use (GU) to City Utility future land use (FLU). Concurrently, FPL is submitting an application for rezoning from the current Brevard County GU to City of Palm Bay GU.

This submittal includes the completed application forms and supporting documentation to amend the City Comprehensive Plan and Future Land Use Map as follows:

**1. APPLICATION 1 – COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT**

The purpose of the amendment is to change the future land use designation for the Property to "City of Palm Bay Utilities."

**2. APPLICATION 2 – REZONING**

The purpose of the rezoning is to change the current Brevard County General Use (GU) to "City of Palm Bay GU."

**COMPREHENSIVE PLAN AND FUTURE LAND USE COMPATIBILITY**

The proposed comprehensive plan amendment/future land use change is compatible with the City of Palm Bay's comprehensive plan. Specifically, this proposal meets the following criteria:

FLU – 1.1F: Ensure energy efficient development through enforcement of the "Energy Conservation" section of the Florida Building Code.

FLU – 4: Provide sufficient area for growth and development of clean industry to provide employment opportunities and expand the City's economic base.

FLU – 697 – 1: Establish standards and requirements to promote energy efficient land use patterns consistent with the following policies no later than July 2011.





FLU – 697 – 1C: Require and/or provide incentives for development design techniques that promote energy efficiency including, but not limited to:

- Solar access and renewable energy access provisions.
- Accommodate existing and future electric power generation and transmission systems, including alternative energy facilities.

FLU – 697 – 3B: Retrofit strategies within Energy Conservation Areas shall include actions to promote the following:

- Accommodate existing and future electric power generation and transmission systems, including alternative energy facilities.

FLU 11.1: Promote innovative approaches to development on lands that were formerly designated for solely agricultural or rural residential single purpose developments prior to annexation into the city.

FLU 11.1A: Centerlane Land Use District classification:

- Protects and enhances the natural environment.
- Promotes energy efficiency through innovative planning and on-site job creation alternative energy and green business.
- Provides job creation activities.

## **EXISTING CONDITIONS**

The Property is located off of Centerlane Road to the west and south of the existing Palm Bay Solar Energy Center. Centerlane Road is the only roadway providing access to the Property and connects to Babcock Street to the east. The Property is currently vacant with virtually no trees. Exhibit EX-2 provides an aerial of the site. There are no residential developments adjacent to the Property. FPL plans to develop at least one 74.5MW solar site and will submit a site plan once all application and supporting details are finalized.

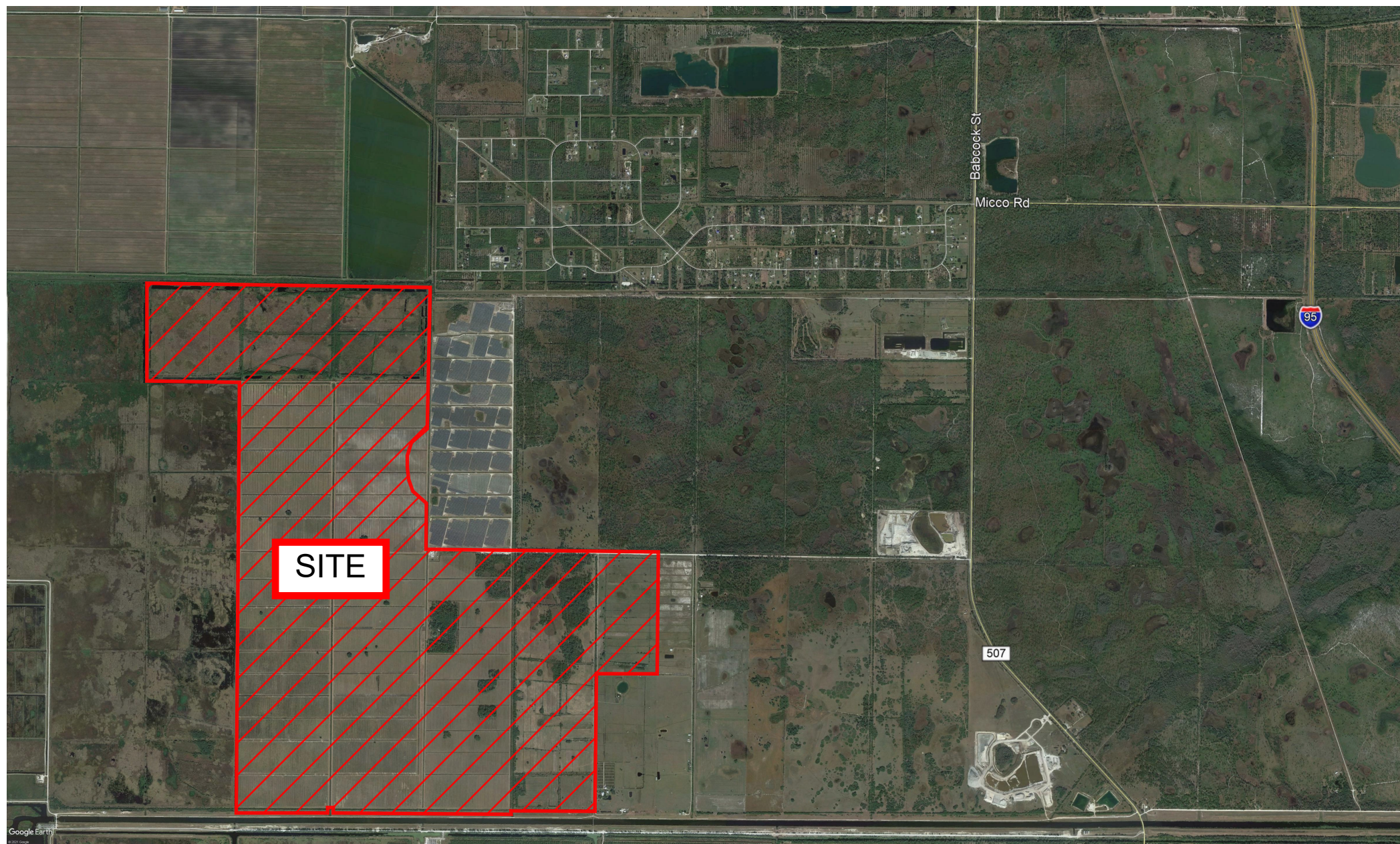
## **PROPOSED USE**

Solar energy centers are quiet neighbors once in use. They are zero emission generators and this proposed project provides the following:

- Creates between approximately 200 to 250 jobs during construction which supports local businesses.
- They are a virtually silent neighbor with no increase in traffic and no lights at night.
- No water or fuel is needed.
- Solar panels generate virtually no stormwater runoff, site low to the existing grade.





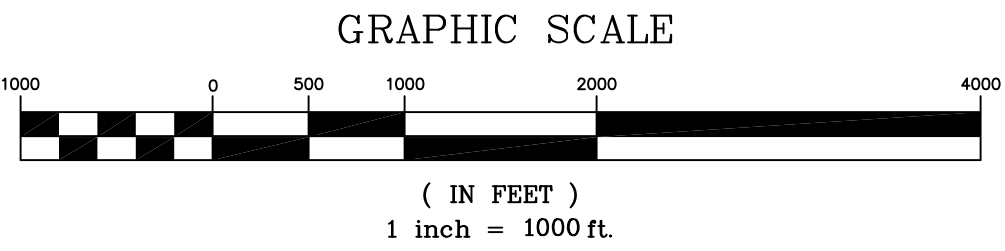


IBIS SOLAR SITE  
BREVARD COUNTY, FL 



**CONSTRUCTION  
ENGINEERING  
GROUP**  
*Consulting Engineers*





LEGEND	
A.K.A.	= ALSO KNOWN AS
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.C.C.L.	= COASTAL CONSTRUCTION CONTROL LINE
C.M.P.	= CONCRETE MONUMENT
CALC.	= CALCULATED
CONC.	= CONCRETE
OPP.	= CORRUGATED PLASTIC PIPE
E.O.A.	= EDGE OF ASPHALT
ELEV.	= ELEVATION
ENCL.	= ENCLOSED
F.H.	= FIRE HYDRANT
F.L.	= FLOW LINE
FD.	= FOUND
I.P.	= IRON PIPE
I.R.	= IRON ROD
INV.	= INVERT
MEAS.	= ARC LENGTH OF CURVE
M.H.W.L.	= MEASURED
M.W.L.	= MEAN HIGH WATER LINE
N.G.V.D.	= NATIONAL GEODETIC VERTICAL DATUM
N/D.	= NAIL WITH DISK
O.H.W.	= OVERHEAD WIRE
O.R.B.	= OFFICIAL RECORDS BOOK
P.	= PLAT
P.C.	= POINT OF CURVATURE
P.C.P.	= PERMANENT CONTROL POINT
P.I.	= POINT OF INTERSECTION
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
P.P.	= POWER POLE
P.R.M.	= PERMANENT REFERENCE MONUMENT
P.U. & D.E.	= PUBLIC UTILITY & DRAINAGE EASEMENT
R.	= RADIUS OF CURVE
R.C.P.	= REINFORCED CONCRETE PIPE
R/W.	= RIGHT OF WAY
S.S.M.H.	= SANITARY SEWER MANHOLE
T.O.B.	= TOP OF BANK
T.O.S.	= TOE OF SLOPE
TYP.	= TYPICAL
W.M.	= WATER METER
D	= CENTRAL ANGLE OF CURVE
C	= CENTERLINE
△	= DENOTES 24", 5/8" I.R.(#5 REBAR)
△	= WITH 3" DIAMETER ALUMINUM CAP
△	= STAMPED "CONTROL MONUMENT"
⊕	= PHONE RISER
⊕	= WOOD UTILITY POLE

DESCRIPTION: (AS PROVIDED)

PORTIONS OF SECTIONS 30 AND 31, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND A PORTION OF THE AMMONIATE PRODUCTS CORPORATION SUBDIVISION OF UNSURVEYED TOWNSHIP 30 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF DEER RUN AS SHOWN ON THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27, PAGES 11 THROUGH 18, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN NORTH 89°36'32" EAST THE SOUTH LINE OF SAID PLAT OF DEER RUN 2,530.83 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF A DRAINAGE CANAL RUNNING SOUTHERLY THEREFROM; THENCE RUN SOUTH 00°28'04" WEST ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL A DISTANCE OF 7,561.58 FEET TO THE NORTH RIGHT OF WAY OF CENTERLANE ROAD (A 150 FOOT RIGHT OF WAY) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°26'04" WEST 75.00 FEET ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL TO THE CENTERLINE OF CENTERLANE ROAD, THENCE RUN SOUTH 00°20'29" WEST 7,691.37 FEET ALONG THE APPROXIMATE CENTERLINE OF A DRAINAGE CANAL TO THE NORTH RIGHT-OF-WAY OF THE C-54 CANAL, THENCE RUN THE FOLLOWING TEN (10) COURSES ALONG THE NORTH RIGHT-OF-WAY OF SAID CANAL; RUN NORTH 89°49'29" WEST 60.76 FEET THENCE SOUTH 00°10'31" WEST 80.00 FEET; THENCE NORTH 89°47'35" WEST 2,260.90 FEET; THENCE NORTH 89°54'32" WEST 3,085.40 FEET; THENCE NORTH 00°05'28" EAST 80.00 FEET; THENCE NORTH 89°54'32" WEST 80.00 FEET; THENCE SOUTH 00°05'28" WEST 80.00 FEET; THENCE NORTH 89°54'32" WEST 715.00 FEET; THENCE SOUTH 89°16'52" WEST 1,414.35 FEET; THENCE NORTH 89°45'05" WEST 722.57 FEET TO THE EAST LINE OF THOSE LANDS DESCRIBED AS THE WESTERN PORTION OF O.L.C. INC. - MARY "A" RANCH PROPERTY, RECORDED IN OFFICIAL RECORDS BOOK 4914, PAGES 1678 THROUGH 1688 INCLUSIVE, BREVARD COUNTY, FLORIDA PUBLIC RECORDS; THENCE RUN THE FOLLOWING THREE (3) COURSES ALONG SAID EAST LINE OF THE WESTERN PORTION O.L.C. INC.; THENCE LEAVING SAID NORTH RIGHT-OF-WAY RUN NORTH 00°38'52" EAST 12,666.88 FEET; THENCE NORTH 89°47'51" WEST 2,806.02 FEET; THENCE NORTH 00°27'00" EAST 3,154.03 FEET TO THE APPROXIMATE CENTERLINE OF A CANAL RUNNING EASTERLY AND WESTERLY; THENCE RUN THE NEXT SIX (6) COURSES ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL; RUN SOUTH 89°19'40" EAST A DISTANCE OF 951.86 FEET; THENCE SOUTH 88°34'44" EAST A DISTANCE OF 1,876.27 FEET; THENCE SOUTH 89°54'52" EAST A DISTANCE OF 1,600.03 FEET; THENCE SOUTH 88°00'54" EAST A DISTANCE OF 1,598.58 FEET; THENCE SOUTH 89°58'52" EAST A DISTANCE OF 1,483.42 FEET; THENCE SOUTH 89°40'03" EAST A DISTANCE TO 1,031.05 FEET TO THE EAST LINE OF TOWNSHIP 30 SOUTH, RANGE 36 EAST, SAID LINE ALSO BEING THE EAST LINE OF THE AFOREMENTIONED AMMONIATE PRODUCTS CORPORATION SUBDIVISION; THENCE RUN SOUTH 00°51'10" WEST ALONG SAID EAST LINE A DISTANCE OF 317.96 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF AFOREMENTIONED PLAT OF DEER RUN; THENCE RUN SOUTH 89°36'32" WEST ALONG SAID WESTERLY EXTENSION OF THE SOUTH LINE 82.79 FEET; THENCE SOUTH 00°19'47" WEST A DISTANCE OF 2,716.23 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1,400.00 FEET AND A RADIAL BEARING OF NORTH 59°17'04" WEST; THENCE A DISTANCE OF 231.21 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9°27'44", HAVING A CHORD WHICH BEARS SOUTH 35°26'48" WEST 230.94 FEET TO A POINT OF REVERSE CURVATURE, THENCE SOUTHWESTERLY A DISTANCE OF 1,121.97 FEET ALONG AN ARC OF 32°20'13", AND A CHORD WHICH BEARS SOUTH 16°00'07" EAST A DISTANCE OF 1,726.47 FEET; THENCE SOUTH 00°00'00" WEST 1,322.70 FEET TO THE NORTH LINE OF A 60 FEET WIDE EASEMENT, RECORDED IN RECORDS BOOK 4509, PAGE 968, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; SOUTH 89°08'10" EAST ALONG THE NORTH LINE OF SAID 60 FOOT WIDE EASEMENT A DISTANCE OF 2,317.94 FEET; THENCE NORTH 00°51'50" EAST A DISTANCE OF 45.00 FEET TO THE WESTERLY EXTENSION OF THE NORTH RIGHT OF WAY OF CENTERLANE ROAD; THENCE SOUTH 89°08'10" EAST ALONG SAID WESTERLY EXTENSION A DISTANCE OF 299.44 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE NON-EXCLUSIVE PERPETUAL CENTER DITCH EASEMENT CREATED IN THAT CERTAIN EASEMENT AGREEMENT BETWEEN CHARLES M. CAMPBELL, JR., BERNARD A. EGAN, AND J.J. PARRISH, JR. DATED SEPTEMBER 14, 1988 AND RECORDED DECEMBER 19, 1988 IN OFFICIAL RECORDS BOOK 3099, PAGE 3788, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

Fidelity National Title Insurance Company  
Commitment, Order No. 7136825  
Revision Number: 11 August 3, 2018  
Commitment date: July 19, 2018 at 8:00 a.m.

Schedule B-II Exceptions:

8. Drainage Easement recorded in Official Records Book 2760, Page 2585. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
9. Easement Agreement recorded in Official Records Book 3099, Page 3788. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
10. Ingress/egress Easement recorded in Official Records Book 3592, Page 3538. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
11. Easement in favor of Florida Power & Light Company recorded in Official Records Book 4247, Page 2365. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
12. Non-exclusive Perpetual Access Easement recorded in Official Records Book 4509, Page 978. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
13. Non-exclusive Perpetual Access Easement recorded in Official Records Book 4509, Page 994. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
14. Non-exclusive Perpetual Access Easement recorded in Official Records Book 4591, Page 1722. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
15. Easement Agreement recorded in Official Records Book 5356, Page 8076, and modification recorded in Official Records Book 5589, Page 5707. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
16. Subject to Easement set forth in Warranty Deed recorded in Official Records Book 5356, Page 8071. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
17. Subject to Easement set forth in Corrective Warranty Deed recorded in Official Records Book 5616, Page 1573. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
18. Storm Water Drainage Easement recorded in Official Records Book 5589, Page 5683. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
19. A 60 foot wide ingress and egress easement as set forth in Conservation Easement recorded in Official Records Book 4509, Page 968, Official Records Book 4509, Page 984 and Official Records Book 4591, Page 1729. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**
20. Easement to Florida Power & Light Company recorded in Official Records Book 5723, Page 859. **AFFECTS PROPERTY & PLOTTED ON SURVEY.**

SURVEY CERTIFICATION

I, Robert R. Doerrer, Jr., a registered land surveyor, License No. 3982, in and for the State of Florida and legally doing business in Brevard County, does hereby certify to Florida Power & Light Company, a Florida corporation, Jebbie (FL) LLC, a Delaware limited liability, DPW Law Firm and Fidelity National Title Insurance Company:

This is to certify that this map or plat on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 7(b)(1) & (2), 7(c), 8, 11, 13, 14, 16, 17, 18, and 19 of Table A thereof. The field work was completed on September 13, 2018.

Date: September 24, 2018

Robert R. Doerrer, Jr.  
Professional Land Surveyor  
Florida Registration No. 3982

NOTE: THIS SKETCH IS NOT VALID UNLESS IT BEARS A SIGNATURE AND AN EMBOSSED SURVEYOR'S SEAL.

SURVEY FOR:

JEBBIE LLC

DRAWING NUMBER:

6491

HORIZON SURVEYORS  
OF CENTRAL FLORIDA, INC. LB 6360  
390 POINCIANA DR., MELBOURNE, FL 32935  
E-MAIL: INFO@HORIZONSURVEYORS.COM  
(321) 254-8133

SCALE 1" = 1000'		REVISION TABLE		
DATE	9-24-18	DATE	DESCRIPTION	BY
FIELD BOOK:	220			
PAGE:	18			
FIELD DATE:	9-13-18			

I HEREBY CERTIFY THAT THE PROPERTY HEREON WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT THIS MAP OF SURVEY IS ACCURATE AND CORRECT. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



PART OF TOWNSHIP 30 SOUTH, RANGE 36 & 37 EAST  
BREVARD COUNTY, FLORIDA

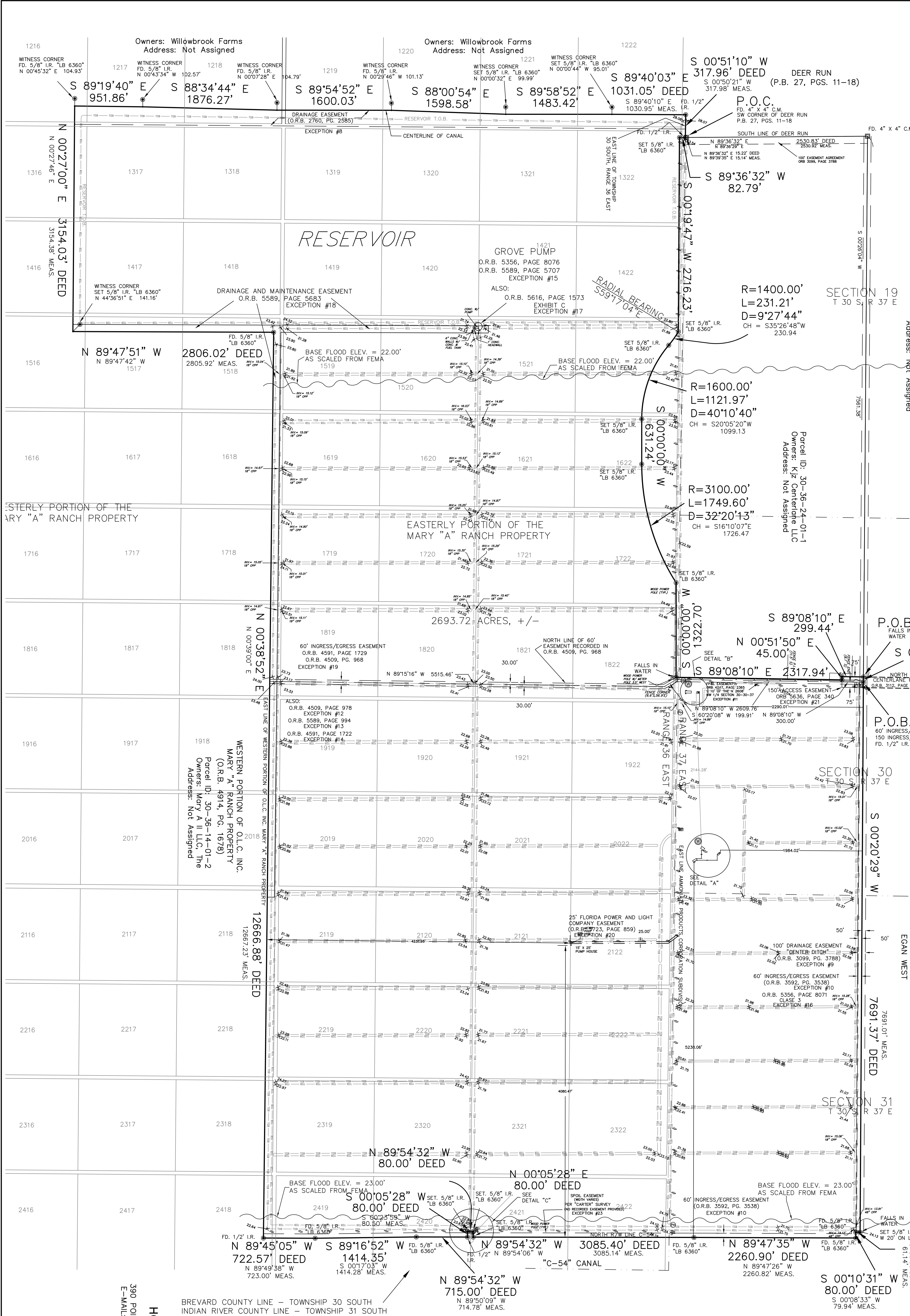
Parcel ID: 30-37-19-H6-\*69  
Owners: Babcok LLC  
Address: Not Assigned

Parcel ID: 30-37-30-00-2  
Owners: Babcok LLC  
Address: Not Assigned

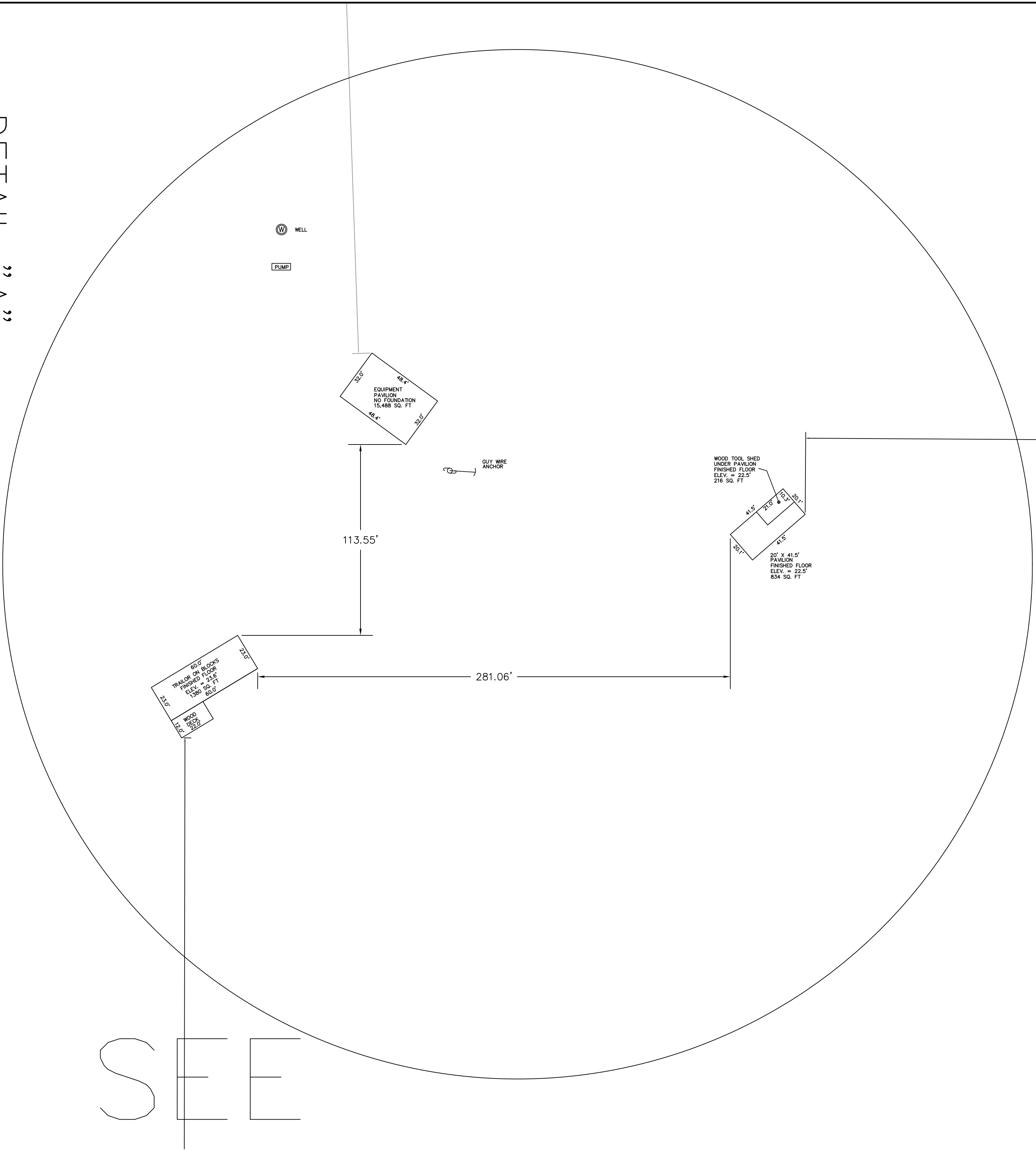
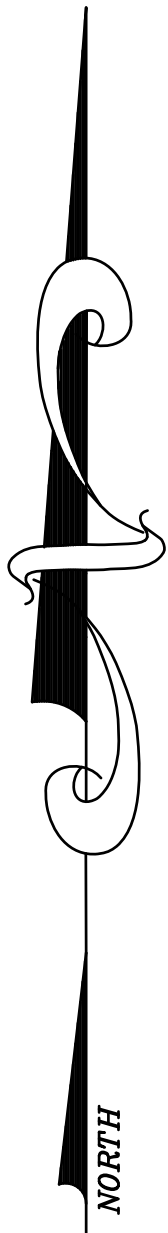
Parcel ID: 30-37-30-00-1  
Owners: Nail Ranch Inc  
Address: Not Assigned

Parcel ID: 30-37-31-00-1  
Owners: Nail Ranch Inc  
Address: Not Assigned

HORIZON

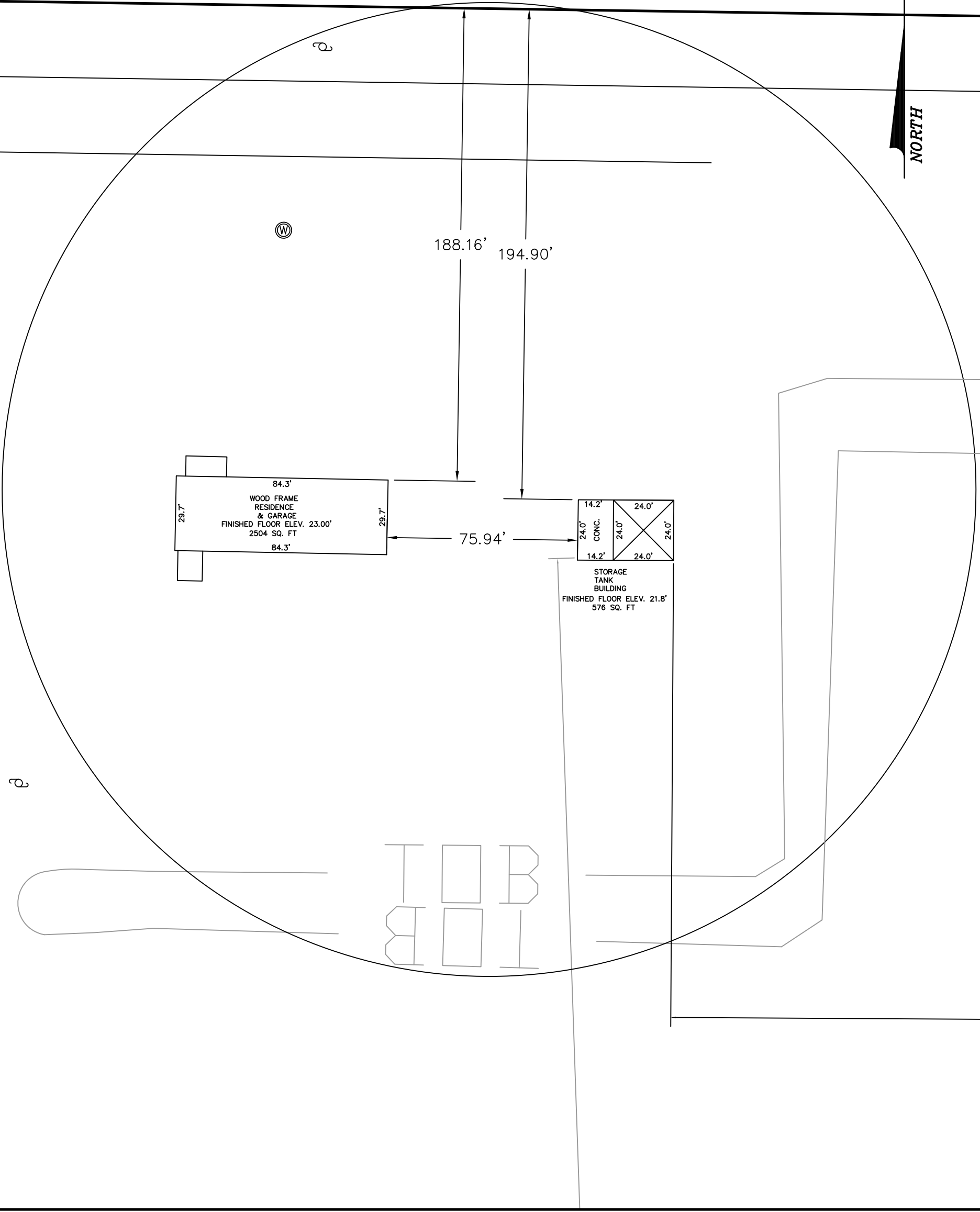
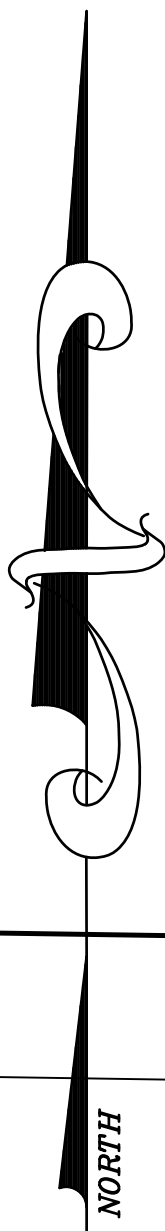


PART OF TOWNSHIP 30 SOUTH, RANGE 36 & 37 EAST  
BREVARD COUNTY, FLORIDA



DETAIL "A"  
SCALE  
1" = 40'

SEE



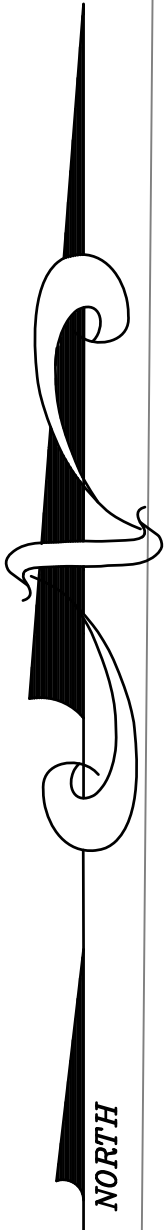
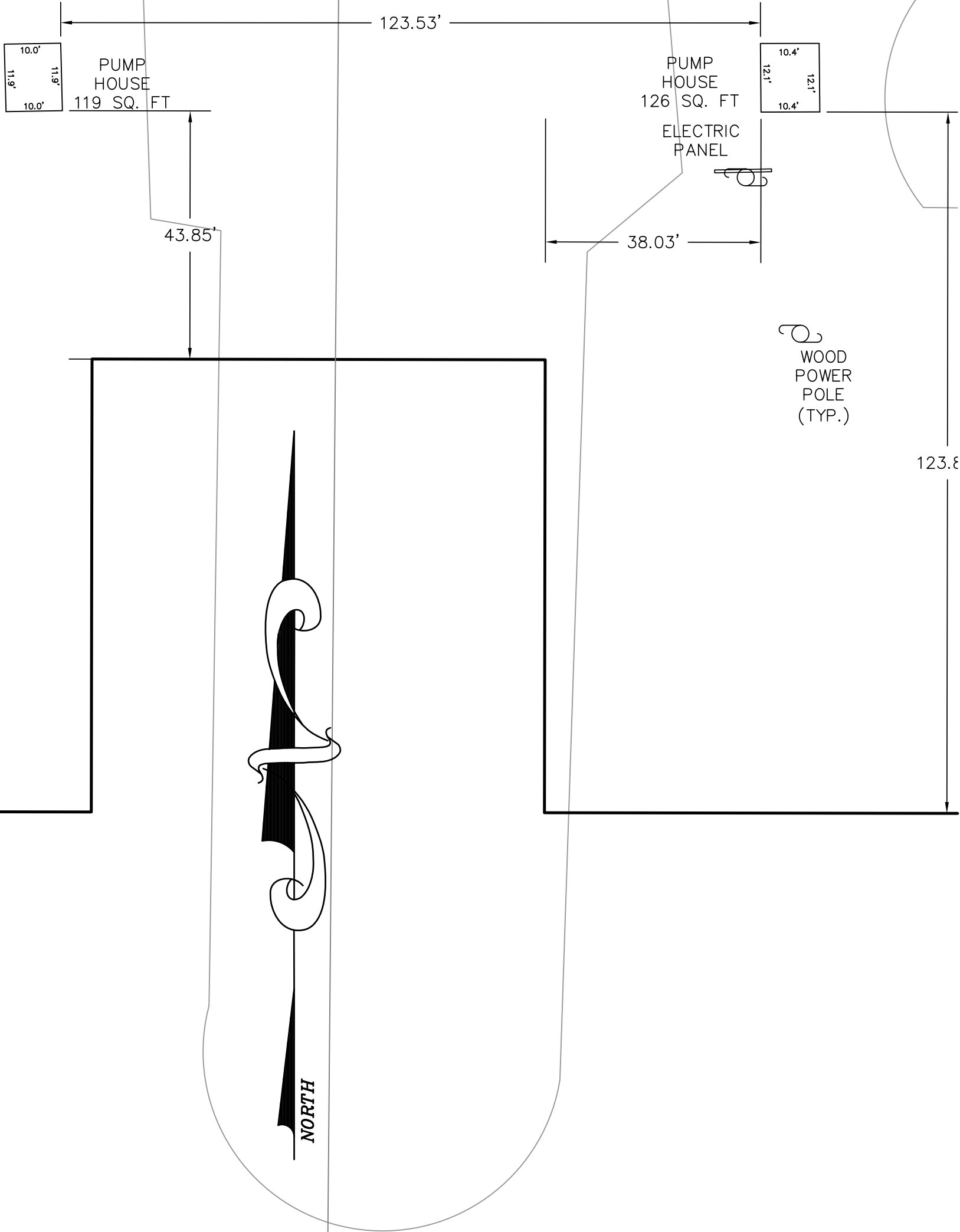
DETAIL "B"  
SCALE  
1" = 40'

TOB

BOB

BOB

DETAIL "C"  
SCALE  
1" = 20'





Drawing name: S:\FLA\170\_Brevard Nail Ranch\DWG-Civil\_3D\FLA\_170 SURVLA.dwg SHEET 1 Feb 20, 2018 2:27pm by: Hiranovase

SURVEYOR'S REPORT:

I HEREBY REPORT TO CHICAGO TITLE INSURANCE COMPANY THAT I HAVE MADE AN ACCURATE SURVEY OF LAND DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT NUMBER 40699, EFFECTIVE DATE OF DECEMBER 17, 2017, AND WHICH IS ALSO SHOWN ON THE SURVEY THAT I HAVE PREPARED DATED FEBRUARY 20, 2018. IN CONNECTION WITH SUCH SURVEY I HAVE MADE A CAREFUL INSPECTION OF THE PREMISES ON JANUARY 28, 2018, AND AT THE TIME OF INSPECTION I FOUND THE PREMISES TO BE IN POSSESSION OF NAIL RANCH, INC., ACCORDING TO PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SET FORTH BELOW ARE ANSWERS TO CERTAIN QUESTIONS RELATING TO THE PROPERTY AND THE LOCATION OF IMPROVEMENTS THEREON. "IMPROVEMENTS" ARE BUILDINGS, ATTACHED STRUCTURES SUCH AS SWIMMING POOLS, CAR PORTS, DRIVEWAYS, FENCES, TREES OR SUBSTANTIAL SHRUBBERY.

I HAVE MADE A SPECIFIC EXAMINATION WITH RESPECT TO THE FOLLOWING ITEMS AND REPORT THE EXISTENCE OF EVIDENCE OF THE FOLLOWING: (IF NONE, STATE "NONE") OR IF THERE ARE MORE AND MORE SPACE IS NEEDED, PLEASE ATTACH A MORE FULLY DETAILED DESCRIPTION ON A SEPARATE SHEET OF PAPER IDENTIFYING THE PARAGRAPH AND ATTACH THE STATEMENT TO THE REPORT:

- 1.THERE ARE THE FOLLOWING IMPROVEMENTS LOCATED ON THE LAND: FENCING
- 2.THERE IS NO ENCROACHMENT OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND, NOR ANY ENCROACHMENT ONTO THE LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND EXCEPT AS FOLLOWS: NONE
- 3.THERE IS NO ENCROACHMENT OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO THAT PORTION OF THE LAND SUBJECT TO ANY EASEMENTS SET FORTH IN THE SURVEY OR SHOWN IN SCHEDULE B OF THE ABOVE REFERENCED TITLE INSURANCE COMMITMENT: NONE
- 4.THERE IS NO EVIDENCE ON THE LAND OF ANY ACTIVITIES THAT REVEAL ANY EFFORTS TO EXTRACT OR DEVELOP MINERALS FROM THE LAND: NONE
- 5.EXISTING IMPROVEMENTS ON THE LAND DO NOT VIOLATE ANY BUILDING SETBACK LINES SHOWN ON A PLAT OF SUBDIVISION RECORDED OR FILED IN THE PUBLIC RECORDS AS SAME ARE REFLECTED IN THE ABOVE REFERENCED TITLE INSURANCE COMMITMENT, EXCEPT: NONE
- 6.RIGHTS OF WAY, INCLUDING THOSE FOR ROADS, LANES, DRIVEWAYS OR WALKS ACROSS SAID PREMISES SERVING OTHER PROPERTY: NONE
- 7.STREAMS, PONDS, LAKES OR OTHER BODIES OF WATER LOCATED, BORDERING ON OR RUNNING THROUGH SAID PREMISES: VARIOUS LOW AREAS WITH WATER AND FARM DITCHES/CANALS ON SITE
- 8.TELEPHONE, TELEGRAPH OR ELECTRIC POWER POLES OR WIRES OVERHANGING OR CROSSING SAID PREMISES AND SERVING OTHER PROPERTY OR PROPERTIES: UTILITY LINE ALONG THE NORTH SIDE OF THE PROPERTY, WITHIN THE CENTERLANE ROAD RIGHT-OF-WAY.
- 9.UNDERGROUND INSTALLATIONS SUCH AS SEWERS, WATER PIPES, GAS OR OIL PIPE LINES, CONDUITS, ACROSS SAID PREMISES: NONE OBSERVED
- 10.DRAINAGE DITCHES OR UNDERGROUND DRAIN ACROSS SAID PREMISES: SEE #7
- 11.PHYSICAL EVIDENCE OF BOUNDARY LINES ON ALL SIDES (BE SPECIFIC AS TO HOW BOUNDARY LINES ARE EVIDENCED; THAT IS, BY FENCES, PLANTINGS, ETC. INDICATE WHETHER SAME DIFFER FROM DEED LINES AND WHETHER THERE IS EVIDENCE OF DISAGREEMENT AS TO BOUNDARIES): BOUNDARY LINES DERIVED FROM FOUND FIELD MONUMENTATION AND DEEDS
- 12.ANY UNUSUAL ELEMENTS OF USE OR POSSESSION AFFECTING SAID PREMISES (CEMETERIES, PARKS, ETC.): NONE
- 13.EVIDENCE OF CONTEMPLATED, COMMENCED OR NEWLY COMPLETED CONSTRUCTION (BE SPECIFIC AS TO WHAT HAS BEEN DONE AND INDICATE THE NAMES OF ANY PARTIES WHO MAY HAVE OR WILL SUPPLY EITHER LABOR OR MATERIALS): NONE
- 14.JOINT DRIVEWAYS OR WALKWAYS; PARTY OR CURTAIN WALLS; BEAM RIGHTS; PORCHES; STEPS OR ROOFS USED IN COMMON OR JOINT GARAGES: NONE

LEGAL DESCRIPTION:

(AS FURNISHED BY CHICAGO TITLE INSURANCE COMPANY – COMMITMENT NUMBER 40699)

PARCEL 1:

A PARCEL OF LAND CONTAINING PORTIONS OF SECTIONS 29, 30, 31 AND 32, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 30 SOUTH, RANGE 37 EAST, RUN SOUTH 00°23'58" WEST ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 5386.73 FEET TO THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE RUN SOUTH 00°20'51" WEST ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 2533.56 FEET; THENCE LEAVING SAID EAST LINE OF SECTION 28 RUN NORTH 89°27'11" WEST, A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY OF BABCOCK STREET AND THE CENTERLINE OF CENTERLANE ROAD; THENCE NORTH 89°11'06" WEST ALONG SAID CENTERLINE OF SAID CENTERLANE ROAD (SAME BEING THE NORTH LINE OF PROPERTY DESCRIBED AND CONVEYED IN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2950, PAGE 2812, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), A DISTANCE OF 5339.00 FEET; THENCE CONTINUE NORTH 89°11'06" WEST ALONG THE CENTERLINE OF CENTERLANE ROAD (SAME BEING THE NORTH LINE OF PROPERTY DESCRIBED AND CONVEYED IN ABOVE MENTIONED SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2950, PAGE 2812, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), A DISTANCE OF 3908.41 FEET TO POINT A; THENCE RUN SOUTH 0°24'30" WEST A DISTANCE OF 75.0 FEET TO THE SOUTH RIGHT OF WAY LINE OF CENTERLANE ROAD, A 150.0 FOOT WIDE RIGHT OF WAY AS DESCRIBED OFFICIAL RECORDS BOOK 3112, PAGE 568, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 0°24'30" WEST A DISTANCE OF 3516.02 FEET; THENCE RUN NORTH 89°38'11" WEST AND ALONG A WIRE FENCE A DISTANCE OF 1765.85 FEET; THENCE RUN NORTH 0°24'32" EAST A DISTANCE OF 3529.96 FEET TO THE SOUTH RIGHT OF WAY LINE OF CENTERLANE ROAD; THENCE RUN SOUTH 89°11'03" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1765.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,221,012 SQUARE FEET OR 142.81 ACRES, MORE OR LESS

PARCEL 2:

A PARCEL OF LAND CONTAINING PORTIONS OF SECTIONS 30 AND 31, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, SAID PARCEL LYING WITHIN THE PROPERTY CONVEYED BY FELLSMERE FARMS COMPANY, A FLORIDA GENERAL PARTNERSHIP, TO BERNARD A. EGAN AS DESCRIBED AND RECORDED IN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2950, PAGE 2812, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE SOUTH 00°23'58" WEST ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 5386.73 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE SOUTH 00°20'50" WEST ALONG THE EAST LINE OF SECTION 28, TOWNSHIP 30 SOUTH, RANGE 37 EAST, A DISTANCE OF 2533.47 FEET; THENCE RUN NORTH 89°11'10" WEST, A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION OF THE WEST RIGHT OF WAY OF BABCOCK STREET AND THE CENTERLINE OF CENTERLANE ROAD; THENCE NORTH 89°11'10" WEST ALONG THE CENTERLINE OF SAID CENTERLANE ROAD (SAME BEING THE NORTH LINE OF PROPERTY DESCRIBED AND CONVEYED IN ABOVE MENTIONED SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2950, PAGE 2812, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), A DISTANCE OF 11,063.26 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; FROM SAID POINT OF BEGINNING RUN SOUTH 00°24'37" WEST A DISTANCE OF 7744.18 A FEET TO A POINT ON THE NORTH RIGHT OF WAY OF C-54 CANAL, AS DESCRIBED IN OFFICIAL RECORDS BOOK 880, PAGE 739, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT OF WAY OF C-54 RUN THE FOLLOWING THREE COURSES: NORTH 89°49'29" WEST, A DISTANCE OF 2394.11 FEET; THENCE NORTH 00°10'31" EAST, A DISTANCE OF 80.00 FEET; THENCE NORTH 89°49'29" WEST, A DISTANCE OF 39.24 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY OF C-54 CANAL, RUN NORTH, 00°20'29" EAST ALONG THE APPROXIMATE CENTERLINE OF AN EXISTING CANAL AND ALONG THE CENTERLINE OF A 100 FOOT WIDE DRAINAGE EASEMENT AS SET FORTH AND DESCRIBED IN DRAINAGE EASEMENT AGREEMENT, RECORDED IN OFFICIAL RECORDS BOOK 3099, PAGE 3788 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 7691.37 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID CENTERLANE ROAD; THENCE SOUTH 89°11'10" EAST ALONG THE CENTERLINE OF SAID CENTERLANE ROAD, A DISTANCE OF 2442.99 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THE NORTH 75 FEET OF ABOVE DESCRIBED PROPERTY (BEING THE SOUTHERLY ONE-HALF OF A 150 FOOT WIDE RIGHT OF WAY FOR CENTERLANE ROAD AS DESCRIBED IN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 3112, PAGE 568, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA).

CONTAINING 18,728,868 SQUARE FEET OR 429.96 ACRES, MORE OR LESS

PLAT OF ALTA/NSPS LAND TITLE SURVEY

-FOR- ROBERT T. ROSEN, TRUSTEE OF THE CENTERLANE ROAD LAND TRUST -OF- NAIL RANCH, INC. PROPERTIES

LOCATED IN SECTIONS 29, 30, 31, & 32 TOWNSHIP 30 SOUTH, RANGE 37 EAST BREVARD COUNTY, FLORIDA

SCHEDULE B2 EXCEPTIONS:

(ITEMS 1-6 AND 19-22 INTENTIONALLY OMITTED)

7. OIL, GAS AND MINERAL RIGHTS RESERVED IN DEED FROM C. B. MOAK, INDIVIDUALLY AND AS A CO-PARTNER TRADING AND DOING BUSINESS AS CIRCLE F RANCH, AND JULIA R. MOAK, HIS WIFE, AND J. ARTHUR PANCOAST, INDIVIDUALLY AND AS CO-PARTNER TRADING AND DOING BUSINESS AS CIRCLE F RANCH, AND ALICE A. PANCOAST, HIS WIFE, TO MARY-A RANCH, INC., A FLORIDA CORPORATION, RECORDED JANUARY 17, 1955, IN DEED BOOK 393, PAGE 27, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (THE RIGHT OF ENTRY ASSOCIATED WITH SAID RESERVATION HAS BEEN BARRIED BY SECTION 712.04, FLORIDA STATUTES. (AFFECTS PARCELS 1 AND 2) AFFECTS PROPERTY – NOT PLOTTABLE

8. TERMS, COVENANTS, CONDITIONS AND OTHER MATTERS CONTAINED IN THE DRAINAGE EASEMENT AGREEMENT BY AND BETWEEN J. J. PARRISH, JR., AND BERNARD A. EGAN, DATED SEPTEMBER 14, 1988, RECORDED DECEMBER 19, 1990, IN OFFICIAL RECORDS BOOK 3099, PAGE 3771, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCELS 1 AND 2) EASEMENT IS OFFSITE (NORTH OF CENTERLANE ROAD). – PLOTTED HEREON

9. TERMS, COVENANTS, CONDITIONS AND OTHER MATTERS CONTAINED IN THE DRAINAGE EASEMENT AGREEMENT BY AND BETWEEN BERNARD A. EGAN, AND J. J. PARRISH, JR., DATED SEPTEMBER 14, 1988, RECORDED DECEMBER 19, 1990, IN OFFICIAL RECORDS BOOK 3099, PAGE 3780, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCELS 1 AND 2) AFFECTS PROPERTY – PLOTTED HEREON

10. TERMS, COVENANTS, CONDITIONS AND OTHER MATTERS CONTAINED IN THE EASEMENT AGREEMENT BY AND BETWEEN CHARLES M. CAMPBELL, BERNARD A. EGAN, AND J. J. PARRISH, JR., DATED SEPTEMBER 14, 1988, RECORDED DECEMBER 19, 1990, IN OFFICIAL RECORDS BOOK 3099, PAGE 3788, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCELS 1 AND 2) AFFECTS PROPERTY – PLOTTED HEREON

11. TERMS, COVENANTS, CONDITIONS AND OTHER MATTERS CONTAINED IN THE RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN NAIL RANCH, INC., A FLORIDA CORPORATION, AND BERNARD A. EGAN, DATED MARCH 10, 2000, RECORDED MARCH 16, 2000, IN OFFICIAL RECORDS BOOK 4134, PAGE 2841, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCEL 1) AFFECTS PROPERTY – NOT PLOTTED. CANAL "D" RUNS IN A NORTH-SOUTH DIRECTION AND IS LOCATED OFFSITE, LOCATED ±1100 FEET EAST OF PARCEL 1.

12. TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS CREATED BY AND SET FORTH IN SPECIAL WARRANTY DEED FROM BERNARD A. EGAN, TO NAIL RANCH, INC., A FLORIDA CORPORATION, DATED DECEMBER 21, 2001, RECORDED DECEMBER 28, 2001, IN OFFICIAL RECORDS BOOK 4496, PAGE 899, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCEL 1) AFFECTS PROPERTY – PLOTTED HEREON

13. TERMS, COVENANTS, CONDITIONS AND EASEMENTS CONTAINED IN THE RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN NAIL RANCH, INC., A FLORIDA CORPORATION, PAUL D. KINGSERY, AS TRUSTEE, UTD FEBRUARY 2, 2001, PAUL D. KINGSERY, SETTLER, JEFFREY HILMER, FREDERICK L. REMARK AND MARTHA M. REMARK, AND SAMUEL W. LONG AND MARTHA A. LONG, AND BERNARD A. EGAN, DATED DECEMBER 26, 2001, RECORDED DECEMBER 28, 2001, IN OFFICIAL RECORDS BOOK 4496, PAGE 969, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCELS 1 AND 2) AFFECTS PROPERTY – PLOTTED HEREON

14. TERMS, COVENANTS, CONDITIONS AND OTHER MATTERS CONTAINED IN THE DRAINAGE EASEMENT BY AND BETWEEN NAIL RANCH, INC., A FLORIDA CORPORATION, AND PAUL D. KINGSERY, AS TRUSTEE, UTD FEBRUARY 2, 2001, PAUL D. KINGSERY, SETTLER, DATED DECEMBER 26, 2001, RECORDED DECEMBER 28, 2001, IN OFFICIAL RECORDS BOOK 4496, PAGE 1004, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCEL 1) AFFECTS PROPERTY – PLOTTED HEREON

15. EASEMENT GRANTED BY PAUL D. KINGSERY, TO FLORIDA POWER & LIGHT COMPANY, DATED JUNE 14, 2004, RECORDED JUNE 14, 2004, IN OFFICIAL RECORDS BOOK 5318, PAGE 3404, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCEL 1) AFFECTS PROPERTY – NOT PLOTTED. NOTE: THE DOCUMENT DOES NOT ADEQUATELY DESCRIBE THE PHYSICAL LOCATION OF SAID 10' WIDE EASEMENT. THERE IS AN EXISTING POWER LINE ALONG THE NORTH SIDE OF SUBJECT PARCELS (WITHIN THE CENTERLANE ROAD RIGHT OF WAY).

16. TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS CREATED BY AND SET FORTH IN THE SPECIAL WARRANTY DEED FROM GREGORY P. NELSON, AS CO-TRUSTEE OF THE BERNARD A. EGAN LIVING TRUST DATED MARCH 1, 2002, TO NAIL RANCH, INC., A FLORIDA CORPORATION, DATED NOVEMBER 17, 2004, RECORDED DECEMBER 4, 2004, IN OFFICIAL RECORDS BOOK 5392, PAGE 4574, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS PARCEL 2) AFFECTS PROPERTY – PLOTTED HEREON

17. NOTE FOR INFORMATION ONLY: CITY OF PALM BAY, BREVARD COUNTY, FLORIDA ORDINANCE NO. 2007-87 (AMENDATION) ENACTED ON OCTOBER 4, 2007, RECORDED OCTOBER 11, 2007, IN OFFICIAL RECORDS BOOK 5818, PAGE 2142, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. AFFECTS PROPERTY – NOT PLOTTABLE

18. TERMS AND CONDITIONS OF THAT CERTAIN REAL ESTATE PURCHASE OPTION AGREEMENT DATED DECEMBER 19, 2017, BETWEEN NAIL RANCH, INC., A FLORIDA CORPORATION, ("SELLER"), AND CENTERLANE ROAD LAND TRUST DATED DECEMBER 15, 2017, ("BUYER"), EVIDENCED BY MEMORANDUM OF OPTION BETWEEN SAID PARTIES, DATED JANUARY 2, 2018, RECORDED JANUARY 3, 2018, IN OFFICIAL RECORDS BOOK 8062, PAGE 869, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. AFFECTS PROPERTY – NOT PLOTTABLE

ACREAGE TABLE:

PARCEL 1 = ±142.81 ACRES  
PARCEL 2 = ±429.96 ACRES  
TOTAL LANDS = ±572.77 ACRES

LEGEND AND ABBREVIATIONS:

ALTA	AMERICAN LAND TITLE ASSOCIATION
ACSM	AMERICAN CONGRESS ON SURVEYING & MAPPING
NSPS	NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
±	MORE OR LESS
EL.	ELEVATION
LB	LICENSED BUSINESS
NO.	NUMBER
LS	LAND SURVEYOR
LD.	IDENTIFICATION
ORB	OFFICIAL RECORDS BOOK
Q	CENTERLINE
(C)	CALCULATED MEASUREMENT
(D1)	DEED MEASUREMENT (PARCEL 1)
(D2)	DEED MEASUREMENT (PARCEL 2)
(M)	FIELD MEASUREMENT
(P)	PLAT MEASUREMENT
C.D.	CHORD LENGTH
C.B.	CHORD BEARING
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
PI	POINT OF INTERSECTION
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
CIP	CAST IRON PIPE
CMP	CORRUGATED METAL PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYL CHLORIDE
RCP	REINFORCED CONCRETE PIPE
NAVD	NORTH AMERICAN VERTICAL DATUM
NCVD	NATIONAL GEODETIC VERTICAL DATUM
PB	PLAT BOOK
ORB	OFFICIAL RECORDS BOOK
PG(S)	PAGE(S)
R/W	RIGHT OF WAY
SJRWMD	ST JOHNS RIVER WATER MANAGEMENT DISTRICT
SEC	SECTION
BM	BENCHMARK
CM	CONCRETE MONUMENT
IRC	IRON ROD & CAP
CCR	CERTIFIED CORNER RECORD
RLS	REGISTERED LAND SURVEYOR
☐	FOUND CONCRETE MONUMENT AS NOTED
○	FOUND NAIL AS NOTED
⊙	FOUND NAIL & DISK AS NOTED
●	FOUND IRON ROD & CAP AS NOTED
●	FOUND IRON PIPE AS NOTED
●	FOUND IRON ROD AS NOTED
●	SET NAIL & DISK (LB 8011)
⊙	SET 5/8" IRON ROD & CAP (LB 8011)
⊙	CONTROL/BENCHMARK AS DESCRIBED
☪	WOOD UTILITY POLE
☪	UTILITY POLE GUY ANCHOR
—OH—	OVERHEAD UTILITY LINE
—1/2—	APPROXIMATE TOP OF BANK
—x—x—	FENCE LINE AS NOTED
— — —	LINE BREAK
— — —	EASEMENT LINE



VICINITY MAP  
(NOT TO SCALE)

SURVEY NOTES:

1. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983 WITH 2011 ADJUSTMENT AND DERIVING A BEARING OF SOUTH 00°23'58" WEST ALONG THE EAST LINE OF SECTION 21, TOWNSHIP 30 SOUTH, RANGE 37 EAST.
2. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 12009C0775G, BREVARD COUNTY, FLORIDA, EFFECTIVE DATE OF MARCH 17, 2014, THE PROPERTY DESCRIBED HEREON LIES WITHIN ZONE "AE" (AREAS OF 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD) WITH BASE FLOOD ELEVATIONS DETERMINED).
3. UNDERGROUND FOUNDATIONS AND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY. ABOVE GROUND EVIDENCE OF UTILITIES WERE LOCATED AND ARE SHOWN HEREON.
4. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY (COMMITMENT NUMBER 40699), DATED DECEMBER 15, 2017.
5. NORTH-SOUTH AND EAST-WEST TIES TO FOUND MONUMENTATION AND IMPROVEMENTS ARE BASED ON CARDINAL DIRECTION.
6. WETLAND AREAS, IF EXISTING, WERE NOT ADDRESSED AS A PART OF THIS SURVEY.
7. THE ACCURACY OF THE SURVEY MEASUREMENTS USED FOR THIS SURVEY MEETS OR EXCEEDS THE EXPECTED USE OF THE PROPERTY DESCRIBED HEREON. (COMMERCIAL/HIGH RISK) 1 FOOT IN 10,000 FEET.
8. THERE ARE ZERO PARKING SPACES ON THE SUBJECT PARCEL.
9. SUBJECT PARCELS CONTAIN: ±572.77 ACRES  
ZONING: GU (COUNTY) – GENERAL USE  
(PER CITY OF PALM BAY PLANNING DEPARTMENT)  
  
SETBACKS:  
FRONT – 25 FEET  
REAR – 20 FEET  
SIDE – 15 FEET  
STREET SIDE ON CORNER LOT – 15 FEET  
MINIMUM LOT SIZE – 5 ACRES WITH A MINIMUM WIDTH OF 300 FEET AND A MINIMUM DEPTH OF 300 FEET  
MINIMUM FLOOR AREA – 750 SQUARE FEET OF LIVING AREA  
MAXIMUM HEIGHT OF STRUCTURES – 35 FEET  
(PER BREVARD COUNTY CODE OF ORDINANCES SECTION 62-1331)
10. SYMBOLS SHOWN ARE NOT TO SCALE.
11. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
12. THERE IS A GAP BETWEEN PARCEL 1 AND PARCEL 2. AS SHOWN ON SHEET 2, PID: 30-37-32-00-1 AND PID: 30-37-32-00-504 ARE IN BETWEEN SAID PARCEL 1 AND PARCEL 2.
13. INTERIOR FARM DIRT ROADS AND FENCES WERE NOT LOCATED AS A PART OF THIS SURVEY.
14. PARCEL 2 SHOWN HEREON WAS BEING USED AS AN ACTIVE SOD & HAY FARM AT THE TIME OF THIS SURVEY.
15. ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 88 AND WERE ESTABLISHED WITH MULTIPLE OBSERVATIONS FROM THE TRIMBLE VRS AND FDOT FPRN NETWORKS AS VERIFIED WITH NATIONAL GEODETIC SURVEY BENCHMARKS "BREVARD GPS 1053" AND "BREVARD GPS 5038".
16. AERIAL IMAGES, IF SHOWN, WERE CAPTURED IN 2015 AND WERE OBTAINED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION AERIAL PHOTO LOOK UP SYSTEM.

SURVEYOR'S CERTIFICATE:

TO ROBERT T. ROSEN, TRUSTEE OF THE CENTERLANE ROAD LAND TRUST DATED DECEMBER 15, 2017; NAIL RANCH, INC., A FLORIDA CORPORATION; CHICAGO TITLE INSURANCE COMPANY:


THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(b)(2), 7(c), 8, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 01/26/18.

DATE OF PLAT OR MAP: 02/20/18

I FURTHER CERTIFY THIS SURVEY MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE.

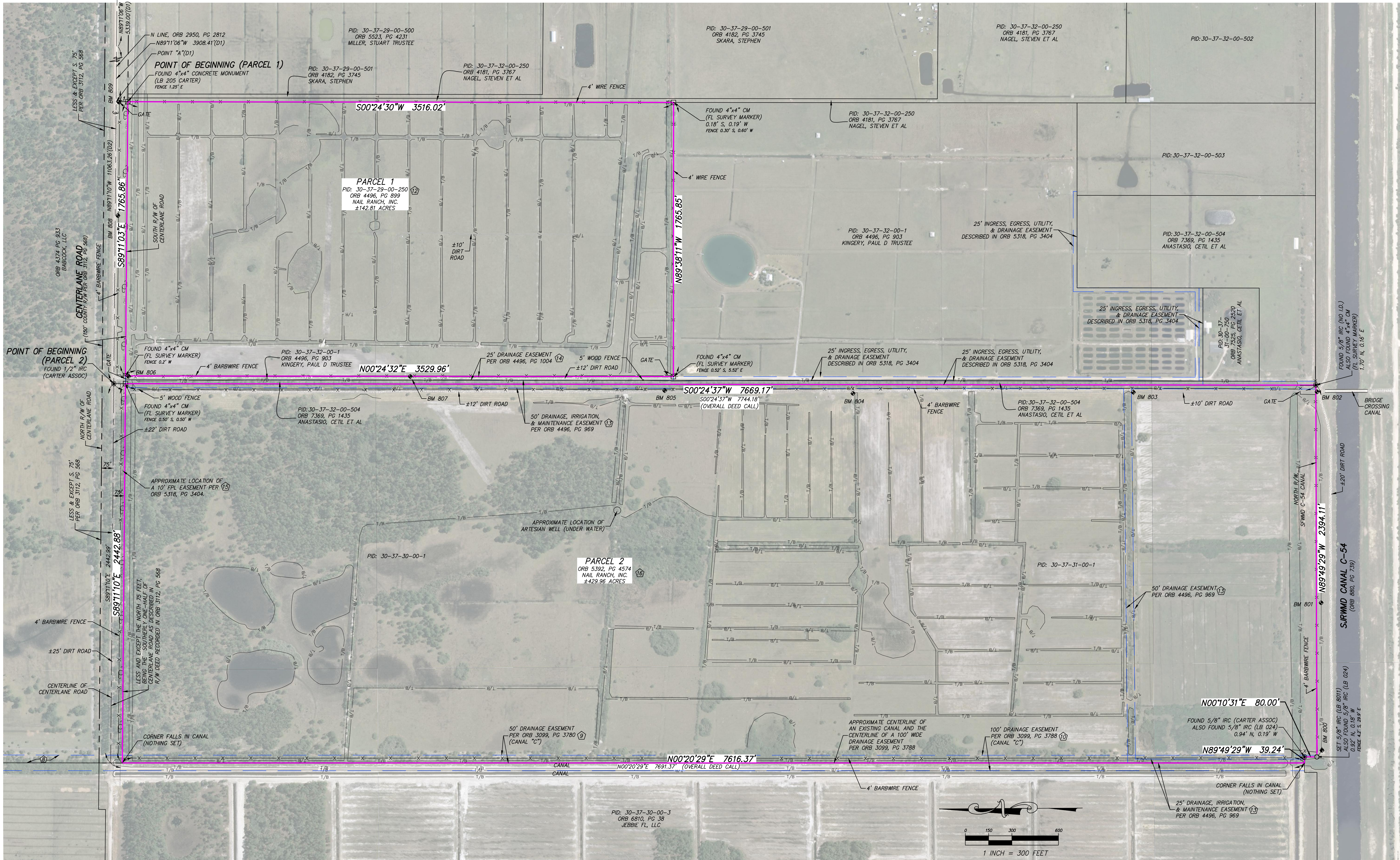
*William D. Donley* 02/20/18  
WILLIAM D. DONLEY DATE  
FLORIDA LICENSED SURVEYOR & MAPPER NO. LS 5381

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

R E V I S I O N S					 <b>Dewberry</b>  131 WEST KALEY STREET ORLANDO, FLORIDA 32806 PHONE: 321.354.9826 FAX: 407.648.9104 WWW.DEWBERRY.COM CERTIFICATE OF AUTHORIZATION NO. LB 8011	NAIL RANCH, INC. PROPERTIES				PLAT OF BOUNDARY SURVEY —FOR— CENTERLANE ROAD LAND TRUST				PROJECT NO. 50098157		1 OF 2
FB/PG	DATE	DRAWN	REVISION	CKD		BREVARD CO. #2 / 13-16		01/26/18		SCALE N/A						
						DRAWING DATE		BY		APPROVED						
						02/20/18		TAT		WDD						



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°24'30"W	75.00'



<i>R E V I S I O N S</i>				
<i>F B / P G</i>	<i>D A T E</i>	<i>D R A W N</i>	<i>R E V I S I O N</i>	<i>C K D</i>



LOCATED IN SECTIONS 29, 30, 31, & 32  
TOWNSHIP 30 SOUTH, RANGE 37 EAST  
BREVARD COUNTY, FLORIDA

FB/PG		FIELD DATE		PROJECT NO. 50098157	<div style="text-align: center; vertical-align: middle;"> <div>2</div> <div>OF</div> <div>2</div> </div>
BREVARD CO. #2 / 13-16		01/26/18			
DRAWING DATE	BY	APPROVED		SCALE 1"=300'	
02/20/18	TAT	WDD			





**LAND DEVELOPMENT DIVISION**

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

Landdevelopment@palmbayflorida.org

**REZONING APPLICATION**

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

**PARCEL ID** 30-37-29-00-250; 30-37-30-00-1; 30-37-31-00-1; 30-37-30-00-3

**TAX ACCOUNT NUMBER** 3010292, 3001197, 3001202 & 3001199

**LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:**

See attached

**PROPERTY ADDRESS** Centerlane Road

**SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):** +/- 3,266.49 acres

**ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.)** County GU

**ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.)** City GU

**STRUCTURES LOCATED ON THE PROPERTY** None

**PRESENT USE OF THE PROPERTY:**

Agricultural

**INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:**

Proposed solar energy center

**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:**

- ☒ \*\$650.00 Application Fee. Make Check payable to "City of Palm Bay."
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ School Board of Brevard County [School Impact Analysis Application](#) (if applicable).
- ☒ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guideline.
- ☒ **Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.**

**Name of Representative** Jake Wise, PE- Construction Engineering Group, LLC

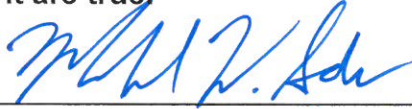
I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.



CITY OF PALM BAY, FLORIDA  
REZONING APPLICATION  
PAGE 3 OF 3

Under penalties of perjury, I declare that I have read the foregoing rezoning application and that the facts stated in it are true.

Owner Signature



Date

5/13/2021

Printed Name

Florida Power & Light Company

Full Address

700 Universal Blvd; Juno Beach, FL 33408

Telephone

561.691.7001

Email

Michael.Sole@FPL.com

\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

May 13

, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-29-00-250

30-37-30-00-1; 30-37-31-00-1; 30-37-30-00-3 See attached legal description

I, Owner Name: Michael Sole and authorized officer to sign on behalf of Florida Power & Light Company

Address: 700 Universe Blvd; Juno Beach, FL 33408

Telephone: 561-371-6048

Email: michael.sole@fpl.com

hereby authorize:

Representative: Jake Wise, PE- Construction Engineering Group, LLC

Address: 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

CPA, Rezoning and any/ all associated applications for this project

*Michael W. Sole*

(Property Owner Signature)

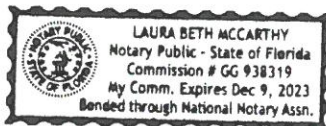
STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13<sup>th</sup> day of May, 20 21 by

Michael W. Sole

, property owner.



*Laura Beth McCarthy*

Laura Beth McCarthy, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Senior Planner

**DATE:** November 3, 2021

**SUBJECT:** CP-11-2021 - CONTINUED TO 12/01 P&Z - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Industrial Use to Bayfront Mixed Use. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE

The applicant for Case CP-11-2021 (Andrew Steel, NSD Palm Bay IV, LLC - Ana Saunders, P.E. and Miguel Reynaldos, Reps.) is requesting a continuance to the December 1, 2021 Planning and Zoning Board Meeting to meet Public Notification requirements. City Council will hear the request on December 16, 2021.

Board action is not required to continue the case.

**ATTACHMENTS:**  
**Description**



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Senior Planner

**DATE:** November 3, 2021

**SUBJECT:** \*\*CPZ-11-2021 - CONTINUED TO 12/01 P&Z - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A zoning amendment from an LI, Light Industrial and Warehousing District to a BMU, Bayfront Mixed Use District. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE

The applicant for Case CPZ-11-2021 (Andrew Steel, NSD Palm Bay IV, LLC - Ana Saunders, P.E. and Miguel Reynaldos, Reps.) is requesting a continuance to the December 1, 2021 Planning and Zoning Board Meeting to meet Public Notification requirements. City Council will hear the request on December 16, 2021.

Board action is not required to continue the case.

\*\*Quasi-Judicial Proceeding.

**ATTACHMENTS:**  
**Description**





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Senior Planner

**DATE:** November 3, 2021

**SUBJECT:** CP-14-2021 - Palm Vista at Everlands Phase II - Greg Pettibon, Lennar Homes, LLC (Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use and Single-Family Residential Use. Part of Tax Parcel 1 and Tax Parcel 252, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 26.67 acres. In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW

### ATTACHMENTS:

#### Description

- ▣ Case CP-14-2021 - Staff Report
- ▣ Case CP-14-2021 - Application
- ▣ Case CP-14-2021 - Legal-Sketch - North Parcel
- ▣ Case CP-14-2021 - Legal-Sketch - South Parcel



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Christopher Balter, Senior Planner

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#### CASE NUMBER

CP-14-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 3, 2021

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#### PROPERTY OWNER & APPLICANT

Heritage Pkwy East Holdings, LLC AKA  
Lennar Homes, LLC  
(Represented by BSE Consultants, Inc.)

#### PROPERTY LOCATION/ADDRESS

Part of Tax Parcel 1 and Tax Parcel 252, Section 21,  
Township 28, Range 36, Brevard County, Florida

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#### SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map Amendment to change 26.67 acres of vacant land from ROS, Recreation and Open Space Use and SFR, Single Family Residential Use to MFR, Multiple-Family Residential Use and SFR, Single Family Use for Lennar Homes to develop the property with a mixed unit development.

#### Existing Zoning

AU, Agricultural Use (County Zoning)

#### Existing Land Use

Single-Family Residential Use and Recreation and Open Space Use

#### Site Improvements

Undeveloped Land

#### Site Acreage

26.67 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

AEU, Agricultural Estate Use (Melbourne); Undeveloped Land

##### East

Melbourne-Tillman Canal Number 59

##### South

Emerson Drive NW

##### West

St. Johns Heritage Parkway NW

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**BACKGROUND:**

The subject property is located east of St. Johns Heritage Parkway NW and north of Emerson Drive NW. Specifically a portion of Tax 1 and Tax Parcel 252, Section 21, Township 28, Range 36, of Brevard County Florida. This Comprehensive Plan Future Land Use (FLU) Map request includes approximately 26.67 acres of land.

In 2003 and 2004 the subject property was annexed into the City via 2004-37 totaling 584.65 acres. The Future Land Use Map was amended to include the "Palm Vista" property through Ordinances 2004-54. In addition, two small-scale amendments were adopted through Ordinances 2006-33 and 2006-34 modifying the approval occurring through Ordinance 2004-54 by adding commercial parcels. The ordinances established land use categories on the property for Single Family Residential Use, Commercial Use, Multiple Family Residential Use, and Recreation and Open Space Use. In 2016 site-specific conditions were amended to allow for a maximum of 4,000 residential units which stated that they could be placed on the lands of "Palm Vista." In 2019, FD-28-2019 was approved for a 162-lot subdivision called Palm Vista Everlands, which is currently under construction. The total entitlements encumbered out of 4000 units are as follows: 162 units for Palm Vista Everlands.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations; Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

The Comprehensive Plan (Plan) FLU Element Goal FLU-2 is to provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-8 is to provide for a diverse and self-sustaining pattern of land uses that supports the present and future population of the City of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-9 is to create large-scale, sustainable mixed-use communities.

The Multiple Family Residential (MFR) Use future land use category allows for a maximum residential density of 20 units per acre (UPA), with a range of 0-20 UPA. Typical uses allowed

include single-family homes, duplexes, multi-family units, congregate living units, recreational uses, and institutional uses such as schools, churches, and utilities.

A companion rezoning request (PD-49-2021) has been applied for and the applicant is requesting the PUD zoning district be applied to the parcel. The provisions of the Preliminary Development Plan submitted will only permit a maximum overall of 4.02 UPA. This would result in no more than 638 units.

## 2. COASTAL MANAGEMENT ELEMENT

The subject property is not located within the Coastal Management Area.

## 3. CONSERVATION ELEMENT

The subject property is not located within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP). No other protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

**Recreation:** The proposed FLU amendment would increase the demand for recreation services as compared to the existing land use. However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area. It shall be noted that the Recreation and Open Space Element of the City's Comprehensive Plan sets a LOS Standard of 2 acres per 1,000 residents. The city maintains public ownership of park-designated lands that far exceed this requirement.

## 4. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the City. Instead, it will serve to create additional multi-family housing opportunities needed in Palm Bay.

## 5. INFRASTRUCTURE ELEMENT

The City evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure to support development.

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water and sewerage facilities are available at the site. If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.



**Drainage:** If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the City during the administrative construction plan review process.

## 6. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment to Multiple-Family Use will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

## 7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. If developed, a traffic impact analysis will be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the administrative construction plan review process.

## 8. PROPERTY RIGHTS ELEMENT

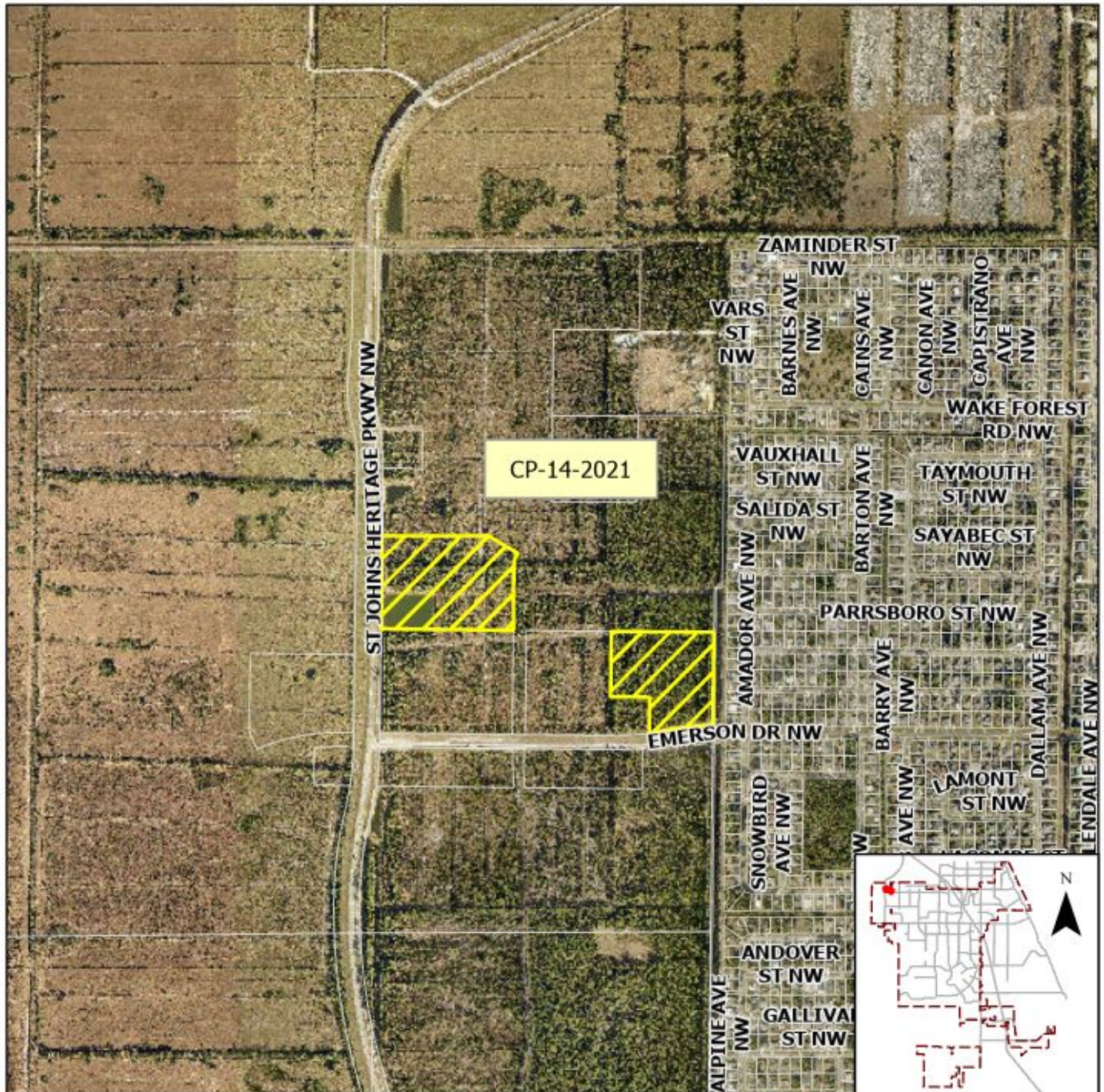
The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

This proposed land use change does not appear to infringe upon the property rights of the applicant.

## STAFF RECOMMENDATION:

Case CP-14-2021 is recommended for approval.

*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



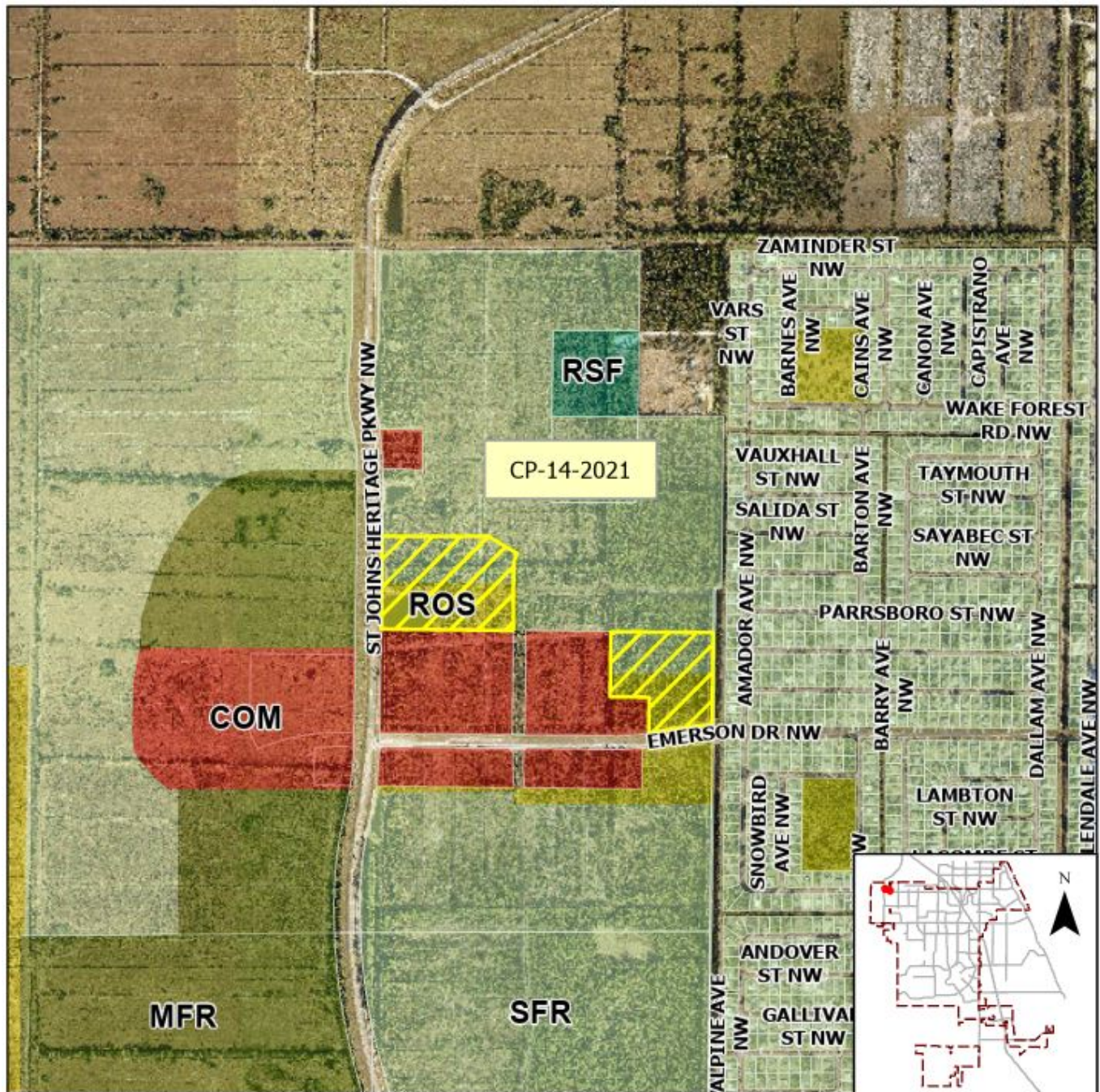
## AERIAL LOCATION MAP CASE: CP-14-2021

### Subject Property

In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP

**CASE: CP-14-2021**

### Subject Property

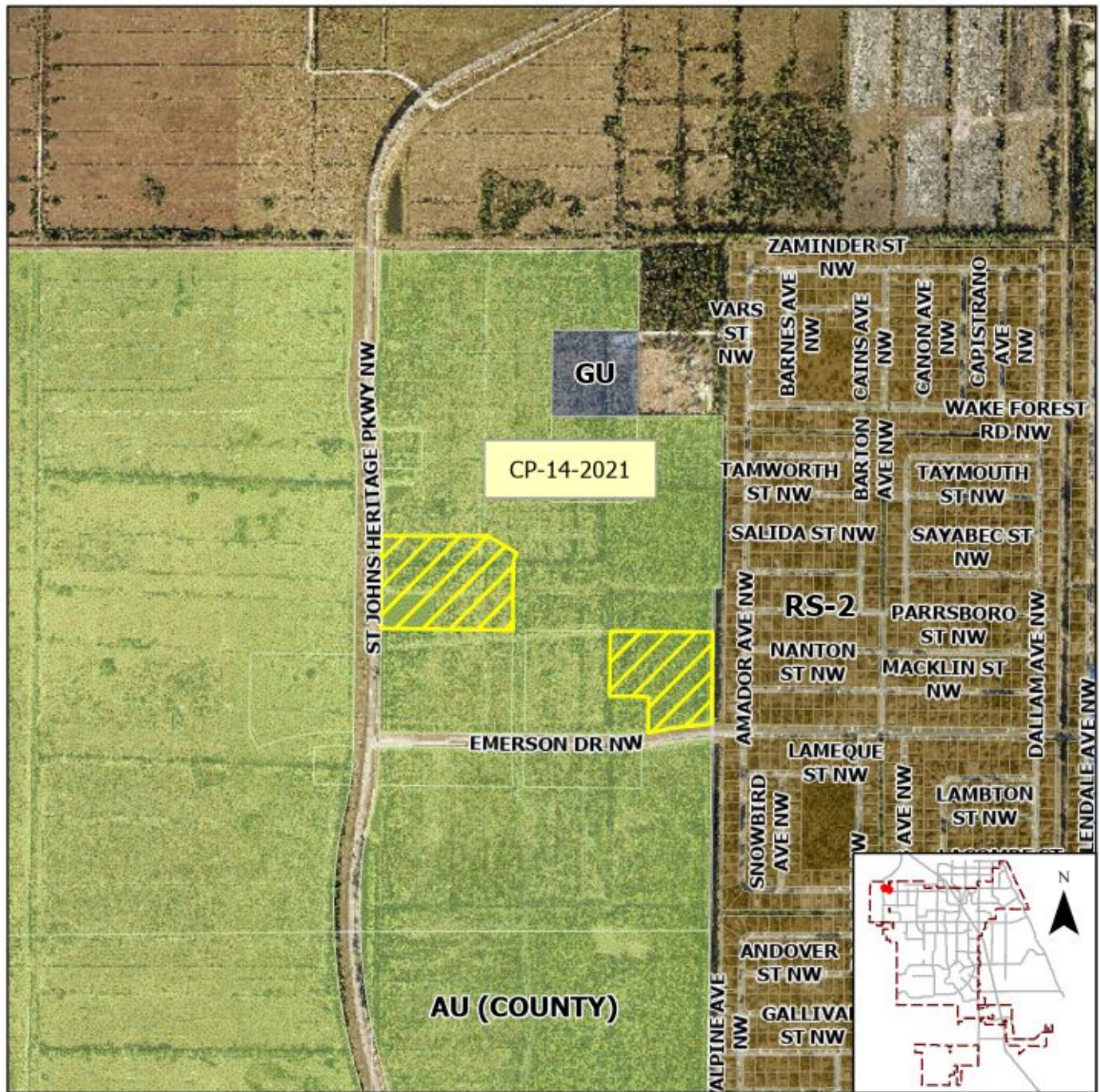
In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW

### Future Land Use Classification

ROS, SFR – Residential Open Space Use, Single Family Residential Use



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP

## CASE: CP-14-2021

### Subject Property

In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW

### Current Zoning Classification

AU (COUNTY) – Agricultural Residential (COUNTY)





## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

## COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting.** The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

### APPLICATION AMENDMENT TYPE:

**Small Scale** (Less than 10 acres)

**Text Amendment** (Comp. Plan)

**Large Scale** (10 acres or more)

### PARCEL ID(S):

### TAX ACCOUNT NUMBER(S):

**LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):**

**SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):**

**CITY OF PALM BAY, FLORIDA**  
**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION**  
**PAGE 2 OF 3**

**LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):**

**LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):**

**PRESENT USE OF PROPERTY:**

**STRUCTURES LOCATED ON THE PROPERTY:**

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:**

**JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):**

**SPECIFIC USE INTENDED FOR PROPERTY:**

**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:**

\*Application Fee. Make Check payable to “City of Palm Bay.”

**\$1,200.00 - Small Scale** (Less than 10 acres)

**\$2,000.00 - Large Scale** (10 acres or more)

**\$2,000.00 - Text Amendment** (Comp. Plan)



CITY OF PALM BAY, FLORIDA  
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION  
PAGE 3 OF 3

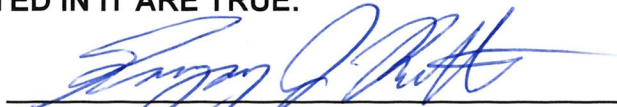
- ☒ Boundary Survey for land use amendments.
- ☒ Sketch with legal descriptions of properties covered by this application for land use amendments.
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☒ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guideline. Staff will provide a sign template.
- ☒ Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.

**Name of Representative** Scott M. Glaubitz, P.E., P.L.S.,(or assigned BSE representative)

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

**Owner Signature**



**Date**

6-25-21

**Printed Name**

Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

**Full Address**

8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

**Telephone**

561-345-6704

**Email**

Greg.Pettibon@Lennar.com

**\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

June 25, 2021

Re: Letter of Authorization

**As the property owner of the site legally described as:**

Refer to attached legal description.

I, Owner Name: Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Address: 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone: 561-345-6704

Email: Greg.Pettibon@Lennar.com

**hereby authorize:** Scott M. Glaubitz, P.E., P.L.S., President (or assigned BSE Representative), B.S.E. Consultants, Inc.

Address: 312 South Harbor City Blvd., Suite 4 Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

**to represent the request(s) for:**

NE Quadrant of Everlands

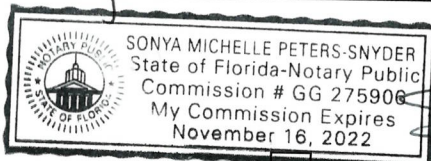
  
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25<sup>th</sup> day of June, 2021 by

Greg Pettibon, property owner.



☒ Personally Known or ☐ Produced the Following Type of Identification:

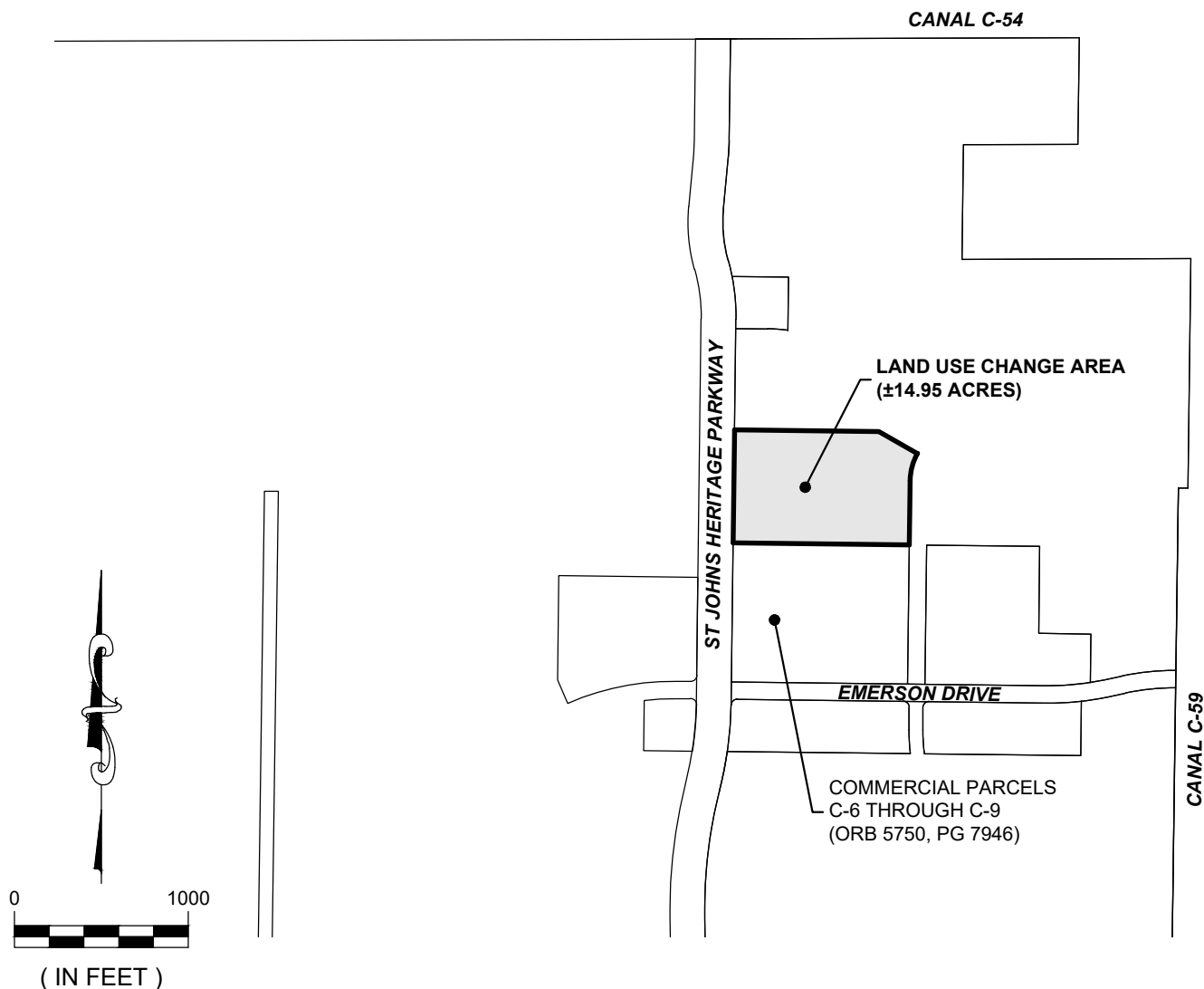
 Notary Public



## LAND USE CHANGE AREA

PART OF THOSE LANDS LYING NORTH OF EMERSON DRIVE, EAST OF ST JOHNS HERITAGE PARKWAY, SOUTH OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-54, AND WEST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, LYING AND BEING IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF COMMERCIAL PARCELS C-6 THROUGH C-9, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN N89°19'54"W, ALONG THE NORTH LINE OF SAID COMMERCIAL PARCELS C-6 THROUGH C-9 A DISTANCE OF 1013.64 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID ST JOHNS HERITAGE PARKWAY (A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE N00°43'0"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 650.10 FEET; THENCE S89°17'00"E A DISTANCE OF 829.96; THENCE S60°25'16"E A DISTANCE OF 255.47 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 325.00 FEET, A CENTRAL ANGLE OF 28°54'38", A CHORD LENGTH OF 162.25 FEET AND A CHORD BEARING OF S15°07'25"W), A DISTANCE OF 163.99 FEET TO THE END OF SAID CURVE; THENCE S00°40'06"W A DISTANCE OF 368.77 FEET TO THE POINT OF BEGINNING. CONTAINING 14.95 ACRES, MORE OR LESS.



LESLIE E. HOWARD  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 5611



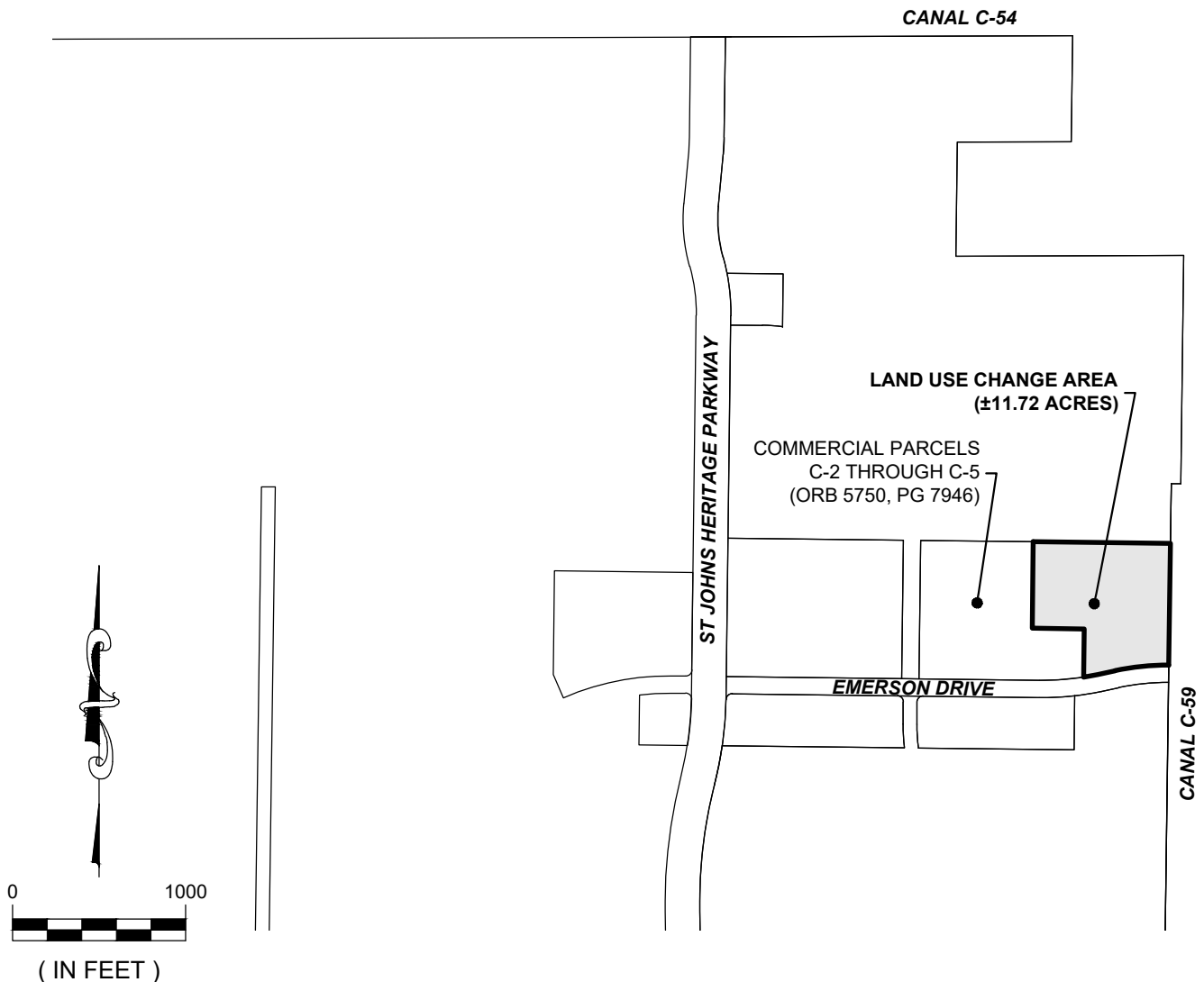
**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  
PHONE: (321) 725-3674 FAX: (321) 723-1159  
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 06/01/2021  
DESIGN/DRAWN: ALS/DRB  
DRAWING# 10860700\_100\_002  
PROJECT# 10860.700  
SHEET 1 OF 1

## LAND USE CHANGE AREA

PART OF THOSE LANDS LYING NORTH OF EMERSON DRIVE, EAST OF ST JOHNS HERITAGE PARKWAY, SOUTH OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-54, AND WEST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, LYING AND BEING IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID EMERSON DRIVE, (A 100.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), AND RUN WESTERLY ALONG THE CURVED NORTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1490.00 FEET, A CENTRAL ANGLE OF 12°01'04", A CHORD LENGTH OF 311.95 FEET AND A CHORD BEARING OF S84°06'13"W), A DISTANCE OF 312.53 FEET TO THE END OF SAID CURVE; THENCE S78°05'41"W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 102.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1550.00 FEET, A CENTRAL ANGLE OF 03°03'55", A CHORD LENGTH OF 82.91 FEET AND A CHORD BEARING OF S79°37'38"W), A DISTANCE OF 82.92 FEET TO THE SOUTHEAST CORNER OF COMMERCIAL PARCELS C-2 THROUGH C-5, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID COMMERCIAL PARCELS C-2 THROUGH C-5 THE FOLLOWING (3) THREE COURSES AND DISTANCES; 1) N00°40'06"W A DISTANCE OF 278.70 FEET; 2) N89°19'54"W A DISTANCE OF 300.00 FEET; 3) N00°40'06"W A DISTANCE OF 500.00 FEET TO THE NORTHEAST CORNER OF SAID COMMERCIAL PARCELS C-2 THROUGH C-5; THENCE S89°19'54"E A DISTANCE OF 792.85 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59; THENCE S00°45'20"W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 704.75 FEET TO THE POINT OF BEGINNING. CONTAINING 11.72 ACRES, MORE OR LESS.



LESLIE E. HOWARD  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 5611



**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  
PHONE: (321) 725-3674 FAX: (321) 723-1159  
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 06/01/2021  
DESIGN/DRAWN: ALS/DRB  
DRAWING# 10860700\_100\_001  
PROJECT# 10860.700  
SHEET 1 OF 1





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Senior Planner

**DATE:** November 3, 2021

**SUBJECT:** \*\*PD-49-2021 - Palm Vista at Everlands Phase II - Greg Pettibon, Lennar Homes, LLC (Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - Preliminary Development Plan for a PUD to allow a 638-unit residential development called Palm Vista at Everlands Phase II. Part of Tax Parcel 1 and all of Tax Parcel 252, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 158.69 acres. East of and adjacent to St. Johns Heritage Parkway NW, and north of Emerson Drive NW

♣Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▢ Case PD-49-2021 - Staff Report
- ▢ Case PD-49-2021 - Preliminary Development Plan
- ▢ Case PD-49-2021 - Application
- ▢ Case PD-49-2021 - Location Map
- ▢ Case PD-49-2021 - Boundary Survey
- ▢ Case PD-49-2021 - Narrative
- ▢ Case PD-49-2021 - Traffic Statement



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Christopher Balter, Senior Planner

---

#### CASE NUMBER

PD-49-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 3, 2021

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#### PROPERTY OWNER & APPLICANT

Heritage Pkwy East Holdings, LLC AKA  
Lennar Homes, LLC (Represented by BSE  
Consultants, Inc)

#### PROPERTY LOCATION/ADDRESS

Part of Tax Parcel 1 and Tax Parcel 252, Section 21,  
Township 28, Range 36, Brevard County, Florida

---

#### SUMMARY OF REQUEST

Preliminary Development Plan approval for a 638-unit residential subdivision to be known as Palm Vista at Everlands PUD Phase II.

##### Existing Zoning

AU, Agricultural Residential (County Zoning)

##### Existing Land Use

Single-Family Residential and Recreation and Open Space Use

##### Site Improvements

Undeveloped Land

##### Site Acreage

158.69 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

AEU, Agricultural Estate Use (Melbourne); Undeveloped Land

##### East

Melbourne-Tillman Canal Number 59

##### South

Emerson Drive NW

##### West

St. Johns Heritage Parkway NW

---

#### COMPREHENSIVE PLAN COMPATIBILITY

Future land use designations of the subject parcels are proposed as a mix of Single-Family Residential Use and Multiple Family Residential Use. A mixed unit development is compliant with Comprehensive Plan goals and policies. The proposed density is 4.02 units per acre, which is below the maximum density defined in the Comprehensive Plan for Single-Family Residential Use up to (5 units per acre and Multiple Family Residential 20 units per acres.)

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**BACKGROUND:**

The subject properties are located east of St. Johns Heritage Parkway NW and north of Emerson Drive NW. Specifically a portion of Tax 1 and Tax Parcel 252, Section 21, Township 28, Range 36, of Brevard County Florida. This Preliminary Planned Unit Development request includes approximately 158.69 acres of land.

**ANALYSIS:**

The applicant is requesting Preliminary Development Plan (PDP) approval for a Planned Unit Development (PUD), to construct a single-family residential subdivision called Palm Vista at Everlands Phase II. The planned unit development is a concept that encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification found in the City's Zoning Code.

Specifically, the PDP proposes 398 single-family residential homes, and 240 multiple-family units, all age-restricted. It is proposed that the development will be constructed in multiple phases. Per the PDP, the lot sizes for the single-family residential parcels will vary from 40', to 50' wide. The development will consist of two entrances; each along the St. John Heritage Parkway NW and Emerson Drive NW. The development will include an active amenity center, passive recreation areas, and stormwater management ponds.

**CONDITIONS:**

In order to receive Preliminary Planned Unit Development approval, the proposal must meet the requirements of Section 185.066 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being submitted with a Final PUD application:

- A preliminary subdivision plat and a boundary & title opinion.
- Deed restrictions establishing development standards.
- The amenities will need to be shown on the Final Development Plan.
- A School Capacity Determination Letter from Brevard County Schools.
- This project will be required to pay its Proportionate Fair Share costs to off-set the impacts of this development on the surrounding road network.
- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the FDP and construction drawings.

**STAFF RECOMMENDATION:**

Case PD-49-2021 is recommended for approval, subject to the staff comments contained in this report.



## **TECHNICAL COMMENTS**

### **CASE PD-49-2021 – PALM VISTA AT EVERLANDS PHASE II PUD**

#### **PUBILC WORKS (Natalie Shaber, PE, Engineer II):**

##### Engineering Comments:

1. CH 174 City Code of Ordinances and Ch 62-330 F.A.C. design and performance criteria shall be met.
2. PW Staff reserves to the right to make specific comments that may impact the conceptual layout of the project during the administrative site plan approval process.
3. All City Code of Ordinances regarding right-of-way construction shall be met.
4. The subdivision, and all facilities and and amenities shall be private unless the request process per Chapter 182 of the City's Code of Ordinances is followed.
5. A stormwater review fee is required by the second site plan review.
6. On site engineering inspection fees would be required in the amount of 1.5% of the total cost of on site public improvements.
7. Off site engineering inspection fees would be required in the amount of 0.5% of the total cost of on site public improvements.
8. A signed and sealed engineer's opinion of cost for on site and a separate for off site improvements would be required for review and acceptance when the site plan is at 90% completion.
9. More detail would be required on the western entrance from the Parkway as it currently does not appear to meet City geometric standards.

##### Traffic Comments:

- A comprehensive Traffic Impact Study will be required including all surrounding development in construction including the development to the north at the 1-92 and the Parkway intersection.
- A traffic signal warrant study and turn lanes would be required on the SJHP and Emerson Dr.

##### Survey Comments:

A detailed and current boundary and topographic survey and preliminary plat will be required prior to approval of the site plan.

**UTILITIES (Christopher Little, PE, Utilities Director):**

The Utilities Department has no objection to the proposed 649 single family residential and 230 multi family residential units PUD.

Upon development of the site, the following shall apply for connection to the City's water and sewer utilities system:

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water & sewer system. [Section 200.11(D)(1) - On-Site Facilities].
2. The applicant/owner may be required to extend and/or loop service from the existing water and sewer connection points [Section 200.11(D)(2) -Off-Site Facilities].
3. The applicant/owner will be responsible for the property's hydraulic share for the utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [Section 200.1(D) and (E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the City's current pipe sizing requirements.
4. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
5. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Department Policies, Procedures and Standards Handbook and the Standard Detail Drawings. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copied of the Permits filled with the Utilities Department.

**BUILDING-FIRE (Michael Bloom, CFPS, Fire Plans Examiner):**

1. Subdivisions shall meet all requirements of the currently adopted Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC) Florida State Statute (FSS) and City of Palm Bay Ordinances (COPBO).
2. (FFPC 1:18.4.5.1.1) The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire flow area that does not exceed 5000 ft<sup>2</sup>(464.5 m<sup>2</sup>) shall be 1000 gpm (3785 L/min) for 1 hour.
3. (FFPC 1-18.4.5.2.1) Fire flow and flow duration for one- and two-family dwellings having a fire flow area in excess of 5000 ft.<sup>2</sup> (334.5 m<sup>2</sup>) shall not be less than that specified in Table 18-4.5.1.2.



4. Townhouses shall meet all requirements of (FSS 481.203(16)) or they shall be protected by a fire sprinkler system per FFPC and COPBO.
5. (FFPC 1-18.2.2.2) The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system. All motorized gates shall include a Click to Enter System or a Siren Operated Switch and Knox Key Switch backup. All manual gates shall have a Knox Padlock. Order Knox products at [knoxbox.com](http://knoxbox.com). Indicate the gates shall have a minimum clear width of 14 feet.

**BUILDING-FLOODZONE (James Williams, CFM, Floodplain Coordinator):**

The City will require an approved FEMA Conditional Letter of Map Revision and then an approved Letter of Map Revision (FEMA CLOMR/LOMR) for this project.

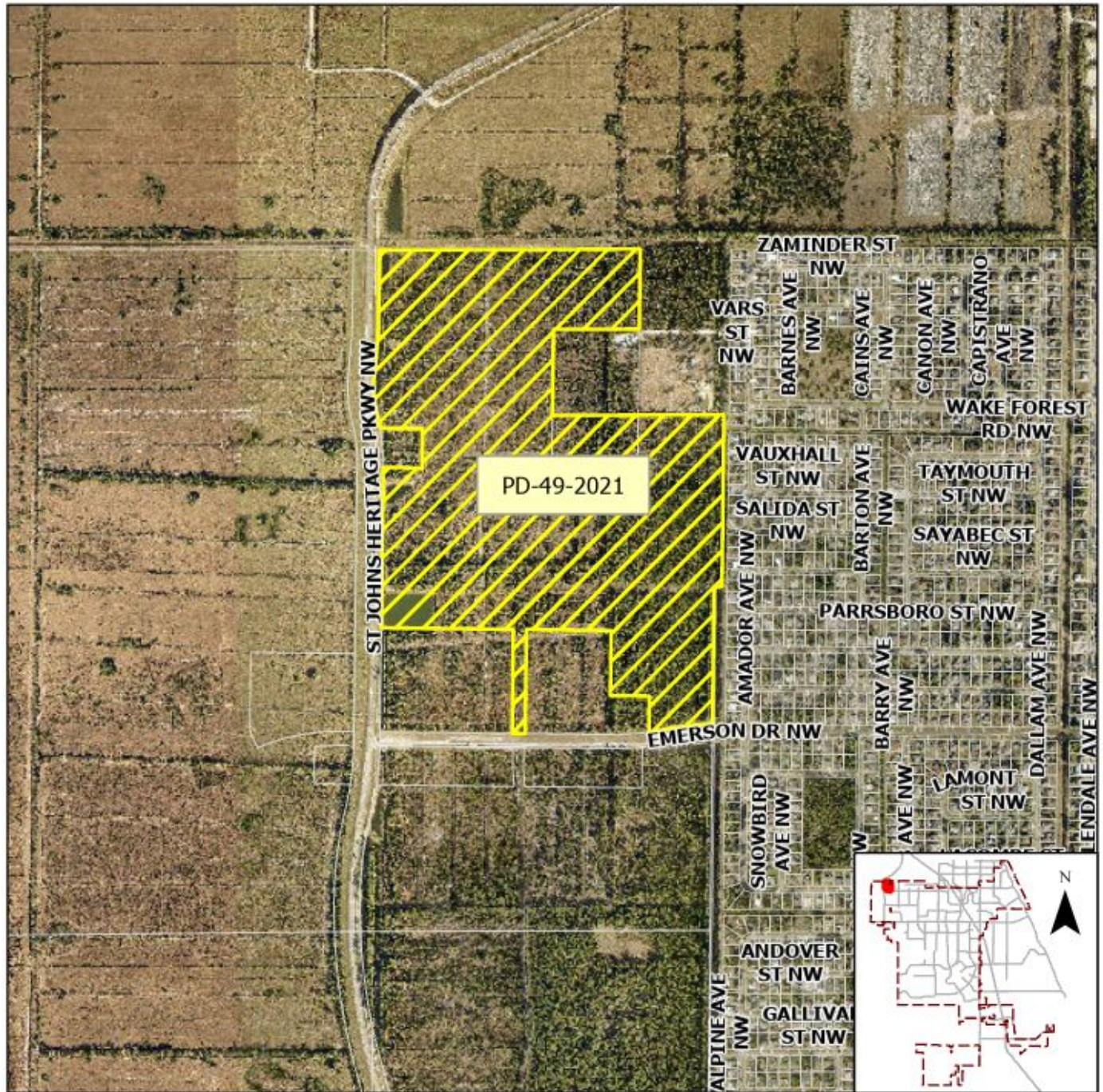
These policies are outlined specifically in Ord. 174.005 (C) (2) “require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source” and also 174.005 (C)( 4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

The CLOMR / LOMR process is a two step process. The plans (CLOMR) are submitted to get FEMA’s approval, when the project is complete you submit the as-built information in the LOMR application to remove the project from the Special Flood Hazard Area.

An approved CLOMR does not exempt structures from the regular floodplain permitting process. Until an approved Letter of Map Revision (LOMR) from FEMA is on file, all new structures will be required to get a floodplain permit.

An approved LOMR exempts a potential buyer from the requirement to carry flood insurance to get a federally insured mortgage and qualifies the buyer to purchase a Preferred Risk Flood Insurance Policy if they choose.

*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



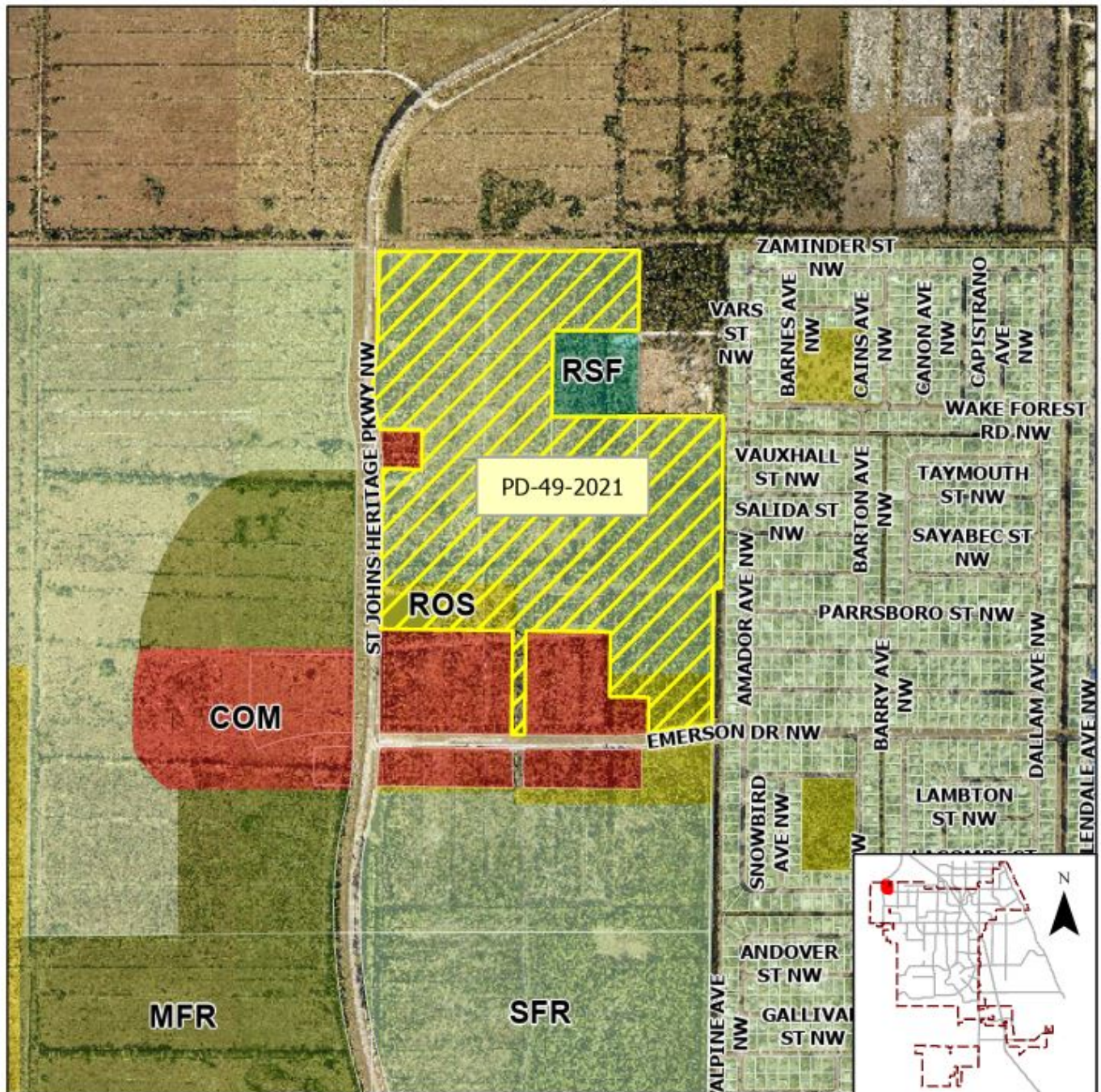
## **AERIAL LOCATION MAP      CASE: PD-49-2021**

### **Subject Property**

East of and adjacent to St. Johns Heritage Parkway NW, and north of Emerson Drive NW



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP

**CASE: PD-49-2021**

### Subject Property

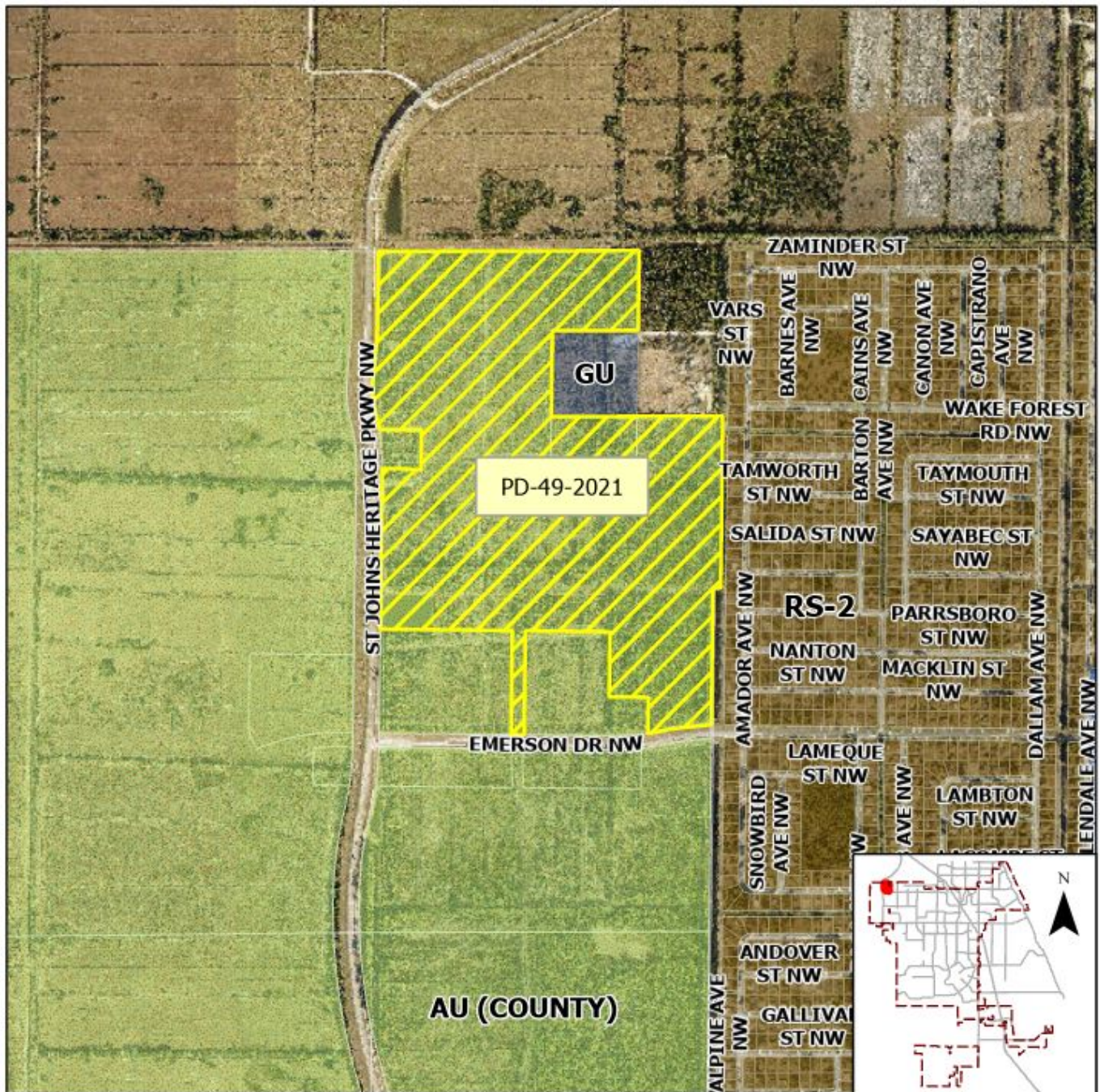
East of and adjacent to St. Johns Heritage Parkway NW, and north of Emerson Drive NW

### Future Land Use Classification

ROS, SFR – Residential Open Space Use, Single Family Residential Use



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP

## CASE: PD-49-2021

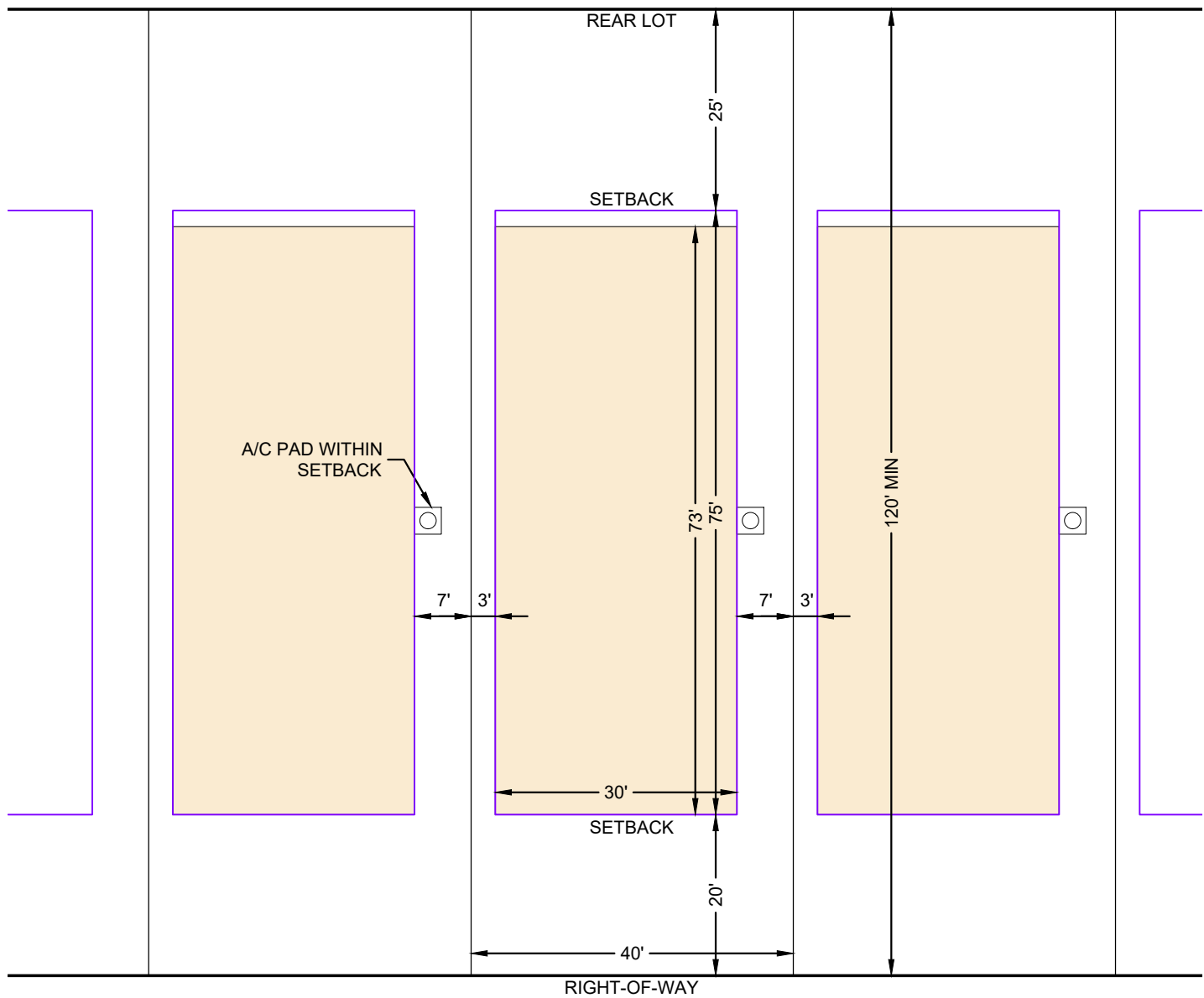
### Subject Property

East of and adjacent to St. Johns Heritage Parkway NW, and north of Emerson Drive NW

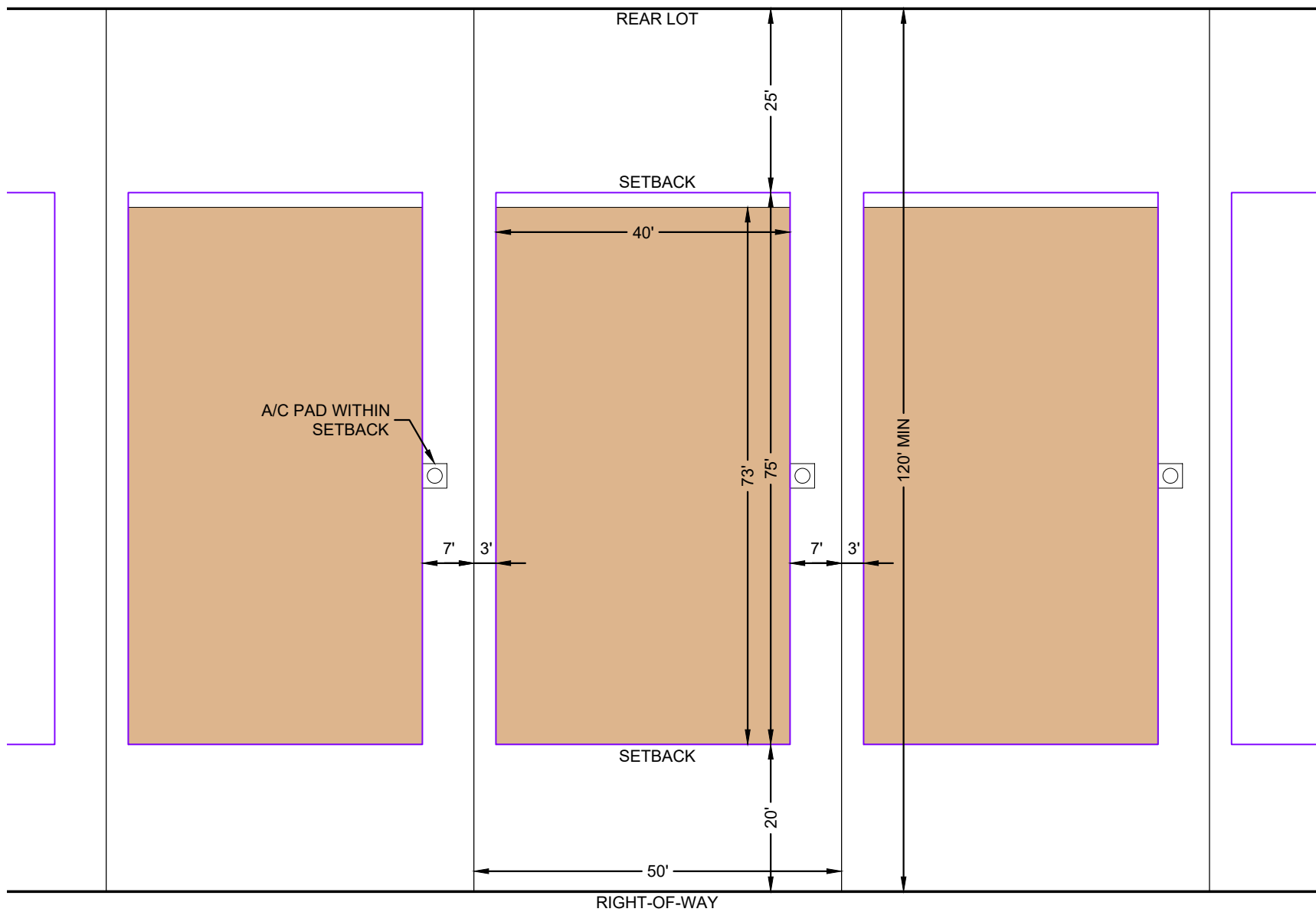
### Current Zoning Classification

AU (COUNTY) – Agricultural Residential (COUNTY)

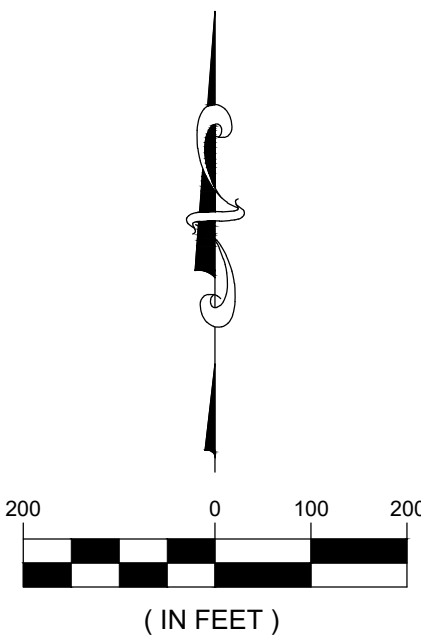
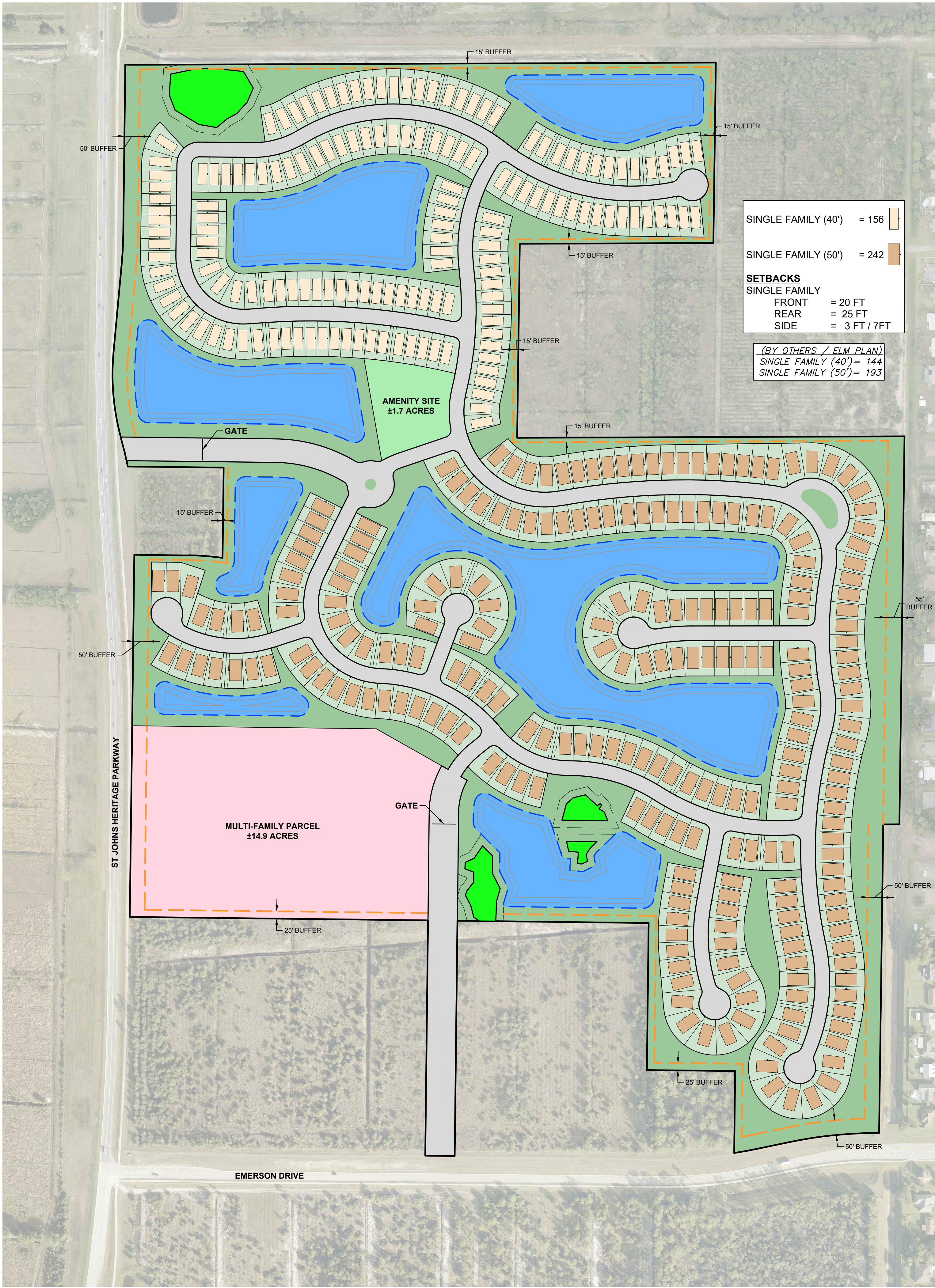




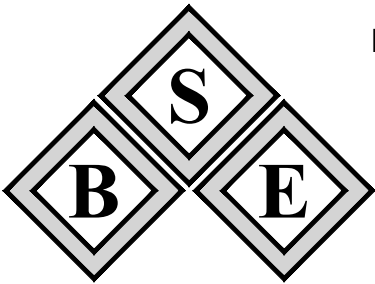
SINGLE FAMILY 40' WIDE LOT DETAIL



SINGLE FAMILY 50' WIDE LOT DETAIL



DESIGN/DRAWN: SMG/DRB	DATE: 03/31/21
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B.S.E. CONSULTANTS, INC.  
CONSULTING - ENGINEERING -  
LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
MELBOURNE, FLORIDA 32901  
PHONE: (321) 725-3074 FAX: (321) 723-1159  
CERTIFICATE OF PROFESSIONAL ENGINEERS  
BUSINESS AUTHORIZATION: 4992  
CERTIFICATE OF LAND SURVEYING  
BUSINESS AUTHORIZATION: LB0004905

PALM VISTA (NORTHEAST)

CONCEPT PLAN

SCOTT M. GLAUBITZ, P.E. & P.L.S.  
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.  
STATE OF FLORIDA, No. 41951

PROJECT NO.

10860.700

DRAWING NO.

10860700\_200\_002

SHEET

1 of 1

SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE, ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.





Land Development Division  
120 Malabar Road SE  
Palm Bay, FL 32907  
321-733-3042  
Landdevelopmentweb@palmbayflorida.org

## PRELIMINARY DEVELOPMENT PLAN APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, Monday through Friday, during division office hours, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

### APPLICATION TYPE:

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> <b>PUD</b><br>Planned Unit Development<br>( <a href="#">Section 185.060</a> ) | <input type="checkbox"/> <b>PMU</b><br>Parkway Mixed Use District<br>(Preliminary Design Plan)<br>( <a href="#">Section 185.057</a> ) | <input type="checkbox"/> <b>PCRD</b><br>Planned Community<br>Redevelopment District<br>( <a href="#">Section 185.055</a> ) | <input type="checkbox"/> <b>RAC</b><br>Regional Activity Center District<br>(Preliminary Concept Plan)<br>( <a href="#">Section 185.056</a> ) |
|--|---|--|---|

PROPOSED DEVELOPMENT NAME \_\_\_\_\_

PARCEL ID \_\_\_\_\_

TAX ACCOUNT NO. \_\_\_\_\_

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): \_\_\_\_\_

TOTAL LOTS PROPOSED (list by use): \_\_\_\_\_

DEVELOPER \_\_\_\_\_

Full Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

ENGINEER \_\_\_\_\_

Full Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

SURVEYOR \_\_\_\_\_

Full Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_



**PRELIMINARY PLAN CRITERIA FOR SUBMITTAL:**

**TWO (2) COPIES OF THE FOLLOWING EXHIBITS SHALL BE ATTACHED TO THE PRELIMINARY APPLICATION. THE EXHIBITS SHALL ALSO BE PROVIDED ON MEMORY DRIVE.**

- A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.
- B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:
  - 1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).
  - 2) Proposed name or title of project, the name of the engineer, architect, and developer.
  - 3) North arrow, scale (1 inch = 200 feet or larger), date and legal description of the proposed site.
  - 4) Boundaries of tract shown with bearings, distances, closures, and bulkhead liner. All existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.
  - 5) Proposed parks, school sites, or other public or private open space.
  - 6) Off-street parking, loading areas, driveways and access points.
  - 7) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary non-residential uses, and the total number of dwelling units, the maximum height of all structures, the minimum setbacks of all structures (and parking areas) and the total area of pervious and impervious surfaces.
  - 8) Delineation of phased development, if applicable.
  - 9) Proposed means of drainage for the site.
- C) A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network.
- D) Schematic drawing of the elevation and architectural construction of the proposed primary and secondary nonresidential structures.
- E) A Traffic Study meeting generally accepted engineering practices examining the impact of the proposed development on the surrounding roadway network. (If applicable)
- F) Narrative describing in detail how the proposed Preliminary Development Plan meets the requirements of the Land Development Code and the Palm Bay Comprehensive Plan.

**ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE PLAN FOR THE SPECIFIC TYPE OF DEVELOPMENT REQUESTED (PUD, PMU, PCRD, RAC).** The additional criteria are listed in the Code of Ordinances and available from staff.

CITY OF PALM BAY, FLORIDA  
PRELIMINARY DEVELOPMENT PLAN APPLICATION  
PAGE 3 OF 3

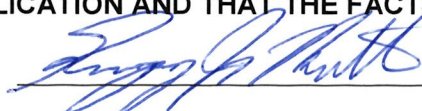
THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS PRELIMINARY DEVELOPMENT PLAN APPLICATION:

- ☒ \*A \$1,000.00 application fee shall accompany the Development Plan application for the purposes of administration. Make check payable to "City of Palm Bay."
- ☒ Vicinity Map (see Item A).
- ☒ Preliminary Development Plan (see Item B).
- ☒ Vehicular and Pedestrian Circulation Plan (see Item C).
- ☒ Schematic Drawing (see Item D).
- ☒ Traffic Study (see Item E).
- ☒ Narrative (see Item F).
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- ☒ Citizen Participation Plan. Refer to [Section 169.005](#) of the Land Development Code for guidelines.
- ☒ School Board of Brevard County [School Impact Analysis Application](#) (if applicable).
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines.
- ☐ Where property is not owned by the applicant, a [letter](#) must be attached giving the notarized consent of the owner to the applicant to apply for the preliminary development plan.

I, THE UNDERSIGNED UNDERSTAND THAT THIS PRELIMINARY DEVELOPMENT PLAN APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING PRELIMINARY DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date

6-25-21

Printed Name of Applicant

Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Full Address

8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone

561-345-6704

Email

Greg.Pettibon@Lennar.com

\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY



June 25, 2021

Re: Letter of Authorization

**As the property owner of the site legally described as:**

Refer to attached legal description.

I, Owner Name: Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Address: 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone: 561-345-6704

Email: Greg.Pettibon@Lennar.com

**hereby authorize:** Scott M. Glaubitz, P.E., P.L.S., President (or assigned BSE Representative), B.S.E. Consultants, Inc.

Address: 312 South Harbor City Blvd., Suite 4 Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

**to represent the request(s) for:**

NE Quadrant of Everlands

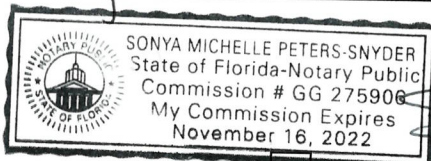
  
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25<sup>th</sup> day of June, 2021 by

Greg Pettibon, property owner.



☒ Personally Known or ☐ Produced the Following Type of Identification:

Sonya Michelle Peters-Snyder, Notary Public

## DESCRIPTION OF NE QUADRANT OF EVERLANDS

A PARCEL OF LAND IN SECTIONS 20 AND 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF EMERSON DRIVE, A 100 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN WESTERLY, ALONG THE ARC OF THE CURVED NORTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1490.00 FEET, A CENTRAL ANGLE OF  $12^{\circ}01'04''$ , A CHORD LENGTH OF 311.95 FEET AND A CHORD BEARING OF  $S84^{\circ}06'13''W$ ), A DISTANCE OF 312.53 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE  $S78^{\circ}05'41''W$  A DISTANCE OF 102.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1550.00 FEET, A CENTRAL ANGLE OF  $3^{\circ}03'55''$ , A CHORD LENGTH OF 82.91 FEET AND A CHORD BEARING OF  $S79^{\circ}37'38''W$ ), A DISTANCE OF 82.92 FEET TO THE SOUTHEAST CORNER OF PARCELS C-2 THROUGH C-5, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCELS C-2 THROUGH C-5, THE FOLLOWING 5 (FIVE) COURSES AND DISTANCES; 1) THENCE  $N00^{\circ}40'06''E$  A DISTANCE OF 278.70 FEET; 2) THENCE  $N89^{\circ}19'54''W$  A DISTANCE OF 300.00 FEET; 3) THENCE  $N00^{\circ}40'06''E$  A DISTANCE OF 500.00 FEET; 4) THENCE  $N89^{\circ}19'54''W$  A DISTANCE OF 650.00 FEET; THENCE  $S00^{\circ}40'06''W$  A DISTANCE OF 800.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE; THENCE  $N89^{\circ}19'54''W$ , ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF PARCELS C-6 THROUGH C-9, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE  $N00^{\circ}40'06''E$ , ALONG THE BOUNDARY OF SAID PARCELS C-6 THROUGH C-9, A DISTANCE OF 800.00 FEET; THENCE  $N89^{\circ}19'54''W$ , CONTINUING ALONG THE BOUNDARY OF SAID PARCELS C-6 THROUGH C-9, A DISTANCE OF 1013.43 FEET TO THE EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, A 200 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE  $N00^{\circ}43'00''E$ , ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1231.32 FEET TO THE SOUTHWEST CORNER OF COMMERCIAL PARCEL C-1, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCEL C-1, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; 1) THENCE  $S89^{\circ}19'54''E$  A DISTANCE OF 182.34 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 2) THENCE ALONG THE ARC

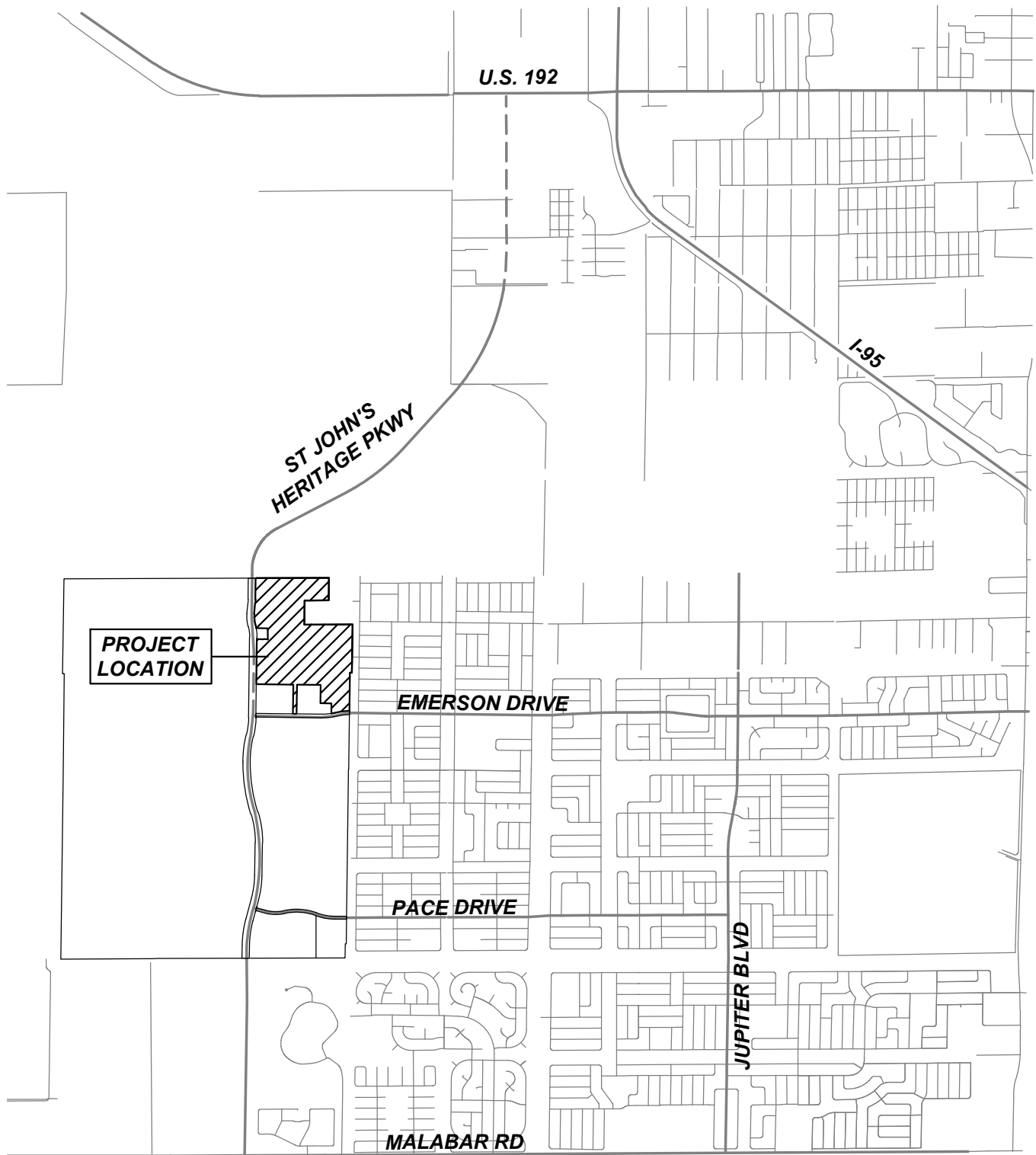


OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 930.00 FEET, A CENTRAL ANGLE OF  $7^{\circ}14'51''$ , A CHORD LENGTH OF 117.56 FEET AND A CHORD BEARING OF  $S85^{\circ}42'28''E$ ), A DISTANCE OF 117.64 TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCEL C-1; 3) THENCE  $N00^{\circ}42'13''E$  A DISTANCE OF 307.33 FEET; 4) THENCE  $N89^{\circ}19'54''W$  A DISTANCE OF 325.59 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED EAST RIGHT-OF-WAY LINE OF SAID ST JOHNS HERITAGE PARKWAY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVED RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF  $4^{\circ}35'55''$ , A CHORD LENGTH OF 96.29 AND A CHORD BEARING OF  $N13^{\circ}33'23''W$ ), A DISTANCE OF 96.31 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF  $21^{\circ}02'56''$ , A CHORD LENGTH OF 292.55 FEET AND A CHORD BEARING OF  $N05^{\circ}12'22''W$ ), A DISTANCE OF 293.90 FEET TO THE END OF SAID CURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE  $N05^{\circ}19'06''E$  A DISTANCE OF 303.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST AND HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF  $4^{\circ}38'01''$ , A CHORD LENGTH OF 97.02 FEET AND A CHORD BEARING OF  $N03^{\circ}00'05''E$ ), A DISTANCE OF 97.04 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE  $N00^{\circ}41'05''E$  A DISTANCE OF 582.19 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL FIFTY FOUR; THENCE  $S89^{\circ}37'12''E$ , ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 33.57 FEET TO THE WEST LINE OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $N89^{\circ}46'53''E$ , CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1973.79 FEET TO THE WEST LINE OF THE EAST ONE HALF OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $S00^{\circ}46'00''W$  ALONG SAID WEST LINE A DISTANCE OF 613.69 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $S89^{\circ}46'47''W$  A DISTANCE OF 658.09 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $S00^{\circ}46'54''W$  A DISTANCE OF 659.73 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $N89^{\circ}46'40''E$  A DISTANCE OF 1316.53 FEET TO THE SOUTHEAST CORNER OF THE EAST ONE-HALF OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $S00^{\circ}45'06''W$ , ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID SECTION 21, A DISTANCE OF 1319.35 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $S89^{\circ}46'26''W$

ALONG THE NORTH LINE OF SAID SOUTHWEST ONE QUARTER A DISTANCE OF 55.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER FIFTY NINE (A 95 FOOT RIGHT-OF-WAY); THENCE S00°45'06"W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1049.35 FEET TO THE POINT OF BEGINNING. CONTAINING 158.69 ACRES, MORE OR LESS.



# EVERLANDS NE QUADRANT LOCATION MAP



## **B.S.E. CONSULTANTS, INC.**

CONSULTING - ENGINEERING - LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901

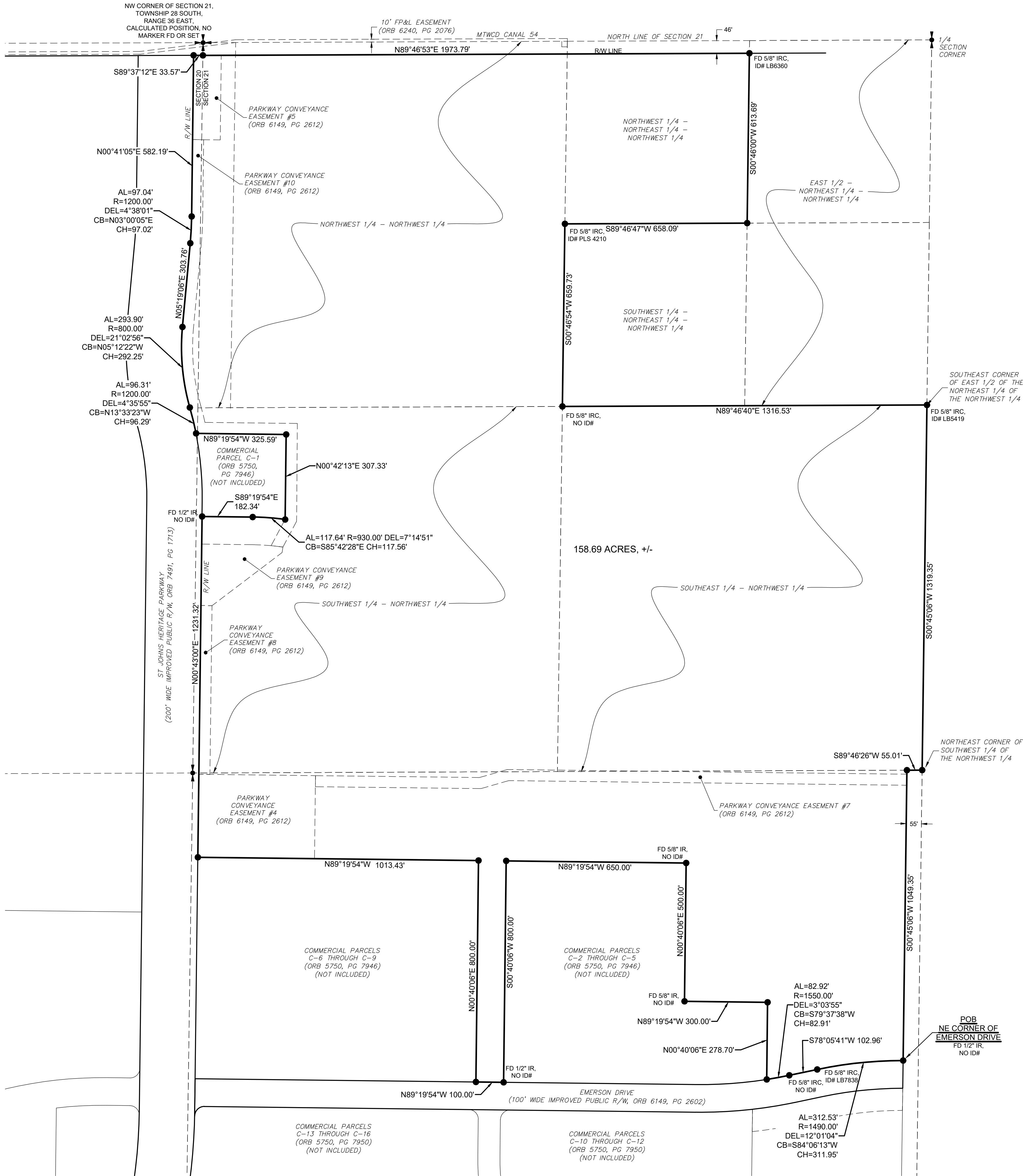
PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF BUSINESS AUTHORIZATION: 4905

CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 06/02/21  
DESIGN/DRAWN: ALS/DRB  
DRAWING# 10860700\_200\_003  
PROJECT# 10860.700  
SHEET 1 OF 1

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#### SURVEY NOTES:

SURVEY OF A PARCEL OF LAND IN SECTIONS 20 AND 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

SURVEY FOR BOUNDARY AND DESCRIPTION ONLY.

IMPROVEMENTS AND/OR UTILITIES, WHETHER ABOVEGROUND OR UNDERGROUND, ARE NOT LOCATED OR SHOWN ON THIS SURVEY.

BEARING REFERENCE: ASSUMED BEARING OF N89°46'53"E ON THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL FIFTY FOUR.

THIS SURVEY IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.

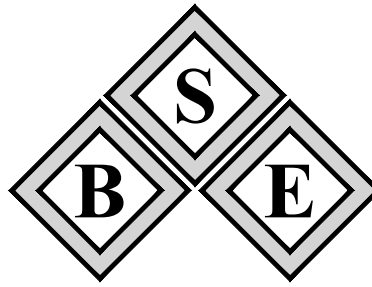
THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELD WORK: 06/08/2021

#### DESCRIPTION OF NE QUADRANT OF EVERLANDS

A PARCEL OF LAND IN SECTIONS 20 AND 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCELS C-2 THROUGH C-5, THE FOLLOWING 5 (FIVE) COURSES AND DISTANCES: 1) THENCE N00°40'06"E A DISTANCE OF 278.70 FEET; 2) THENCE N89°19'54"W A DISTANCE OF 300.00 FEET; 3) THENCE N00°40'06"E A DISTANCE OF 500.00 FEET; 4) THENCE N89°19'54"W A DISTANCE OF 650.00 FEET; THENCE S00°40'06"W A DISTANCE OF 800.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE; THENCE N89°19'54"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF PARCELS C-6 THROUGH C-9, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N00°40'06"E, ALONG THE BOUNDARY OF SAID PARCELS C-6 THROUGH C-9, A DISTANCE OF 800.00 FEET; THENCE N89°19'54"W, CONTINUING ALONG THE BOUNDARY OF SAID PARCELS C-6 THROUGH C-9, A DISTANCE OF 1013.43 FEET TO THE EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, A 200 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N00°43'00"E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1231.32 FEET TO THE SOUTHWEST CORNER OF COMMERCIAL PARCEL C-1, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCEL C-1, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES: 1) THENCE S89°19'54"E A DISTANCE OF 182.34 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 930.00 FEET, A CENTRAL ANGLE OF 7°14'51", A CHORD LENGTH OF 117.56 FEET AND A CHORD BEARING OF S85°42'28"E), A DISTANCE OF 117.64 TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCEL C-1; 3) THENCE N00°42'13"E A DISTANCE OF 307.33 FEET; 4) THENCE N89°19'54"W A DISTANCE OF 325.59 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED EAST RIGHT-OF-WAY LINE OF SAID ST JOHNS HERITAGE PARKWAY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVED RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF 4°35'55", A CHORD LENGTH OF 96.29 AND A CHORD BEARING OF N13°33'23"W), A DISTANCE OF 96.31 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 21°02'56", A CHORD LENGTH OF 292.55 FEET AND A CHORD BEARING OF N05°12'22"W), A DISTANCE OF 293.90 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE N05°19'06"E A DISTANCE OF 303.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST AND HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF 4°38'01", A CHORD LENGTH OF 97.02 FEET AND A CHORD BEARING OF N03°00'05"E), A DISTANCE OF 97.04 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE N00°41'05"E A DISTANCE OF 582.19 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL FIFTY FOUR; THENCE S89°37'12"E, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 33.57 FEET TO THE WEST LINE OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE N89°46'53"E, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1973.79 FEET TO THE WEST LINE OF THE EAST ONE HALF OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE S00°46'00"W ALONG SAID WEST LINE A DISTANCE OF 613.69 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE S89°46'47"W A DISTANCE OF 658.09 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE S00°46'54"W A DISTANCE OF 659.73 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE N89°46'40"E A DISTANCE OF 1316.53 FEET TO THE SOUTHEAST CORNER OF THE EAST ONE-HALF OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE S00°45'06"W, ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID SECTION 21, A DISTANCE OF 1319.35 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 21; THENCE S89°46'26"W ALONG THE NORTH LINE OF SAID SOUTHWEST ONE QUARTER A DISTANCE OF 55.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL FIFTY NINE (A 95 FOOT RIGHT-OF-WAY); THENCE S00°45'06"W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1049.35 FEET TO THE POINT OF BEGINNING. CONTAINING 158.69 ACRES, MORE OR LESS.



**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING -  
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
MELBOURNE, FLORIDA 32901  
PHONE: (321) 725-8074 FAX: (321) 723-1159  
CERTIFICATE OF PROFESSIONAL ENGINEERS  
BUSINESS AUTHORIZATION: #305  
CERTIFICATE OF LAND SURVEYING  
BUSINESS AUTHORIZATION: LB000405

SCOTT M. GLAUBITZ  
PROFESSIONAL LAND SURVEYOR  
FLORIDA LICENSE NUMBER 4151

LESLIE E. HOWARD  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 5611

#### ABBREVIATIONS

AC	ARC CENTER
AL	ARC LENGTH
AVE	AVENUE
BOLD	BOLD LINE
BM	BENCH MARK
BWC	BOUNDARY OF CURVE
CL	CENTERLINE
CA	CENTRAL ANGLE
CB	CORNER BEARING
CBS	CONCRETE BLOCK STRUCTURE
CH	CHORD LENGTH
CM	CONCRETE MASONRY
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
COR	CORNER
DEL	DELTA - CENTRAL ANGLE
DEI	DEVELOPMENT OF REGIONAL IMPACT
ELEC	ELECTRIC
ELEV	ELEVATION
EOC	END OF CURVE
EOP	EDGE OF PAVEMENT
EDW	EDGE OF WATER
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
ESMT	EASEMENT
FD	FOUND
FTE	FINISHED FLOOR ELEVATION
FW	FREE HIGHWAY
FLAL	FLORIDA POWER AND LIGHT
FT	FEET
Hwy	HIGHWAY
ID#	IDENTIFICATION NUMBER
IR	IRON
IR	IRON ROD
IRC	IRON PIPE AND CAP
LB	LICENSED BUSINESS
LWP	LIGHTER WOOD POST
NH	NEIGHBORHOOD IDENTIFICATION
NAD	NAL AND DSK
NAD83	NORTH AMERICAN VERTICAL DATUM 1983
NGVD29	NATIONAL GEODETIC VERTICAL DATUM 1929
NTI	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
NTS	NOT TO SCALE
ONE	ONE-WAY ELECTRIC UTILITY
ORBOOK	OFFICIAL RECORDS BOOK
PLAT	PLAT BOOK
PC	POINT OF COMMENCEMENT
PCP	PERMANENT CONTROL POINT
PCP	PERMANENT CONTROL POINT
PK	PARKER-KALEN
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER/UTILITY POLE
PPC	POINT OF REVERSE CURVATURE
PLD	PLANNED UNIT DEVELOPMENT
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
ROW	RIGHT-OF-WAY
RCF	REINFORCED CONCRETE PIPE
RI	REINFORCED
ST	STREET
TYP	TYPICAL

FIELD BOOK: ---

PAGE(S): ---

DATE: 06/25/2021

DESIGN/DRAWN: LEH/DRB

PROJECT TITLE

**NORTHEAST  
QUADRANT OF  
EVERLANDS**

SHEET TITLE

**BOUNDARY  
SURVEY**

PROJECT NO.

10860.700

DRAWING NO.

10860700\_100\_003

SHEET

1 of 1



**NE QUADRANT OF EVERLANDS  
B.S.E. FILE # 10860.700**

**PROJECT NARRATIVE**

**HISTORY**

Palm Vista, a planned unit development consisting of  $\pm$  291.11 acres was originally approved in 2005 by the City of Palm Bay. It was zoned GU, General Use - Brevard County with a land use designation of agricultural. The City approved Palm Vista for 2,930 units as a PUD with 61.5 acres of commercial and 47 acres of institutional land use.

The project fell victim to the economic downturn of 2006-2008 and did not proceed. In the interim, the St. Johns Heritage Parkway was constructed, the landowner is extending utilities (16" potable water main and 16" sanitary sewer force main to Emerson with a potable water connection to the existing 8" water main just east of Melbourne-Tillman Canal C-59). These utility extensions are scheduled for completion in June/July 2021 currently the utility extensions are complete to Pace Boulevard. A single stand-alone phase of Palm Visa named Everlands is currently under construction east of the Parkway. The water management district wetland jurisdictional and ACOE permitting has been completed east of the Parkway and west of the Parkway this process is  $\pm$  95% complete.

This application is for the NE Quadrant of Everlands, located east of the Parkway and north of Emerson consisting of  $\pm$ 158.69 acres. The project proposed a mixture of single-family lots (40's and 50's) and multi-family units.

**CURRENT**

**Surrounding land use is:**

- North: PRCAC- Platt Ranch
- East: RS-2 Single Family
- South: Commercial
- West: Remaining Palm Vista Land

**Current Traffic Counts Are (2019):**

- St. Johns Heritage parkway North of Emerson: 11,222
- St. Johns Heritage Parkway North of Pace: 7,830
- St. Johns Heritage Parkway North of Malabar: 6,269
- Emerson 1.5 miles east of the site: 12,705

## **PROPOSED DEVELOPMENT**

A portion of Palm Vista lying north of Emerson to the City line is covered by this application. As reference, Palm Vista Overall and including lands west of the Parkway currently consist of 4,000 units. The unit count was increased from 3,000 - 4,000 units under action taken by the City on 6/1/2017. The commercial component, still visible, is not included in this application. The commercial component is under separate ownership.

Unit Types For This Application as Proposed are:

- |                 |                                       |
|-----------------|---------------------------------------|
| • Single family | 398 units - <i>All Age Restricted</i> |
| • Multi-Family  | 240 units - <i>All Age Restricted</i> |
| <b>Total</b>    | <b>638 units</b>                      |

### **Amenities:**

Amenities include: open space and a ±1.7 acre amenity center.

\* Note that the unit mix may vary due to public demand over the life of the project.



**NE QUADRANT OF EVERLANDS**  
**B.S.E. FILE # 10860.700**

**TRAFFIC STATEMENT**

The Palm Vista Medley Everlands total project consists of up to 4,000 residential units including single family townhomes, paired villas, and multi-family townhome units.

Average daily trip generation for this phase is presented below. Peak hour analysis, capture rate, distribution and detailed trip generation to the broader street network will be submitted at development stages of the approval process.

The mix of unit types for this phase is projected as:

± 398 Single Family  
± 240 Multi-Family Units  
***TOTAL 638 Units***

Using typical Institute of Transportation Engineers (ITE) trip generation rates, total daily trips generated for the life of this phase of the project are:

638 Single Family Units  
x 4.3 Trips Per Unit (*age restricted*)  
***2,749 Trips***

At some point of development, traffic improvements will be made to accommodate the growth of this area along with Palm Vista Medley Everlands.



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Grayson Taylor, Planner

**DATE:** November 3, 2021

**SUBJECT:** CP-16-2021 - Hossein Rezvani (Alexander M. Fundora, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single-Family Residential Use. Tract A, Port Malabar Unit 11, Section 8, Township 29, Range 37, Brevard County, Florida, containing approximately 11.91 acres. South of and adjacent to Coconut Street SE, in the vicinity west of Emerson Drive SE

### ATTACHMENTS:

#### Description

- ▣ Case CP-16-2021 - Staff Report
- ▣ Case CP-16-2021 - Plat
- ▣ Case CP-16-2021 - Application
- ▣ Case CP-16-2021 - Boundary Survey





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

**Prepared by**

Grayson Taylor, Planner

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**CASE NUMBER**

CP-16-2021

**PLANNING & ZONING BOARD HEARING DATE**

November 3, 2021

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**PROPERTY OWNER & APPLICANT**

Hossein Rezvani, represented by Alex M.  
Fundora

**PROPERTY LOCATION/ADDRESS**

Tract A, Port Malabar Unit 11, Section 8, Township 29,  
Range 37, Brevard County, Florida

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**SUMMARY OF REQUEST**

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 11.91 acres from Public/Semi-Public Use (PSP) to Single-Family Residential Use (SFR).

**Existing Zoning**

RS-2, Single-Family Residential District

**Existing Land Use**

Public/Semi-Public Use

**Site Improvements**

Undeveloped Land

**Site Acreage**

11.91 acres

---

**SURROUNDING ZONING & USE OF LAND****North**

RS-2 Single-Family Residential; Coconut Street SE

**East**

RS-2 Single-Family Residential; City of Palm Bay Canal 11-01a

**South**

RS-2 Single-Family Residential; Single-Family Homes

**West**

RS-2 Single-Family Residential; Single-Family Homes

---

**BACKGROUND:**

The subject property is located south of and adjacent to Coconut Street SE, in the vicinity west of Emerson Drive SE. Specifically Tract A of Port Malabar Unit 11, Section 08, Township 29, Range 37, of Brevard County Florida.

The tract was platted in 1961 (Plat Book 15, Page 34). The subject property was acquired by the applicant in 2006.

This is the third (3<sup>rd</sup>) time this request has been brought before the Planning & Zoning Board. In 2006, the Board voted to deny the request after there was no applicant or representative in attendance, and the case was withdrawn before going to City Council (CP-7-2006). In 2007, the case was brought before the Board (CP-3-2007), who voted to recommend approval. City Council heard the request on April 5, 2007 and approved its submittal to the Florida Department of Community Affairs. However, the case was never transmitted to the State, and never heard a second time by City Council, therefore the amendment was not adopted.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations; Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Goal FLU-2 is to provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.

The Single Family Residential (SFR) Use FLU category allows for a maximum residential density of 5 units per acre, with a range of 0-5 units per acre. Typical uses permitted include single-family homes, recreational uses, and institutional uses such as schools, churches, and utilities.

At a maximum of 5 units an acre, at 11.91 acres, the maximum number of units is 59. The applicant has submitted the number of 46 units to the School Board of Brevard County for concurrency determination, which falls under the maximum of 56 units allowed.

**2. COASTAL MANAGEMENT ELEMENT**

The subject property is not located within the Coastal Management Area.



### 3. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

The subject parcel is located within the Florida Scrub Jay polygon identified from the United States Fish & Wildlife Scrub Jay Survey Area. Any listed species, including the Scrub Jay, would need to be mitigated for as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B. This mitigation must occur prior to any development on the parcel. No additional listed species are known to inhabit the subject property.

**Recreation:** Single-Family Residential Use does have more of a demand upon the parks & recreation level of service (LOS) standards than Public/Semi-Public Use. It shall be noted that the Recreation and Open Space Element of the City's Comprehensive Plan sets a LOS Standard of 2 acres per 1,000 residents. The city maintains public ownership of park-designated lands that far exceed this requirement. Furthermore, privately-owned land with a Recreation and Open Space Land Use designation may not be used to meet this LOS.

### 4. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the City. The future land use change has the potential to provide an increase in available housing to City residents or future residents.

### 5. INFRASTRUCTURE ELEMENT

The City evaluates present and future water, sewer, drainage, and solid waste, and assesses the ability of infrastructure needed to support development.

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. City water is currently available to the property. Should the property be subdivided, all proposed lots would need to be connected to City sewer.

**Drainage:** If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City. If the property goes through the subdivision process and proposed stormwater management system will be reviewed and approved by the City during the building permitting review process.

**Solid Waste:** Solid waste collection is provided to the area by Republic Services Inc. Sufficient capacity exists within the Brevard County landfills to service the property.

## 6. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment requested is to allow the site to be subdivided into lots for single-family homes under the current RS-2 zoning. The School Board of Brevard County has determined that Turner Elementary, Southwest Middle, and Heritage High School are projected to contain enough capacity for students from this potential subdivision.

## 7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community.

## 8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

This proposed land use change does not appear to infringe upon the property rights of the applicant.

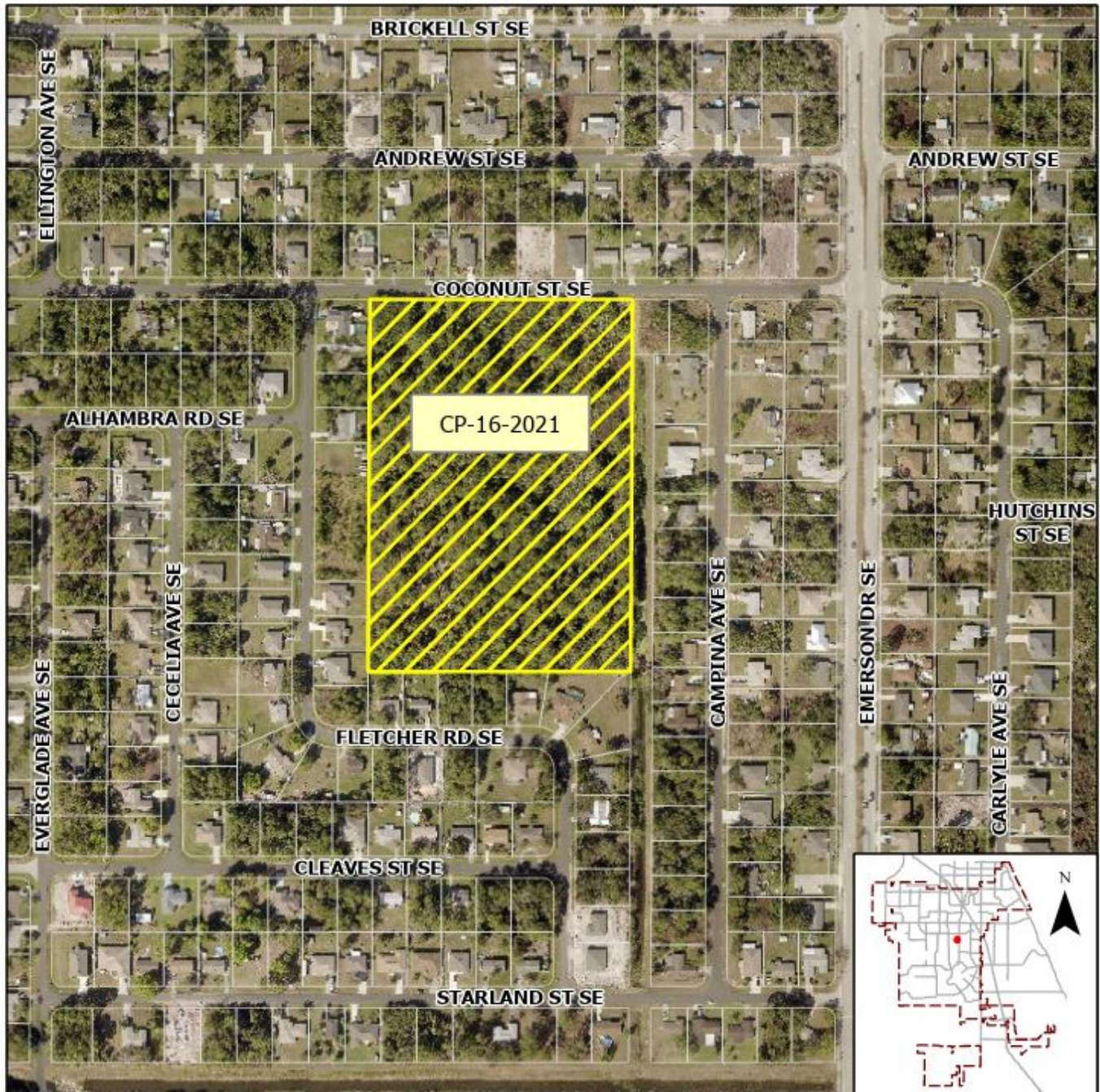
## STAFF RECOMMENDATION:

Case CP-16-2021 is recommended for approval subject to staff comments.





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## AERIAL LOCATION MAP CASE: CP-16-2021

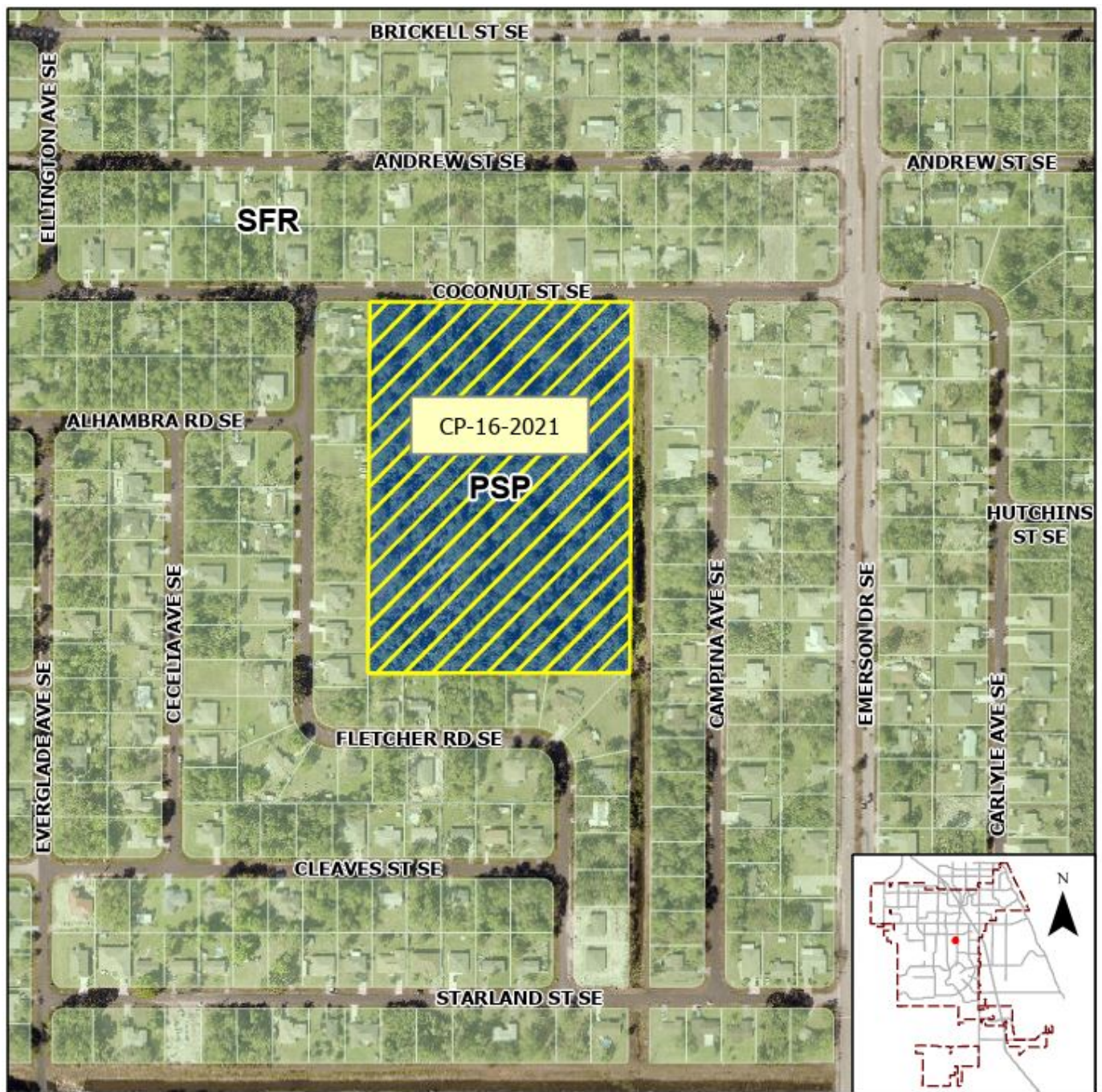
### Subject Property

South of and adjacent to Coconut Street SE, in the vicinity west of Emerson Drive SE





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP

CASE: CP-16-2021

### Subject Property

South of and adjacent to Coconut Street SE, in the vicinity west of Emerson Drive SE

### Future Land Use Classification

PSP – Public/Semi-Public Use





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP

## CASE: CP-16-2021

### Subject Property

South of and adjacent to Coconut Street SE, in the vicinity west of Emerson Drive SE

### Current Zoning Classification

RS-2 – Single Family Residential District

A RESUBDIVISION OF PORTIONS OF THE FLORIDA INDIAN RIVER  
LAND COMPANY, PLAT BOOK 1, PAGE 165, IN SECTIONS 7, 8 AND 9,  
TOWNSHIP 29 SOUTH, RANGE 37 EAST  
CITY OF PALM BAY  
BREVARD COUNTY, FLORIDA

A portion of Lot 32, Section 7, Township 22 South, Range 37 East; a portion of Lot 2 all of Lots 3 through 6 and portions of Lots 7, 8 and 9 all of Range 14; all of Lots 17, 18, 21, 22 and 23, portions of Lots 24 and 25, all of Lots 26 through 31, all of Range 18, Township 22 South, Section 8, Township 22 South, Range 37 East; a portion of Lot 24, Section 3, Township 22 South, Range 37 East as shown on the plat of **FLORIDA INDIAN RIVER LAND COMPANY**, as shown on a Glades County Plat of Public Records of Brevard County, Florida. All of the foregoing being more particularly described by reference to the plat of said

[illegible]

All land lying and being in the City of Palm Bay, Brevard County, Florida and containing 468.68 Acres more or less.



SECTIONS 7, 8 & 9 - TWP 29 S - RGE. 37 E

SCALE: 1"=100M

DRAWN BY-VMF, J.R.W.  
CHECKED BY-JD  
APPROVED BY-CG/S

The Drainage Rights of this running stream and tributaries to the Malabar Millpond, Drainage District Council are reserved by FRONT MALABAR, INC., its successors or assigns. The minimum width of the stream is at least otherwise indicated a strip of land 20 feet wide at full flow and adjacent to the stream bed, and a strip of land 10 feet wide at the edge of each lot and 10 feet wide at the rear of each lot and 2 feet wide at the sides of each lot is reserved for the installation and maintenance of the drainage system.

With the following exceptions: Sale of lots lying adjacent to streets shall contain no easement for the drainage system. If such lot is intended as a building site, where parts of it are now lots are intended as a building site, the outside boundaries of the lot shall show the location of the easement. The express purposes of this plat are: (1) to abandon those rights and claims for the public use of all tracts as shown on the plat of the described part of FLORIDA INDIAN RIVER LAND COMPANY, lying within the boundaries of the described property, and (2) to replot the above described property into lots, streets and easements as shown in the attached plat.

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the Corporation named below, being the owner in fee simple of the lands described in the foregoing caption to this plat, hereby dedicates said lands and plat for the uses and purposes therein expressed and dedicates the Streets, Avenues, Drives, Roads and Drainage Rights of My shown hereon to the perpetual use of the public. Except \*

IN WITNESS WHEREOF, has caused these presents to be signed and attested to by the officers named below and its corporate seal to be affixed hereto on SEPTEMBER 27, 1961

By A. J. [Signature] V. C. President  
Attest: [Signature] Secretary

Signed and sealed in the presence of:

Indiel W. Wilson  
Jean Foster  
Rita Puffley

STATE OF FLORIDA COUNTY OF DADE  
THIS IS TO CERTIFY, That on September 27, 1961  
before me, an officer duly authorized to take acknowledgments in the  
State and County aforesaid, personally appeared  
A. J. Fay and Wm. H. G. Donald, Jr.  
\_\_\_\_\_

of the above named corporation incorporated under the laws of the State of Florida, a Florida Corporation, to me known to be the individuals and officers described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed as such officers therunto duly authorized; that the official seal of said corporation is duly affixed thereto; and that the said Dedication is the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

Sharon K. Muck  
NOTARY PUBLIC

My Commission Expires MARCH 10, 1962

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a  
licensed and registered land surveyor, does hereby certify that on  
September 18, 1964, he completed the survey  
of the land as shown in the foregoing plat, that said plat is a correct  
representation of all lands therein described and platted; that permanent  
reference monuments thereon have been placed as shown thereon as re-  
quired by Chapter 177, Florida Statutes; and that said land is located in  
Brevard County, Florida. Dated Sept. 23, 1964

*Doris H. Star* Registration No. 1285  
Surveyor

**CERTIFICATE OF APPROVAL  
BY MUNICIPALITY**

THIS IS TO CERTIFY, That on \_\_\_\_\_  
 \_\_\_\_\_ approved the foregoing plat:  
 SEAL  
 MAYOR  
 ATTEST:  
 CITY CLERK

**CERTIFICATE OF APPROVAL BY BOARD  
OF COUNTY COMMISSIONERS**

THIS IS TO CERTIFY, That on \_\_\_\_\_ the  
 foregoing plat was approved by the Board of County Commissioners of  
 Brevard County, Florida.

Attest:

Chairman of the Board.

Clerk of the Board.

Approved \_\_\_\_\_ County Engineer

CERTIFICATE OF APPROVAL  
BY ZONING COMMISSION

THIS IS TO CERTIFY, That on \_\_\_\_\_, the  
Zoning Commission of the above Municipality approved the foregoing  
plot.

Zoning Director.

CERTIFICATE OF CLERK

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on 7V 23 1961  
#12:57 PM File No.

Clerk of the Circuit Court  
in and for Broward County, Fla.  
*G. M. Simmons*  
By *R. W. Brown*

## ENGINEERS NOTE

Dimensions on corner lots are to the intersection of Block lines extended, unless otherwise shown. All roads are 25 feet, unless otherwise shown. Permanent Reference Markings are set at all Block corners unless otherwise noted. Basis of Bearing System is assumed for Computation Purposes.

ARTHUR L. DAY  
CIVIL ENGINEER  
MIAMI - FLORIDA

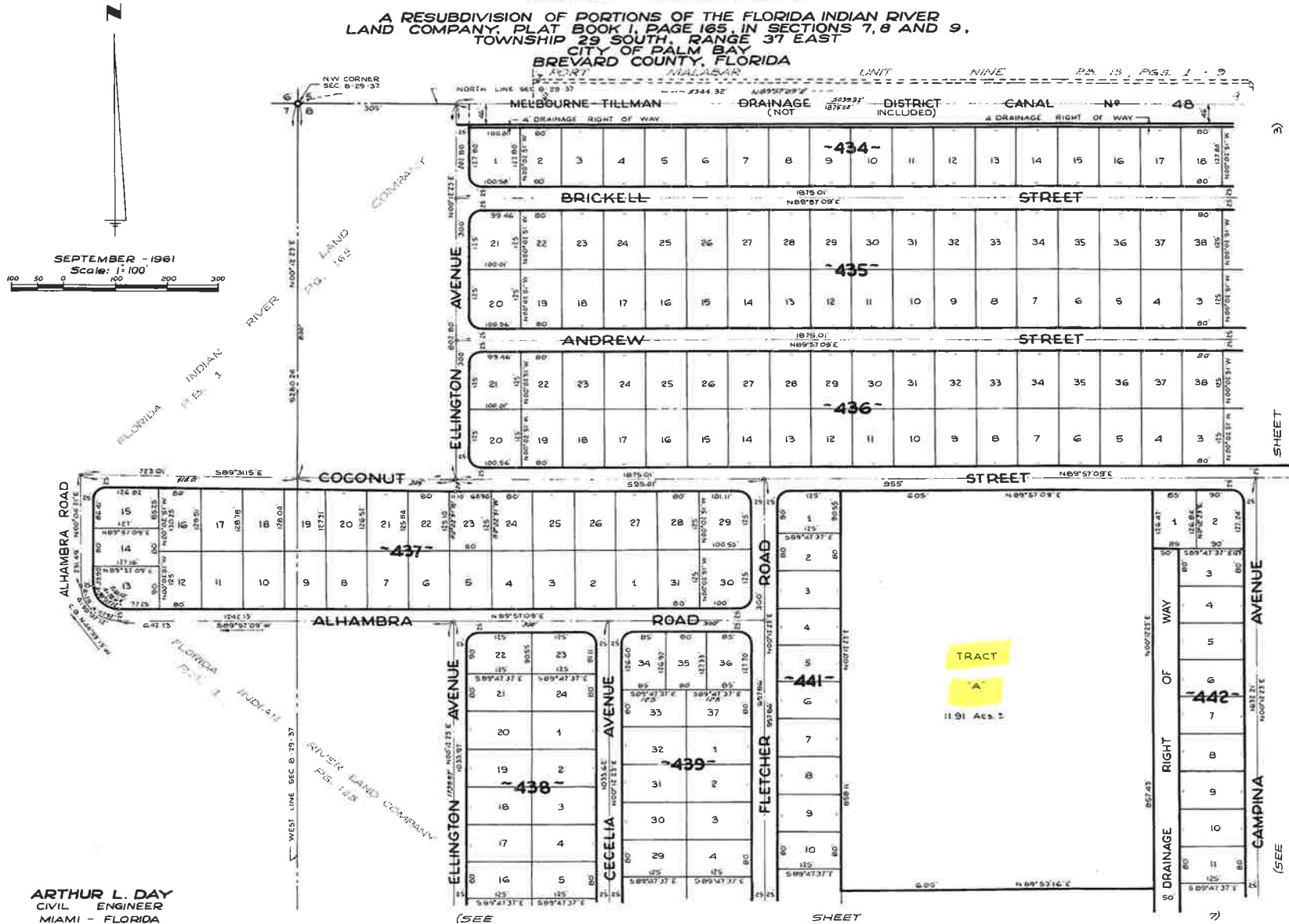
SHEET 1 OF 9 SHEET  
TOTAL LOTS - 1470



# PORT MALABAR UNIT ELEVEN

PLAT BOOK 15  
PAGE 35

A RESUBDIVISION OF PORTIONS OF THE FLORIDA INDIAN RIVER  
LAND COMPANY, PLAT BOOK 1, PAGE 165, IN SECTIONS 7, 8 AND 9,  
TOWNSHIP 29 SOUTH, RANGE 37 EAST  
CITY OF PALM BAY  
BREVARD COUNTY, FLORIDA



CALCULATED BY: JEC  
DRAWN BY: VMF  
CHECKED BY: JB  
APPROVED BY: GSK

ARTHUR L. DAY  
CIVIL ENGINEER  
MIAMI - FLORIDA



LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT  
APPLICATION**

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting.** The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

**APPLICATION AMENDMENT TYPE:**

☐ Small Scale (Less than 10 acres)

☐ Text Amendment (Comp. Plan)

☒ Large Scale (10 acres or more)

**PARCEL ID(S):**

29-37-08-GL-A

**TAX ACCOUNT NUMBER(S):**

2928278

**LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):**

Tract A, PORT MALABAR UNIT ELEVEN, according to the plat thereof, as recorded in Plat Book 15, Pages 34 through 42, inclusive, Public Records of Brevard County, Florida.

**SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):**

11.91 acres



**CITY OF PALM BAY, FLORIDA**  
**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION**  
**PAGE 2 OF 3**

**LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):**

PSP, Public/Semi-Public Use

**LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):**

RS-2, Single Family Residential District

**PRESENT USE OF PROPERTY:**

Undeveloped

**STRUCTURES LOCATED ON THE PROPERTY:** None

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:** Rezone to RS-2

**JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):**

Allow single family housing to be built on the property, as per a previously granted change of designated use on April 9, 2007 by the Palm Bay City Council. Letter attached.

**SPECIFIC USE INTENDED FOR PROPERTY:**

Single family residential housing

**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:**



\*Application Fee. Make Check payable to "City of Palm Bay." Waived per Patrick Murphy, Assistant Director Growth Management Department



\$1,200.00 - Small Scale (Less than 10 acres)



\$2,000.00 - Large Scale (10 acres or more)



\$2,000.00 - Text Amendment (Comp. Plan)

## CITY OF PALM BAY, FLORIDA

## COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

PAGE 3 OF 3



Boundary Survey for land use amendments.



Sketch with legal descriptions of properties covered by this application for land use amendments.



List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)



School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.



Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline. Staff will provide a sign template.



Where the property owner is not the representative for the request, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative George A. Booras, Esq. and Alex Fundora

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature

DocuSigned by:

*Hossein Rezvani*

Date

July 1, 2021

Printed Name

Hossein Rezvani

Full Address

Sierichstrasse 76 22301

Telephone

Email hr@hosseinrezvani.com

\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY



June 30

Re: Letter of Authorization

As the property owner of the site legally described as:

Tract A Port Malabar Unit 11

I, Owner Name: Hossein Rezvani

Address: Sierichstrasse 76 22301 Hamburg Germany

Telephone: (321)536-5281 Local relative Mohsen Zakeri

Email: hr@hosseinrezvani.com

hereby authorize:

Representative: Alexander M. Fundora

Address: 3701 SW 58TH CT MIAMI FL 33155

Telephone: 305-610-1747

Email: alfund@gmail.com

to represent the request(s) for:

Hossein Rezvani

Request for a comprehensive plan amendment application.

(Property Owner Signature)

STATE OF

Florida

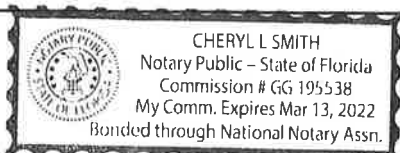
COUNTY OF

Brevard

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 1st day of July, 2021 by

Hossein Rezvani

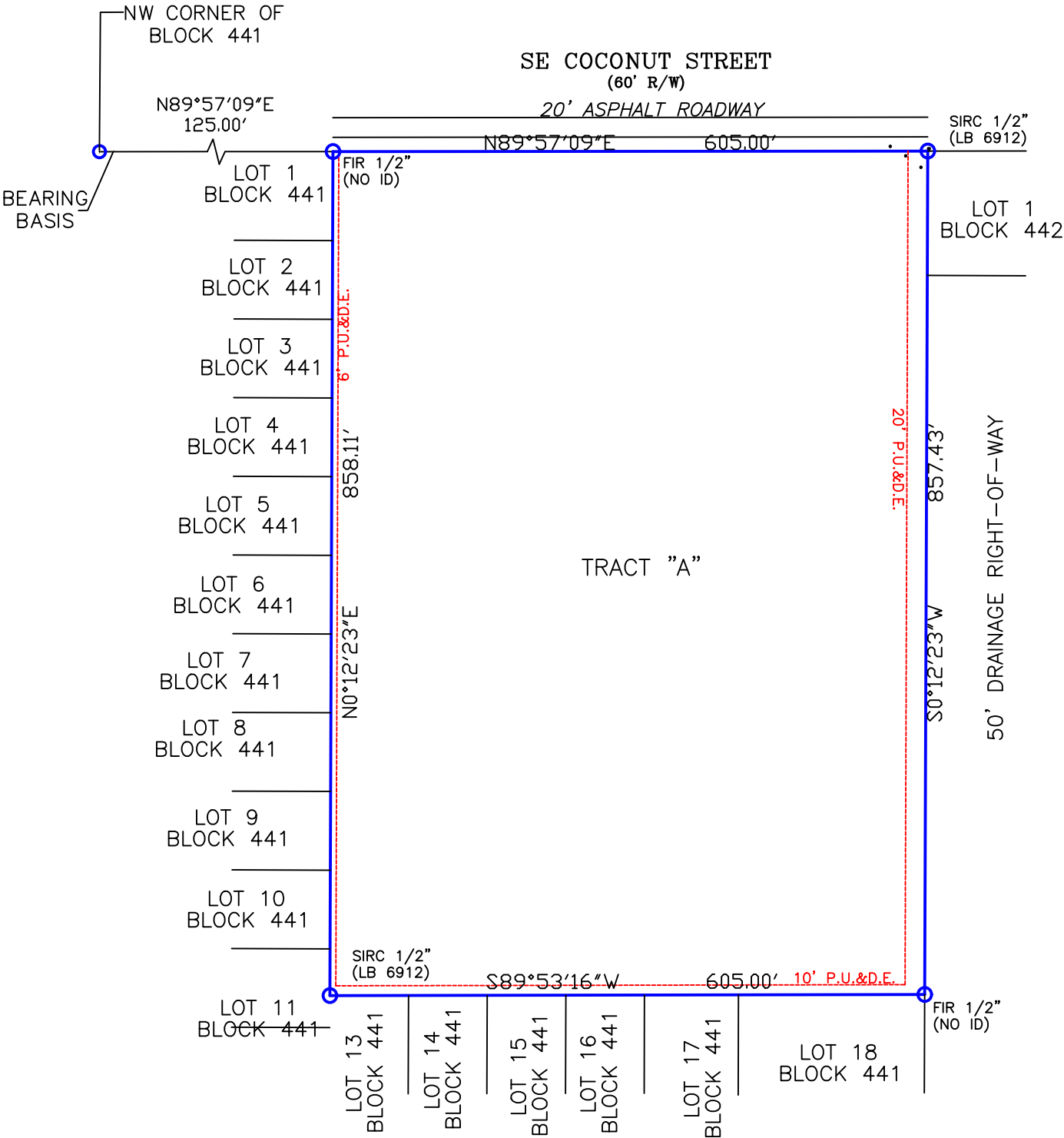
, property owner.



Cheryl L. Smith  
Cheryl L. Smith, Notary Public

☐ Personally Known or ☒ Produced the Following Type of Identification:

ID Card With Photo





**LEGAL DESCRIPTION:**  
TRACT A, PORT MALABAR, UNIT ELEVEN, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE(S) 34 THROUGH 42, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

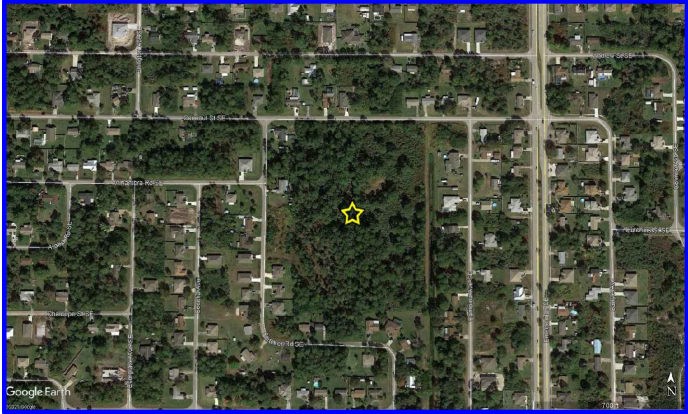
**JOB NUMBER:** 2106-051

**FIELD WORK DATE:** 06/18/2021

**PROPERTY ADDRESS:**  
770 COCONUT STREET SE, PALM BAY, FL 32909

**FLOOD INFORMATION:**  
**PANEL NUMBER:** 12009C0660G  
**FIRM DATE:** MARCH 17, 2014  
**FLOOD ZONE:** X  
**BASE FLOOD ELEVATION:** NA  
**COMMUNITY NAME:** PALM BAY, CITY OF  
**COMMUNITY NUMBER:** 120404

AERIAL PHOTOGRAPH



SURVEYOR'S LEGEND

A/C = AIR CONDITIONING  
BB = BEARING BASIS  
BFP = BACKFLOW PREVENTER  
BLDG = BUILDING  
BLK = BLOCK  
BM = BENCHMARK  
C = CURVE  
CATV = CABLE T.V. RISER  
CB = CATCH BASIN  
CL = CENTERLINE  
CLF = CHAIN LINK FENCE  
CLP = CONCRETE LIGHT POLE  
CONC = CONCRETE  
CP = CONTROL POINT  
CPP = CONCRETE POWER POLE  
D = DEED  
DF = DRAINFIELD  
ELEV = ELEVATION  
EM = ELECTRIC METER  
EOW = EDGE OF WATER  
EP = EDGE OF PAVEMENT  
F = FIELD  
FCM = FOUND CONCRETE MONUMENT  
FDH = FOUND DRILL HOLE

FFE = FINSHED FLOOR ELEVATION  
FIP = FOUND IRON PIPE  
FIPC = FOUND IRON PIPE AND CAP  
FIR = FOUND IRON ROD  
FIRC = FOUND IRON ROD AND CAP  
FN = FOUND NAIL  
FN&D = FOUND NAIL AND DISC  
FND = FOUND  
FPK = FOUND PK NAIL  
FPKD = FOUND PK NAIL AND DISC  
FRRSKP = FOUND RAILROAD SPIKE  
GAR = GARAGE  
HYD = FIRE HYDRANT  
ID = IDENTIFICATION  
L = LENGTH  
LB # = LICENSED BUSINESS  
LS # = LICENSED SURVEYOR  
M = MEASURED  
MB = MAP BOOK  
MES = MITERED END SECTION  
MH = MANHOLE  
MLP = METAL LIGHT POLE  
OHW = OVERHEAD WIRES  
P = PLAT  
PB = PLAT BOOK  
PC = POINT OF CURVATURE

PCC = POINT OF COMPOUND CURVATURE  
PCP = PERMANENT CONTOL POINT  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
PP = POOL PUMP  
PRC = POINT OF REVERSE CURVATURE  
PRM = PERMANENT REFERENCE MONUMENT  
PT = POINT OF TANGENCY  
R = RADIUS  
RNG = RANGE  
R/W = RIGHT OF WAY  
S = SEPTIC  
SEC = SECTION  
SIR = SET IRON ROD AND CAP  
SPKD = SET PK NAIL AND DISC  
SV = SEWER VALVE  
TBM = TEMPORARY BENCHMARK  
TOB = TOP OF BANK  
TWP = TOWNSHIP  
TR = TELEPHONE RISER  
TYP = TYPICAL  
WIT = WITNESS  
WLP = WOOD LIGHT POLE  
WM = WATER METER  
WPP = WOOD POWER POLE  
WV = WATER VALVE

LINETYPES

- = BOUNDARY LINE
- = STRUCTURE LINE
- - - - - = CENTERLINE
- - - - - = EASEMENT LINE
- - - - - = FENCE LINE
- = OLD LOT LINE

SYMBOLS


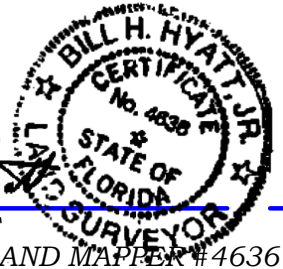
- |  |                |  |                      |
|--|----------------|--|----------------------|
|  | = FIRE HYDRANT |  | = CATCH BASIN        |
|  | = WATER METER  |  | = SANITARY MANHOLE   |
|  | = POWER POLE   |  | = CABLE T.V. SERVICE |
|  | = GAS SERVICE  |  | = ELECTRIC SERVICE   |
|  | = LIGHT POLE   |  | = TELEPHONE SERVICE  |
|  | = WELL         |  | = DRAINAGE MANHOLE   |
|  | = BENCHMARK    |  | = SANITARY SERVICE   |

SURVEYOR'S NOTES

1. THIS SURVEY DOES NOT DETERMINE OR INDICATE LAND OWNERSHIP.
2. THE SURVEYOR DID NOT RESEARCH OR ABSTRACT THE LAND RECORDS FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS, DEED RESTRICTIONS, ZONING REGULATIONS, SETBACKS, LAND USE PLAN DESIGNATIONS, ADJOINING DEEDS, 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 OR INFORMATION OTHERWISE KNOWN TO THE SURVEYOR AND MAY NOT BE COMPLETE.
3. 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.
4. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
5. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
6. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
8. PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
9. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
10. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
11. ACCURACIES OBTAINED IN THIS SURVEY IS GREATER THAN (RURAL) 1' IN 5000', (SUBURBAN) 1' IN 7500', (COMMERCIAL) 1' IN 10,000'.
12. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
13. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

SURVEYOR'S SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
  
BILL HYATT  
SURVEYOR AND MAPPER #4636  
STATE OF FLORIDA

6.28.21  
DATE

CERTIFIED TO:

BLACK STALLION ENTERPRISES, INC.  
PENINSULA TITLE SERVICES, LLC  
FIDELITY NATIONAL TITLE INSURANCE COMPANY

KNOW IT NOW, INC.  
PROFESSIONAL SURVEYING AND MAPPING  
5220 US HIGHWAY 1, #104  
VERO BEACH, FL 32967  
PHONE - (888) 396-7770  
WWW.KINSURVEY.COM

