

Meeting Date
July 21, 2015



AGENDA	
Section	Public Hearing
Item No.	IV.B.

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	APPROVAL RE: APPLICATION FROM VIERA COMPANY FOR A DEVELOPMENT ORDER AMENDMENT (DISTRICT 4)
DEPT/OFFICE:	PLANNING AND DEVELOPMENT DEPARTMENT

Requested Action:
 It is requested that the Board of County Commissioners consider a request from the Viera Company for a development order amendment to the Viera Development of Regional Impact. If approved, it is requested that the Chairman be authorized to execute the amended development order on behalf of the County.

Summary Explanation & Background:
 The Viera Company has submitted an application to amend the development order for the Viera DRI pursuant to Chapter 380.06(19) (e)2.k. and l., Florida Statutes. The proposed changes to the current development order include: (1) the correction of typographical errors in Exhibit 4, DRI Master Development Program; and (2) implementation of a land use exchange using the Transportation Equivalency Matrix contained in Exhibit 5 of the current development order. This item will be considered by the Local Planning Agency on July 20, 2015 and staff will convey the LPA's decision to the Board at the public hearing.

The typographical errors in Exhibit 4 relate to miscalculation of the cumulative amount of General Office development permitted in Phases 1, 2 and 3. Correction of these typographical errors will not increase the total amount of General Office development permitted through completion of the development program.

The proposed land use exchange would increase residential development by 1,674 units and hotel development by 8 rooms in exchange for a reduction of 399,741 square feet of General Office development. Based on the Transportation Equivalency Matrix, this exchange is not expected to increase the number of external, peak hour trips generated by the DRI development program.

Fiscal Impact: FY15 – The fiscal impact of the proposed change cannot be determined because the difference in the assessed values of the exchanged land uses is unknown.

Staff Contact: Stephen M. Swanke
 (321) 633-2069

Clerk to the Board instruction:

Exhibits Attached:
 Memo to the Local Planning Agency, Land Use Exchange for the Viera DRI, Letter from DEO, Letter from FDOT, Draft Development Order

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager Stockton Whitten	Assistant County Manager 	Department Director / Extension Robin M. Sobrino, AICP 5-2069
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US

BREVARD County

BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

July 22, 2015

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director Attn: Stephen Swanke
RE: Item IV.B., Resolution and Application from The Viera Company for Amendment to Development Order for Viera Development of Regional Impact

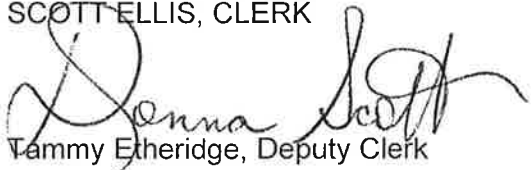
The Board of County Commissioners, in regular session on July 21, 2015, adopted Resolution No. 15-110, amending Development Order to the Viera Development Regional Impact. Enclosed are executed and three certified coies of the Resolution for your action.

Upon execution by The Viera Company, Inc. and A. Duda and Sons, Inc., please return the fully-executed Resolution to this office for inclusion in the official minutes.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for: 
Tammy Etheridge, Deputy Clerk

Encl. (4)

RESOLUTION NO. 15- 110

July 21, 2015

AMENDING RESOLUTION 09-272

AS AMENDED BY RESOLUTION 10-105

AS AMENDED BY RESOLUTION 14-120

THIRD AMENDMENT TO THE AMENDED AND RESTATED

DEVELOPMENT ORDER, AS AMENDED

VIERA DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, the Viera Development of Regional Impact (the “DRI”) is a mixed-use development on approximately 20,646 acres located east and west of Interstate 95 in central Brevard County approved pursuant to the original Application for Development Approval and the Application for Development Approval for Substantial Deviations #1 and #2 on property described in **EXHIBIT 1**, attached and incorporated by reference; and

WHEREAS, Brevard County adopted Resolution 09-272 on December 15, 2009 which created the Amended and Restated Development Order for the Viera DRI (the “Amended and Restated Development Order”) which incorporated all previous changes and amendments to the Viera DRI into a single Development Order that controls the development of the property (the “Development Order”); and

WHEREAS, Brevard County adopted Resolution 10-105 on May 27, 2010 which is an Amendment to the Amended and Restated Development Order for the DRI (the “First Amendment”) to include provisions to settle an administrative appeal; and

WHEREAS, Brevard County adopted Resolution 14-120 on July 22, 2014 which is an Amendment to the Amended and Restated Development Order for the DRI (the “Second Amendment”) to extend the time for buildout of phases, the DRI expiration date and the DRI termination date as well as the date by which transportation mitigation must be complete and to

clarify the Wickham Road and Murrell Road mitigation timing and process. Together, the Amended and Restated DRI, the First Amendment and the Second Amendment comprise the current Viera DRI Development Order; and

WHEREAS, this Third Amendment to the Amended and Restated Development Order, as amended (the "Third Amendment"), specifically modifies only those portions of Resolutions 09-272, as amended by Resolution 10-105 and Resolution 14-120 that are reflected in this amendment. All other language shall remain in full force and effect.

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

1. The Developer has provided evidence, through the provision of calculations utilizing Exhibit 5, "Transportation Equivalency Matrix", that a decrease of 399,741 square feet of office and an increase of 1,674 residential units and 8 hotel rooms will not cause an increase in external pm peak hour trips. The additional 1,674 residential units consists of 800 senior housing detached units, 150 senior housing attached units, 468 single family units and 256 multi-family units. The specific mix of residential unit types may be adjusted from time to time in accordance with the conversion process described in Condition 4 of the Development Order using the conversion rates set forth in Transportation Equivalency Matrix attached to the Development Order as Exhibit 5. Notwithstanding the foregoing, however, the Developer shall have the flexibility to adjust the mix of senior housing "detached" units and senior housing "attached" units at any time without prior notice of such conversion so long as such conversion involves only senior housing units, is in accordance with such Transportation Equivalency Matrix and is reported by the Developer on an individual and cumulative basis in each Biennial Report subsequent to any such conversion of

senior housing units. For purposes of the foregoing, the term “senior housing” shall mean and refer to statutory age-restricted residential units.

2. The Developer filed a request to amend the Development Order pursuant to Section 380.06(19)(e)2., Florida Statutes, which does not require the filing of a notice of proposed change, but, requires an application to the local government to amend the development order in accordance with the local government’s procedures.
3. The DRI (as described in the Amended and Restated Development Order, the First Amendment, the Second Amendment, and this Third Amendment) is consistent with the State Comprehensive Plan.
4. The DRI is consistent with the Brevard County Comprehensive Plan, as amended, and local land development regulations.

II. AMENDMENT

Conversion of land uses in accordance with Section III. 4 of Resolution No. 09-272.

The following amendments to the Resolution No. 09-272, as amended are adopted as follows:

Land Use (See Notes)	Phase 1 Through 12/29/19	Phase 2A Through 12/29/19	Phase 3 Through 12/29/19	Cumulative Through Phase 3	Phase 4 Through 12/29/29	Totals
Residential (units)	6,126	3,550	3,000 4,674	12,676 14,350	17,269	29,945 31,619
Office Development (s.f.)	1,355,342	388,808 230,927	428,000 186,140	2,172,150 1,772,409	1,397,552	3,569,702 3,169,961
-General Office (s.f.)	1,355,342	388,808 230,927	241,860	1,986,010 1,586,269	1,397,552	3,383,562 2,983,821
-Government Office (s.f.)	*	*	186,140	186,140*	-----	186,140*
Hospital Health Clinic (beds and s.f.)						
-VA Clinics (s.f.)	107,500		30,000	137,500		137,500
-Hospital Beds		150	172	322		322
-ACLF Nursing Home (beds)	580	92	284	956	104	1,060
Industrial Plants or Parks Distribution, Warehousing or Wholesaling Facilities	85,518		109,500	195,018	107,500	302,518
-Office/Warehouse (s.f.)	22,500			22,500		22,500

-Light Industrial (s.f.)	63,018		109,500	172,518	107,500	280,018
Retail and Service Development (s/f/)	1,641,168	355,000	259,862	2,256,030	1,182,097	3,438,127
Hotel or Motel Development (rooms)		120 128		120 128	880	1,000 1,008
Attractions and Recreation Facilities						
-Stadium (seats)	7,500			7,500		7,500
-Theaters (screens/seats)	16 Screens/ 3,600 Seats			16 Screens/ 3,600 Seats		16 Screens/ 3,600 Seats
-Golf Course	18 Holes	18 Holes	18 Holes	54 Holes	18 Holes	72 Holes
Trips						
-Cumulative	165,225	197,428	265,443	265,443	413,880	413,880
-By Development Phase	165,225	32,203	68,005	265,433	148,447	413,880

* Government Office for Phases 1 and 2A is included in the General Office

NOTES:

1. Office use includes medical office uses. Medical offices may include physician offices, medical clinics, labs, and diagnostic centers, ambulatory facilities, surgery centers, urgent care centers, rehabilitation centers, medical equipment sales and service, hospice, home health, pharmacies, cancer centers, hospitals or other similar medical office or specialty medical services or uses.
2. Medical uses may include but are not limited to physician offices, medical clinics, labs, diagnostic centers, ambulatory facilities, surgery centers, urgent care centers, rehabilitation centers, medical equipment sales and service, pharmacies, cancer centers, hospitals, health fitness, hospice or home health care or other similar medical or health care uses, so long as (1) such similar use has a trip generation rate (based on Institute of Transportation Engineers (ITE) rates or other professionally acceptable standard rates) comparable to or less than the rate for the previously authorized use being replaced; or (2) the total average daily trips (ADTs) generated by such particular similar use are equivalent to or less than the total ADTs generated by the previously authorized use.
3. Retail service use includes fitness center/health club uses.
4. Residential use includes independent living uses.
5. Land uses such as elementary, secondary schools (public and private), churches, libraries, post offices, fire or police stations, golf courses and other public/civic uses are allowable in any development district, in addition to other designated uses shown on Map H.

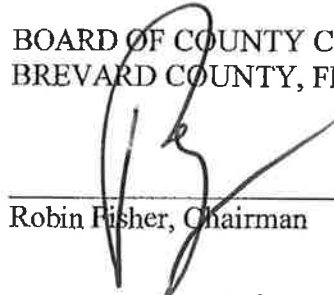
NOW THEREFORE, BE IT ORDERED AND RESOLVED by the Board of County Commissioners of Brevard County, Florida that this Third Amendment to the Amended and Restated Development Order for the Viera Development of Regional Impact (No. 15 - 110) is APPROVED pursuant to Chapter 380.06, F.S. subject to the terms and conditions of Resolution 09-272, Resolution 10-105, Resolution 14-120 and this Resolution.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA



Robin Fisher, Chairman

As approved by the Board 7-21-2015

ACCEPTANCE BY THE DEVELOPER:

THE VIERA COMPANY, INC. HEREBY ACCEPTS AND CONSENTS TO THE FOREGOING DEVELOPMENT ORDER FOR THE VIERA DEVELOPMENT OF REGIONAL IMPACT.


STEPHEN L. JOHNSON, PRESIDENT

DATE 7/21/15

ACCEPTANCE BY THE CO-APPLICANT:

A. DUDA AND SONS, INC. HEREBY ACCEPTS AND CONSENTS TO THE FOREGOING DEVELOPMENT ORDER FOR THE VIERA DEVELOPMENT OF REGIONAL IMPACT.



TRACY DUDA CHAPMAN,
SENIOR VICE PRESIDENT, REAL ESTATE

07/21/2015

DATE

Exhibit 1

A parcel of land lying in Sections 28, 29, 32 and 33, Township 25 South, Range 36 East, and Sections 4, 5, 8, 9, 10, 10, 15, 16, 17, 20, 21, 22, 28 and 29, Township 26 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of Section 29, Township 25 South, Range 36 East; thence N89°37'03"E, along the North line of Section 28, Township 25 South, Range 36 East, a distance of 236.93 feet, to a point on the West right of way line of Interstate 95 (a 300.00 foot wide Limited Access Right of Way as described in Circuit Court Minute Book 53, Pages 359 through 363 of the Public Records of Brevard County, Florida) and a point of intersection with a non-tangent curve, concave Southwesterly, having a radius of 5,579.65 feet and a central angle of 26°53'09"; thence the following 3 courses along said West right of way line of Interstate 95: (1) Southeasterly, along the arc of said curve to the right, a distance of 2,618.22 feet (said arc subtended by a chord bearing S27°57'34"E, a distance of 2,594.27 feet), to a point of tangency; (2) S14°30'59"E, a distance of 18,066.03 feet; (3) S04°15'31"E, a distance of 437.30 feet, to a point on the North line of lands described in Official Records Book 2355, Pages 1570 and 1571 of the Public Records of Brevard County, Florida; thence S75°28'38"W, along the North line of said lands, a distance of 839.48 feet, to the Northwest corner of said lands; thence S14°31'21"E, along the West line of said lands, a distance of 531.92 feet, to the Southwest corner of said lands; thence N89°33'38"E, along the South line of said lands, a distance of 21.66 feet; thence N00°26'21"W, along the South line of said lands, a distance of 50.00 feet; thence N89°33'38"E, along the South line of said lands, a distance of 291.22 feet, to a point on the West right of way line of said Interstate 95; thence the following 5 courses along said West right of way line of Interstate 95: (1) S00°26'21"E, a distance of 230.00 feet; (2) N89°33'39"E, a distance of 100.00 feet; (3) S64°31'58"E, a distance of 389.10 feet; (4) S25°00'16"E, a distance of 1,441.86 feet; (5) S14°30'59"E, a distance of 1,249.29 feet, to a point 351.49 feet South of, by perpendicular measurement, the North line of said Section 22, Township 26 South, Range 36 East; thence S87°37'12"W, parallel with and 351.49 feet South of the North line of said Section 22, a distance of 2,383.56 feet, to a point on the East line of Section 21, Township 26 South, Range 36 East; thence S00°52'01"E, along the East line of said Section 21, a distance of 4,941.06 feet, to the Northeast corner of Section 28, Township 26 South, Range 36 East; thence S00°22'01"E, along the East line of said Section 28, a distance of 2,641.30 feet, to the East one-quarter corner of said Section 28; thence S89°09'50"W, along the South line of the North one-half of said Section 28, a distance of 5,316.03 feet, to the West one-quarter corner of said Section 28; thence S89°24'21"W, along the South line of the Northeast one-quarter of Section 29, Township 26 South, Range 36 East, a distance of 1,321.53 feet, to the Southwest corner of the East one-half of the Northeast one-quarter of said Section 29; thence N00°42'48"W, along the West line of the East one-half of the Northeast one-quarter of said Section 29, a distance of 2,644.74 feet, to a point on the South line of Section 20, Township 26 South, Range 36 East; thence N00°25'43"W, along the West line of the East one-quarter of said Section 20, a distance of 5,296.74 feet, to a point on the South line of Section 17, Township 26 South, Range 36 East; thence N00°35'21"E, along the West line of the East one-quarter of said Section 17, a distance of 5,204.77 feet, to a

point 67.27 feet South of, by perpendicular measurement, the South line of Section 8, Township 26 South, Range 36 East; thence S89°08'33"W, a distance of 3,998.76 feet, to a point on the West line of said Section 17; thence N00°35'19"W, along the West line of said Section 17, a distance of 75.00 feet, to the Southwest corner of said Section 8; thence N00°35'22"W, along the West line of said Section 8, a distance of 5,302.92 feet, to the Southwest corner of Section 5, Township 26 South, Range 36 East; thence N00°33'35"W, along the West line of said Section 5, a distance of 5,290.28 feet, to the Southwest corner of Section 32, Township 25 South, Range 36 East; thence N00°31'18"E, along the West line of said Section 32, a distance of 4,667.92 feet; thence N66°33'30"E, a distance of 1,990.78 feet, to the point of curvature of a curve, concave Northwesterly, having a radius of 2,988.25 feet and a central angle of 28°53'46"; thence Northeasterly, along the arc of said curve to the left, a distance of 1,507.07 feet, to a point of intersection with a non-tangent line; thence N26°25'15"W, a distance of 1,508.04 feet; thence N00°33'05"W, a distance of 470.00 feet; thence N45°39'16"W, a distance of 1,200.05 feet; thence S89°26'55"W, a distance of 150.00 feet; thence N45°51'06"W, a distance of 274.34 feet; thence N00°33'05"W, a distance of 1,456.42 feet, to a point on the North line of Section 29, Township 25 South, Range 36 East; thence N89°20'44"E, along the North line of said Section 29, a distance of 4,125.06 feet, to the POINT OF BEGINNING; Containing 6,249.54 acres, more or less.

LESS AND EXCEPT:

A portion of Section 29, Township 25 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Section 29, Township 25 South, Range 36 East; thence S89°20'44"W, along the North line of said Section 29, a distance of 818.56 feet; thence S00°27'28"E, a distance of 60.00 feet, to the Northeast corner of that tract of land described as Parcel #1 in Official Records Book 2885, Page 0986, of the Public Records of Brevard County, Florida, and the POINT OF BEGINNING of the herein described parcel; thence continue, S00°27'28"E, along the East line of said Parcel #1, a distance of 127.53 feet, to the Southeast corner of said Parcel #1; thence S89°20'44"W, along the South line of said Parcel #1, a distance of 466.24 feet, to the Northeast corner of that tract of land described as Parcel #2 in said Official Records Book 2885, Page 0986; thence S00°27'28"E, along the East line of said Parcel #2, a distance of 50.00 feet, to the Southeast corner of said Parcel #2; thence S89°20'44"W, along the South line of said Parcel #2, a distance of 185.00 feet, to the Southwest corner of said Parcel #2; thence N00°27'28"W, along the West line of said Parcel #2, a distance of 50.00 feet, to the Northwest corner of said Parcel #2; thence N89°20'44"E, along the North line of said Parcel #2, a distance of 156.00 feet, to the Southwest corner of aforesaid Parcel #1; thence N00°27'28"W, along the West line of said Parcel #1, a distance of 50.00 feet; thence N89°20'44"E, a distance of 50.00 feet; thence N00°27'28"W, a distance of 77.53 feet, to the Northwest corner of said Parcel #1, and a point 60.00 feet South of, by perpendicular measurement, the North line of said Section 29; thence N89°20'44"E, along the North line of said Parcel #1, parallel with and 60.00 feet South of the North line of said Section 29, a distance of 451.24 feet, to the POINT OF BEGINNING; Containing 1.59 acres, more or less.

Together with:

All of Section 27 and portions of Sections 22, 28, 33, 34 and 35, Township 25 South, Range 36 East and portions of Sections 2, 3, 4, 10 and 11, Township 26 South, Range 36 East, all in Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of said Section 10; thence $N00^{\circ}56'27''W$, along the east line of said Section 10, a distance of 50.01 feet, to a point on the North right of way line of Wickham Road (a 100.00 foot right of way) said point also being the POINT OF BEGINNING of the herein described parcel; thence $S88^{\circ}04'16''W$, along the North right of way line of said Wickham Road, a distance of 1.46 feet; thence $S86^{\circ}43'08''W$, along the North right of way line of said Wickham Road, a distance of 1791.20 feet; thence $S89^{\circ}33'39''W$, along said North right of way line of Wickham Road, a distance of 1230.64 feet, to a point on the East line of lands described in Official Records Book 876 Page 569 of the Public Records of Brevard County, Florida; thence $N14^{\circ}30'59''W$, along the East line of said lands, a distance of 767.04 feet, to the Northeast corner of lands described in Official Records Book 876 Page 569; thence $S75^{\circ}29'01''W$, along the North line of said lands, a distance of 768.60 feet, to the Easterly right of way line of Interstate 95 (a 300.00 foot Limited Access right of way) as described in Circuit Court Book 53 Pages 359-363 of said Public Records of Brevard County, Florida, thence $N25^{\circ}59'45''W$, along said Easterly right of way line, a distance of 745.37 feet; thence $N14^{\circ}30'59''W$, along said Easterly right of way line, a distance of 2308.05 feet, to a point on the Westerly extension of the North line of Tract "A" CRANE CRLEK UNIT ONE according to the plat thereof as recorded in Plat Book 35 pages 98 and 99 of said Public Records; thence along the North line of said Tract "A" the following courses: $N60^{\circ}50'37''E$, a distance of 345.53 feet; thence $N37^{\circ}55'22''E$, a distance of 170.97 feet; thence $N52^{\circ}14'42''E$, a distance of 84.63 feet; thence $N75^{\circ}32'52''E$, a distance of 550.00 feet; thence $N77^{\circ}53'19''E$, a distance of 75.00 feet; thence $S84^{\circ}57'29''E$, a distance of 75.00 feet; thence $S82^{\circ}54'27''E$, a distance of 410.74 feet; thence $N07^{\circ}05'33''E$, a distance of 104.22 feet, to a point of intersection with a non-tangent curve, concave Northerly, having a radius of 813.27 feet and a central angle of $23^{\circ}09'47''$; thence Easterly, along the arc of said curve to the left, a distance of 328.78 feet (said arc subtended by a chord which bears $N79^{\circ}40'16''E$, for 326.55 feet) to a point of tangency; thence $N68^{\circ}05'23''E$, a distance of 243.76 feet, to a point lying 30.00 feet West of, by perpendicular measurement, the West right of way line of Murrell Road (a proposed 120.00 foot right of way) as described in Official Records Book 2953 Page 2101 of said Public Records; thence Northerly and 30.00 West of, by perpendicular measurement, said West right of way line of Murrell Road the following courses: $N21^{\circ}58'12''W$, a distance of 742.63 feet, to a point of curvature with a curve, concave Easterly having a radius of 1235.92 feet and a central angle of $27^{\circ}00'44''$;

thence Northerly, along the arc of said curve to the right, a distance of 582.68 feet (said arc subtended by a chord which bears $N08^{\circ}27'42''W$, for 577.30 feet) to a point of tangency; thence $N05^{\circ}02'40''E$, a distance of 468.35 feet, to the point of curvature of a curve, concave Westerly, having a radius of 1055.92 feet and a central angle of $26^{\circ}59'03''$; thence Northerly, along the arc of said curve to the left, a distance of 497.30 feet, to a point of tangency; thence $N21^{\circ}56'23''W$, a distance of 1400.38 feet, to the point of curvature of a curve, concave Easterly, having a radius of 1235.92 feet and a central angle of $27^{\circ}28'01''$; thence Northerly, along the arc of said curve to the right, a distance of 592.49 feet, to a point of tangency; thence $N05^{\circ}31'38''E$, a distance of 1379.39 feet; thence $N84^{\circ}28'22''W$, a distance of 600.00 feet; thence $N05^{\circ}31'38''E$, a distance of 436.54 feet, to the point of curvature of a curve, concave Westerly having a radius of 947.02 feet;

and a central angle of 29°17'27"; thence Northerly, and Northwesterly, along the arc of said curve to the left, a distance of 484.14 feet, to a point of tangency; thence N23°45'49"W, a distance of 80.18 feet; thence S75°26'47"W, a distance of 2378.80 feet, to the Easterly right of way line of aforesaid Interstate 95; thence along said Easterly right of way line, N14°30'59"W, a distance of 8447.89 feet, to a point on the South line of North ½ of Section 28, Township 25 South, Range 36 East, of Brevard County, Florida; thence N89°33'30"E, along said South line of the North ½ of Section 28, a distance of 472.99 feet, to a point of intersection with a non-tangent curve, concave Easterly, having a radius of 305.96 feet and a central angle of 29°59'46"; thence Southerly, along the arc of said curve to the left, a distance of 160.18 feet (said arc subtended by a chord which bears S01°19'19"W, a distance of 158.36 feet) to a point of tangency; thence S13°40'34"E, a distance of 303.04 feet, to the point of curvature of a curve, concave Northeasterly, having a radius of 458.10 feet and a central angle of 56°01'11"; thence Southeasterly, along the arc of said curve to the left, a distance of 447.90 feet, to a point of tangency; thence S69°41'45"E, a distance of 425.30 feet, to the point of curvature of a curve, concave Northerly, having a radius of 50.00 feet and a central angle of 63°22'16"; thence Easterly, along the arc of said curve to the left, a distance of 55.30 feet, to a point of tangency; thence N46°55'59"E, a distance of 360.24 feet, to the point of curvature of a curve, concave Westerly, having a radius of 50.00 feet and a central angle of 65°10'20"; thence Northerly, along the arc of said curve to the left, a distance of 56.87 feet, to a point of tangency; thence N18°14'21" W, a distance of 634.87 feet, to the point of curvature of a curve, concave Westerly, having a radius of 335.00 feet and a central angle of 03°04'30"; thence Northerly, along the arc of said curve to the left, a distance of 17.98 feet, to a point on the South line of the North one-half of said Section 28, and a point of intersection with a non-tangent line; thence N89°33'30"E, along said South line, a distance of 372.80 feet, to a point of intersection with a non-tangent curve, concave Northerly, having a radius of 407.17 feet and a central angle of 39°26'11"; thence Easterly, along the arc of said curve to the left, a distance of 280.25 feet (said arc subtended by a chord which bears S71°26'34"E, a distance of 274.75 feet), to a point of tangency; thence N88°50'21"E, a distance of 296.03 feet; thence N01°09'39"W, a distance of 85.74 feet, to a point on the South line of the North one-half of said Section 28; thence N89°33'30"E, along said South line, a distance of 373.86 feet; thence N61°33'05"E, a distance of 211.23 feet, to a point of intersection with a non-tangent curve, concave Northeasterly, having a radius of 75.06 feet and a central angle of 71°38'52"; thence Southeasterly, along the arc of said curve to the left, a distance of 93.87 feet (said arc subtended by a chord which bears S64°16'20"E, a distance of 87.87 feet), to a point of tangency; thence N70°34'14"E, a distance of 143.40 feet; thence S01°14'17"E, a distance of 84.49 feet, to a point on the South line of the North one-half of said Section 28; thence N89°33'30"E, along said South line, a distance of 406.31 feet, to the East ¼ corner of said Section 28; thence N00°52'33"W, along the East line of said Section 28, a distance of 2689.25 feet, to the Northwest corner of Section 27, Township 25 South, Range 36 East, of said Brevard County, Florida; thence N89°44'56"E, along the North line of said Section 27, a distance of 4533.52 feet, to a point on the West line of lands described in Official Records Book 2237, Page 2896 of said Public Records; thence N00°14'41" W, along said West line of said lands, a distance of 1969.91 feet, to a point on the South right of way line of Barnes Boulevard (a 100.00 foot right of way); thence S89°47'34"E, along the South right of way line of said Barnes Boulevard, a distance of 800.02 feet, to a point on the East line of lands described in said Official Records Book 2237, Page 2896; thence S00°14'41"E, along the East line of said lands, a

distance of 1963.51 feet, to the Northeast corner of aforesaid Section 27; thence $S00^{\circ}21'25''E$, along the East line of said Section 27, a distance of 2660.01 feet; thence $S00^{\circ}41'06''W$, along the East line of said Section 27, a distance of 2181.04 feet; thence $S38^{\circ}50'01''E$, a distance of 1283.83 feet; thence $S00^{\circ}00'17''W$, a distance of 1950.00 feet; thence $S40^{\circ}13'54''E$, a distance of 170.29 feet; thence $S00^{\circ}00'17''W$, a distance of 575.80 feet; thence $S00^{\circ}47'41''W$, a distance of 160.33 feet; thence $S00^{\circ}02'33''W$, a distance of 285.27 feet; thence $S40^{\circ}33'32''E$, a distance of 322.68 feet; thence $S39^{\circ}45'09''W$, a distance of 309.83 feet; thence $S39^{\circ}45'09''W$, a distance of 73.64 feet; thence $S01^{\circ}44'51''E$, a distance of 160.08 feet; thence $S56^{\circ}16'03''E$, a distance of 396.61 feet; thence $S60^{\circ}35'59''E$, a distance of 91.79 feet; thence $S03^{\circ}13'41''E$, a distance of 350.57 feet; thence $S40^{\circ}30'27''W$, a distance of 467.42 feet, to a point on the South line of Section 35, Township 25 South, Range 36 East of said Brevard County, Florida; thence $S88^{\circ}58'58''W$, along the South line of said Section 35, a distance of 1034.88 feet, to the Northeast corner of Section 3, Township 26 South, Range 36 East of Brevard County, Florida; thence $S01^{\circ}18'21''W$, along the East line of said Section 3, Township 26 South, Range 36 East of Brevard County, Florida; thence $S01^{\circ}8'21''W$, along the East line of said Section 3, a distance of 1245.65 feet, to the Northeast corner of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 1, according to the plat thereof as recorded in Plat Book 34, Page 92 of said Public Records; thence $S88^{\circ}36'35''W$, along the North line of said INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 1, and the North line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 2, according to the plat thereof as recorded in Plat Book 34 Page 36 of said Public Records, a distance of 2634.55 feet; thence $S88^{\circ}29'51''W$, along the North line of said INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 2, and the North line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 1, according to the plat thereof as recorded in Plat Book 34 Pages 31 and 32 of said Public Records, and the North line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 3, according to the plat thereof as recorded in Plat Book 35 Page 91 of said Public Records, a distance of 883.37 feet, to the East right of way line of aforesaid Murrell Road; thence Southerly along the East right of way of said Murrell Road the following courses: $S05^{\circ}31'38''W$, a distance of 785.27 feet, to the point of curvature of a curve, concave Easterly, having a radius of 1085.92 feet and a central angle of $27^{\circ}28'01''$; thence Southerly, along the arc of said curve to the left, a distance of 520.58 feet, to a point of tangency; thence $S21^{\circ}56'23''E$, a distance of 1400.38 feet; to the point of curvature of a curve, concave Westerly, having a radius of 1205.92 feet and a central angle of $26^{\circ}59'03''$; thence Southerly, along the arc of said curve to the right, a distance of 567.94 feet, to a point of tangency; thence $S05^{\circ}02'40''W$, a distance of 488.35 feet; to the point of curvature of a curve, concave Easterly, having a radius of 1085.92 feet and a central angle of $27^{\circ}00'44''$; thence Southerly, along the arc of said curve to the left, a distance of 511.96 feet, to a point of tangency; thence $S21^{\circ}58'05''E$, a distance of 592.75 feet; to the point of curvature of a curve, concave Northeasterly, having a radius of 5000 feet and a central angle of $90^{\circ}00'00''$; thence along the South line of lands described in Official Records Book 2952 Page 1046, of said Public Records the following courses, Southeasterly along the arc of aforesaid curve to the left, and a distance of 78.54 feet, to a point of tangency; thence $N68^{\circ}01'55''E$, a distance of 423.19 feet; to the point of curvature of a curve, concave Southerly, having a radius of 960.00 feet and a central angle of $19^{\circ}01'19''$; thence Easterly, along the arc of said curve to the right, a distance of 318.72 feet, to a point of tangency; thence $N87^{\circ}03'14''E$, a distance of 231.13 feet; thence $N02^{\circ}52'32''W$, along the East line of said Official Records Book 2952, Page 1046, a distance of 693.18 feet, to a point on the South line of

INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 4, according to the plat thereof as recorded in Plat Book 35 Pages 65, 66 and 67 of said Public Records; thence N86°32'28" E, along the South line of said INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 4, a distance of 1619.95 feet, to the Southeast corner of the aforesaid Section 3; thence N01°19'53"E, along the East line of said Section 3, and the East line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 4, and the East line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 2, according to the plat thereof as recorded in Plat Book 34 Pages 99 and 100, and the East line of the aforesaid INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 1, a distance of 2506.80 feet, to a point on the North line of the West ½, of the Southwest ¼ of Section 2, Township 26 South, Range 36 East of said Brevard County, Florida; thence N87°30'13"L, along said North line, a distance of 1347.63 feet, to a point on the East line of the West ½ of the Southwest ¼ of said Section 2; thence S00°58'04"W, along said East line, a distance of 2563.79 feet, to the Southeast corner of the West ½ of the Southwest ¼ of said Section 2; thence S00°29'09"L, along the East line of the Northwest ¼ of the Northwest ¼ of Section 11, Township 26 South, Range 36 East of said Brevard County, Florida, a distance of 1335.62 feet, to a point on the South line of said Northwest ¼ of the Northwest ¼ of Section 11; thence N89°30'57"W, along said South line, a distance of 1350.86 feet, to a point on the East line of Section 10, Township 26 South, Range 36 East; thence S00°56'39"E, along the East line of said Section 10, a distance of 1322.93 feet; thence S00°56'27"L, along the East line of said Section 10, a distance of 541.54 feet, to the Northeast corner of lands described in Official Records Book 2812, Page 2063 of said Public Records; thence along the North boundary of said Official Records Book 2812 Page 2063, the following courses: S87°58'09"W, a distance of 649.89 feet; thence S00°56'33"E, a distance of 288.93 feet; thence S59°06'00"W, a distance of 345.74 feet; thence N88°22'27"W, a distance of 502.08 feet; thence S59°06'25"W, a distance of 503.21 feet; thence S00°56'41"E, a distance of 575.05 feet; thence S44°01'53"W, a distance of 158.94 feet; thence S87°56'38"W, a distance of 359.28 feet, to the East right of way line of aforesaid Murrell Road; thence S12°26'11"L, along the East right of way line of said Murrell Road, a distance of 152.27 feet, to a point on the South line of lands described in said Official Records Book 2812 Page 2063; thence N87°58'46"E, along the South line of said lands, a distance of 2241.81 feet, to a point on the East line of aforesaid Section 10; thence S00°56'27"E, along the East line of said Section 10, a distance of 600.02 feet, to the POINT OF BEGINNING.

Together with:

A portion of Section 28, Township 25 South, Range 36 East, Brevard County, Florida, lying East of Interstate 95, being more particularly described as follows:

Commence at the Northwest corner of said Section 28; thence N89°37'03"L, along the North line of the Northwest one-quarter of said Section 28, a distance of 627.16 feet, to a point on the East right of way line of Interstate 95 (a 300.00 foot wide right of way) and the POINT OF BEGINNING of the herein described parcel; thence continue, N89°37'03"E, along said North line, a distance of 2,011.74 feet, to the North ¼ corner of said Section 28; thence N89°37'23"L, along the North line of the Northeast one-quarter of said Section 28, a distance of 2,649.15 feet, to the Northeast corner of said Section 28; thence S00°52'33"L, along the East line of said Section 28; a distance of 2,689.25 feet, to the East ¼ corner of said Section 28; thence S89°33'30"W, along the South line of the North one-half of said Section 28, a distance of 406.31

feet, thence $N01^{\circ}14'17''W$, a distance of 84.49 feet; thence $S79^{\circ}54'14''W$, a distance of 143.40 feet, to the point of curvature of a curve, concave Northeasterly, having a radius of 75.06 feet and a central angle of $71^{\circ}38'52''$; thence Northwesterly, along the arc of said curve to the right, a distance of 93.87 feet, to a point of intersection with a non-tangent line; thence $S61^{\circ}33'05''W$, a distance of 211.23 feet, to a point on the South line of the North one-half of said Section 28; thence $S89^{\circ}33'30''W$, along said South line, a distance of 373.86 feet; thence $S01^{\circ}09'39''E$, a distance of 85.74 feet; thence $S88^{\circ}50'21''W$, a distance of 296.03 feet, to the point of curvature of a curve, concave Northerly, having a radius of 407.17 feet and a central angle of $59^{\circ}26'11''$; thence Westerly, along the arc of said curve to the right, a distance of 280.25 feet, to a point on the South line of the North one-half of said Section 28, and a point of intersection with a non-tangent line; thence $S89^{\circ}33'30''W$, along said South line, a distance of 372.80 feet, to a point of intersection with a non-tangent curve, concave Westerly, having a radius of 335.00 feet and a central angle of $03^{\circ}04'30''$; thence Southerly, along the arc of said curve to the right, a distance of 17.98 feet (said arc subtended by a chord which bears $S19^{\circ}46'36''E$, a distance of 17.98 feet, to a point of tangency; thence $S18^{\circ}14'21''E$, a distance of 634.87 feet, to the point of curvature of a curve, concave Westerly, having a radius of 50.00 feet and a central angle of $65^{\circ}10'20''$; thence Southerly, along the arc of said curve to the right, a distance of 56.87 feet, to a point of tangency; thence $S46^{\circ}55'59''W$, a distance of 360.24 feet, to the point of curvature of a curve, concave Northerly, having a radius of 50.00 feet and a central angle of $63^{\circ}22'16''$; thence Westerly, along the arc of said curve to the right, a distance of 55.30 feet, to a point of tangency; thence $N69^{\circ}41'45''W$, a distance of 425.36 feet, to the point of curvature of a curve, concave Northeasterly, having a radius of 458.10 feet and a central angle of $56^{\circ}01'11''$; thence Northwesterly, along the arc of said curve to the right, a distance of 447.90 feet, to a point of tangency; thence $N13^{\circ}40'34''W$, a distance of 303.04 feet, to the point of curvature of a curve, concave Easterly, having a radius of 305.96 feet and a central angle of $29^{\circ}59'46''$; thence Northerly, along the arc of said curve to the right, a distance of 160.18 feet, to a point on the South line of the North one-half of said Section 28, and a point of intersection with a non-tangent line; thence $S89^{\circ}33'30''W$, along said South line, a distance of 472.99 feet, to a point on the East right of way line of said interstate 95; thence $N14^{\circ}30'59''W$, along said East right of way line, a distance of 481.28 feet, to the point of curvature of a curve, concave Southwesterly, having a radius of 5,879.65 feet and a central angle of $24^{\circ}23'21''$; thence Northwesterly, along said East right of way line, and along the arc of said curve to the left, a distance of 2,502.80 feet, to the POINT OF BEGINNING; containing 260.84 acres, more or less.

TOGETHER WITH:

Begin at a 4" X 4" concrete monument at the Northwest corner of said Section 30, Township 25 South, Range 36 East; thence N89°21'55"E, along the North line of said Section 30, a distance of 2,545.93 feet, to an iron rod; thence S08°24'33"E, a distance of 748.62 feet, to an iron rod; thence S08°55'25"E, a distance of 405.40 feet, to an iron rod; thence S07°53'09"E, a distance of 404.42 feet, to an iron rod; thence S07°41'38"E, a distance of 556.16 feet, to an iron rod; thence S08°07'57"E, a distance of 556.72 feet, to an iron rod; thence S07°54'48"E, a distance of 556.44 feet, to an iron rod; thence S08°10'16"E, a distance of 880.33 feet, to an iron rod; thence S07°57'39"E, a distance of 482.44 feet, to an iron rod; thence S79°41'18"W, a distance of 8.69 feet, to an iron rod; thence S07°38'31"E, a distance of 396.84 feet, to an iron rod; thence S13°30'01"W, a distance of 6.84 feet, to an iron rod; thence S68°53'11"W, a distance of 456.26 feet, to an iron rod; thence S75°44'29"W, a distance of 86.29 feet, to an iron rod; thence S64°14'40"W, a distance of 129.79 feet, to an iron rod; thence S68°29'29"W, a distance of 703.75 feet, to an iron rod; thence S03°43'55"E, a distance of 774.28 feet, to an iron rod; thence S03°43'05"E, a distance of 420.39 feet, to an iron rod; thence S17°31'55"W, a distance of 31.51 feet, to an iron rod; thence S02°10'23"W, a distance of 15.32 feet, to an iron rod; thence S84°49'06"W, a distance of 1,260.85 feet, to an iron rod; thence S65°26'07"W, a distance of 553.39 feet, to an iron rod; thence S65°16'09"W, a distance of 553.65 feet, to an iron rod; thence S65°26'06"W, a distance of 552.21 feet, to an iron rod; thence S65°42'07"W, a distance of 553.14 feet, to an iron rod; thence S86°33'52"W, a distance of 560.20 feet, to an iron rod; thence S86°36'43"W, a distance of 1,119.98 feet, to an iron rod; thence N15°49'12"W, a distance of 53.08 feet, to an iron rod; thence S88°41'21"W, a distance of 144.31 feet, to an iron rod; thence S86°14'12"W, a distance of 360.22 feet, to an iron rod; thence S44°22'00"W, a distance of 2,194.87 feet, to an iron rod; thence S02°24'20"E, a distance of 99.12 feet, to an iron rod; thence S46°55'21"W, a distance of 146.56 feet, to an iron rod; thence S65°38'19"W, a distance of 194.77 feet, to an iron rod; thence S63°42'25"W, a distance of 577.43 feet, to an iron rod; thence S69°45'01"W, a distance of 412.41 feet, to an iron rod; thence N89°15'09", a distance of 79.29 feet, to an iron rod; thence S73°35'49"W, a distance of 531.37 feet, to an iron rod; thence S87°25'48"W, a distance of 483.14 feet, to an iron rod; thence S87°26'32"W, a distance of 966.55 feet, to an iron rod; thence S87°21'06"W, a distance of 485.66 feet, to an iron rod; thence S62°14'38"W, a distance of 444.40 feet, to an iron rod; thence S62°17'07"W, a distance of 446.88 feet, to an iron rod; thence S62°19'23"W, a distance of 358.90 feet, to an iron rod; thence S62°27'13"W, a distance of 370.19 feet, to an iron rod; thence S77°23'47"W, a distance of 411.85 feet, to an iron rod; thence S00°53'45"W, a distance of 125.73 feet, to an iron rod; thence S00°13'05"W, a distance of 658.60 feet, to an iron rod; thence S00°02'40"E, a distance of 1,583.00 feet, to an iron rod; thence S00°01'31"E, a distance of 543.46 feet, to an iron rod; thence S06°38'41"E, a distance of 236.05 feet, to an iron rod; thence S00°05'15"W, a distance of 1,609.02 feet, to an iron rod; thence N89°56'14"E, a distance of 1,150.63 feet, to an iron rod; thence N89°41'56"E, a distance of 575.37 feet, to an iron rod; thence S89°48'28"E, a distance of 575.27 feet, to an iron rod; thence S05°17'41"E, a distance of 5,150.06 feet, to an iron rod; thence S88°28'59"W, a distance of 892.20 feet, to an iron rod; thence S89°18'35"W, a distance of 1,352.16 feet, to an iron rod; thence N88°11'42"W, a distance of 478.57 feet, to an iron rod;

thence S04°20'09"W, a distance of 165.35 feet, to an iron rod; thence S44°31'42"E, a distance of 1,884.04 feet, to an iron rod; thence S44°35'30"E, a distance of 3,917.97 feet, to an iron rod; thence S62°09'21"E, a distance of 2,317.97 feet, to an iron rod; thence S61°05'48"E, a distance of 649.92 feet, to an iron rod; thence N47°16'55", a distance of 35.75 feet, to an iron rod; thence S61°57'44"E, a distance of 923.38 feet, to an iron rod; thence S41°26'58"E, a distance of 273.10 feet, to an iron rod; thence S30°04'29"E, a distance of 310.25 feet, to an iron rod; thence S34°43'38"E, a distance of 598.07 feet, to an iron rod; thence S26°25'22"E, a distance of 301.86 feet, to an iron rod; thence S64°19'41"E, a distance of 773.92 feet, to an iron rod; thence S03°54'52"E, a distance of 1,444.29 feet, to an iron rod; thence S88°57'24"E, a distance of 504.03 feet, to an iron rod; thence S13°21'03"W, a distance of 118.12 feet, to an iron rod; thence S34°02'56"W, a distance of 1,348.21 feet, to an iron rod; thence S45°13'06"W, a distance of 1,297.85 feet, to an iron rod; thence S63°01'28"W, a distance of 72.85 feet, to an iron rod; thence S35°48'10"E, a distance of 45.45 feet, to an iron rod; thence S36°43'44"E, a distance of 81.14 feet, to an iron rod; thence S43°22'10"E, a distance of 2,416.90 feet, to an iron rod; thence S54°43'27"E, a distance of 118.25 feet, to an iron rod; thence S76°01'08"E, a distance of 114.63 feet, to an iron rod; thence S89°15'48"E, a distance of 397.07 feet, to an iron rod; thence S67°53'23"E, a distance of 92.26 feet, to an iron rod; thence S27°40'02"E, a distance of 156.14 feet, to an iron rod; thence S64°16'29"E, a distance of 37.61 feet, to an iron rod; thence N89°15'14"E, a distance of 352.87 feet, to an iron rod; thence S85°51'17"E, a distance of 307.67 feet, to an iron rod; thence N86°54'20"E, a distance of 151.74 feet, to an iron rod; thence N76°30'06"E, a distance of 261.56 feet, to an iron rod; thence N87°06'14"E, a distance of 251.77 feet, to an iron rod; thence N88°53'08"E, a distance of 158.24 feet, to an iron rod; thence N85°02'05"E, a distance of 159.48 feet, to an iron rod; thence S87°50'17"E, a distance of 174.88 feet, to an iron rod; thence S83°44'02"E, a distance of 176.43 feet, to an iron rod; thence S86°24'25"E, a distance of 258.17 feet, to an iron rod; thence S81°07'19"E, a distance of 151.23 feet, to an iron rod; thence N73°40'28"E, a distance of 247.99 feet, to an iron rod; thence N84°35'54"E, a distance of 81.80 feet, to an iron rod; thence S79°39'38"E, a distance of 98.82 feet, to an iron rod; thence S67°24'44"E, a distance of 168.94 feet, to an iron rod; thence S56°25'12"E, a distance of 206.81 feet, to an iron rod; thence S70°16'15"E, a distance of 241.47 feet, to an iron rod; thence S71°16'02"E, a distance of 271.51 feet, to an iron rod; thence S76°57'22"E, a distance of 144.38 feet, to an iron rod; thence S83°43'51"E, a distance of 362.54 feet, to an iron rod; thence S82°09'02"E, a distance of 428.93 feet, to an iron rod; thence S76°54'20"E, a distance of 74.04 feet, to an iron rod; thence S69°05'45"E, a distance of 73.41 feet, to an iron rod; thence S54°06'44"E, a distance of 97.18 feet, to an iron rod; thence S37°26'00"E, a distance of 287.82 feet, to an iron rod; thence S54°56'39"E, a distance of 72.06 feet, to an iron rod; thence S73°11'26"E, a distance of 65.07 feet, to an iron rod; thence S79°38'52"E, a distance of 374.93 feet, to an iron rod; thence S74°51'17"E, a distance of 156.56 feet, to an iron rod; thence S60°41'38"E, a distance of 171.07 feet, to an iron rod; thence S75°22'42"E, a distance of 109.56 feet, to an iron rod; thence S52°26'28"E, a distance of 84.10 feet, to an iron rod; thence S41°24'22"E, a distance of 210.47 feet, to an iron rod; thence S38°52'45"E, a distance of 174.40 feet, to an iron rod; thence S33°54'38"E, a distance of 212.94 feet, to an iron rod; thence S37°40'21"E, a distance of 119.90 feet, to an iron rod; thence S63°38'27"E, a distance of 397.23 feet, to an iron rod; thence S54°42'23"E, a distance of 137.02 feet, to an iron rod; thence S66°28'00"E, a distance of 72.13 feet, to an iron rod; thence S74°03'50"E, a distance of 526.89 feet, to an iron rod; thence S65°07'14"E, a distance of 169.50

feet, to an iron rod; thence S56°11'35"E, a distance of 261.82 feet, to an iron rod; thence S62°05'45"E, a distance of 141.63 feet, to an iron rod; thence S82°38'30"E, a distance of 227.95 feet, to an iron rod; thence S64°34'06"E, a distance of 134.09 feet, to an iron rod; thence S44°50'15"E, a distance of 117.21 feet, to an iron rod; thence S36°18'31"E, a distance of 242.72 feet, to an iron rod; thence S49°43'39"E, a distance of 178.02 feet, to an iron rod; thence S45°48'41"E, a distance of 179.26 feet, to an iron rod; thence S49°49'20"E, a distance of 214.19 feet, to an iron rod; thence S41°48'48"E, a distance of 222.20 feet, to an iron rod; thence S48°35'30"E, a distance of 200.25 feet, to an iron rod; thence S61°25'40"E, a distance of 428.09 feet, to an iron rod; thence S63°06'44"E, a distance of 644.39 feet, to an iron rod; thence S62°46'04"E, a distance of 678.14 feet, to an iron rod; thence S62°43'50"E, a distance of 652.63 feet, to an iron rod; thence S53°36'34"E, a distance of 218.94 feet, to an iron rod; thence S64°10'09"E, a distance of 726.09 feet, to an iron rod; thence S64°07'34"E, a distance of 634.55 feet, to an iron rod; thence S62°56'15"E, a distance of 752.40 feet, to an iron rod; thence S65°29'06"E, a distance of 116.42 feet, to an iron rod; thence S59°29'15"E, a distance of 116.71 feet, to an iron rod; thence S41°56'01"E, a distance of 88.47 feet, to an iron rod; thence S39°21'46"E, a distance of 287.92 feet, to an iron rod; thence S39°13'55"E, a distance of 321.23 feet, to an iron rod; thence S59°37'39"E, a distance of 318.13 feet, to an iron rod; thence S51°26'09"E, a distance of 73.03 feet, to an iron rod; thence S75°43'21"E, a distance of 132.64 feet, to an iron rod; thence S81°00'26"E, a distance of 449.69 feet, to an iron rod; thence S61°25'12"E, a distance of 181.24 feet, to an iron rod; thence S76°11'38"E, a distance of 79.34 feet, to an iron rod; thence N83°23'17"E, a distance of 57.02 feet, to an iron rod; thence N57°28'51"E, a distance of 65.75 feet, to an iron rod; thence N48°12'37"E, a distance of 218.65 feet, to an iron rod; thence S71°43'37"E, a distance of 109.38 feet, to an iron rod; thence S55°14'02"E, a distance of 91.32 feet, to an iron rod; thence S38°01'21"E, a distance of 56.46 feet, to an iron rod; thence S03°46'11"E, a distance of 60.49 feet, to an iron rod; thence S00°46'56"W, a distance of 262.22 feet, to an iron rod; thence S13°01'47"E, a distance of 243.27 feet, to an iron rod; thence S16°57'33"E, a distance of 140.72 feet, to an iron rod on the South line of the Southeast one-quarter of Section 33, Township 26 South, Range 36 East; thence N88°28'16"E along the South line of said Section 33, 1212.95 feet to Southwest Corner of Section 34, Township 26 South, Range 36 East; thence N89°06'05"E along the South line of said Section 34, 4798.14 feet; to a point on the West Right-of-Way line of Interstate 95 (Circuit Court Book 53, Pages 359-363, Public Records of Brevard County Florida), thence N00°03'59"W, along said Right-of-Way 2480.30 feet; thence N00°28'45"W, 328.41 feet, to a point on the South Boundary line of Nail Farms (Deed Book 63, Page 155, Public Records of Brevard County, Florida); thence S78°21'10"W along said South line, 303.63 feet; thence N00°38'50"W, 554.40 feet; thence N89°21'11"E, 290.53 feet, to a point on the said West Right-of-Way line of Interstate 95 and a non-tangent intersection with a curve to the left; Thence along said Right-of-Way and the arc of said curve, (said curve being concave to the West and having a radius of 22800.32 feet; a radial bearing of S87°51'38"W, a delta angle of 12°22'37", a chord distance of 4915.73 feet; and a chord bearing of N08°19'41"W) a distance of 4933.30 feet; to the end of said curve; thence N14°30'59"W, 4457.16 feet; thence S75°29'01"W, 200.00 feet; thence N14°30'59"W, 950.06 feet; thence N75°29'01"E, 200.00 feet; thence N14°30'59"W, 2229.09 feet, to a point on the East line of the Viera Development of Regional Impact (DRI) (as described in Official Records Book 4459, Page 3677, Public Records of Brevard County, Florida); thence along said DRI Line the following 24 courses and distances:

1. S87°31'12"W, 2376.76 feet, to a point on the East line of Section 21, Township 26, Range 36 East;
2. S00°52'01"E, along said East line of Section 21, 2322.94 feet to the Southeast Corner of the Northeast Quarter of said Section 21;
3. S00°52'01"E along said East Line of Section 21, 2646.34 feet, to the Northeast Corner of Section 28, Township 26, Range 36 East;
4. S00°22'01"E along said East line of Section 28, 2641.30 feet, to the Southeast Corner of the Northeast Quarter of said Section 28;
5. S89°09'50"W, 5316.03 feet to the Southwest Corner of the Northwest Quarter of said Section 28;
6. S89°24'21"W, 1321.53 feet;
7. N00°42'48"W, 2644.74 feet to a point on the South line of Section 20, Township 26, Range 36 East;
8. N00°25'43"W, 5296.74 feet to a point on the North line of said section 20;
9. N00°35'21"E, 5294.79 feet;
10. S89°08'33"W, 3998.77 feet to a point on the West line of Section 17, Township 26 South, Range 36 East;
11. N00°35'19"W along the West line of said Section 17, 74.98 feet to the Southwest corner of Section 8; Township 26 South, Range 36 East;
12. N00°35'22"W along the West line of said Section 8, 5302.92 feet to the Southwest Corner of Section 5, Township 26 South, Range 36 East;
13. N00°33'35"W along the West line of said Section 5, 5290.28 feet, to the Southwest corner of Section 32, Township 25 South, Range 36 East;
14. N00°31'18"E along the West line of said Section 32, 4667.92 feet;
15. N66°33'30"E, 1990.78 feet; to the beginning of a curve to the left;
16. along the arc of said curve, (said curve being curved concave to the Northwest and having a radius of 2988.25 feet; a delta angle of 28° 53'46", a chord distance of 1491.15 feet; and a chord bearing of N52°06'37"E) a distance of 1507.07 feet; to the end of said curve;
17. N26°25'15"W, 1508.04 feet,
18. N00°33'05"W, 470.09 feet;

19. N45°39'15"W, 1200.05 feet;
20. S89°26'55"W, 150.00 feet;
21. N45°51'06"W, 274.34 feet;
22. N00°33'05"W, 1456.41 feet to a point on the North line of Section 29, Township 25 South, Range 36 East;
23. S89°20'44"W along the North line of said Section 29, 1153.56 feet to the Northeast corner of Section 30, Township 25 South, Range 36 East;
24. S89°23'19"W along the North line of said Section 30 2789.62 feet to the POINT OF BEGINNING.

Subject to Easements, Restrictions, Reservations and Rights-of-way of record.

LESS AND EXCEPT those certain parcels of land described in Official Records Book 2951, Page 1574; Official Records Book 3412, Page 4823; Official Records Book 4203, Page 2463; Official Records Book 5262, Page 3838; **AND LESS AND EXCEPT** that certain parcel of land described in Civil Action Documents 96-16731-CA-F; all being recorded in the Public Records of Brevard County, Florida.

TOGETHER WITH that certain parcel described in Official Records Book 5262, Page 3836, Public Records of Brevard County, Florida



7380 Murrell Road, Suite 201 | Viera, Florida 32940
P: 321.242.1200 | F: 321.253.1800 | VIERA.com

July 23, 2015

VIA HAND DELIVERY

Steve Swanke, AICP, Program Manager
Brevard County Planning & Development
Building A, Room 114
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: Viera DRI – Third Amendment to the Amended and Restated Development Order, as Amended, Viera Development of Regional Impact adopted July 21, 2015

Dear Mr. Swanke:

Per your request, please find enclosed the original Third Amendment to the Amended and Restated Development Order, as Amended Viera Development of Regional Impact executed on behalf of The Viera Company and A. Duda & Sons, Inc.

Please have Commission Chairman, Robin Fisher execute on behalf of Brevard County at your earliest opportunity. It is our understanding that Brevard County will promptly render the Third Amendment to the Amended and Restated Development Order, as Amended Viera Development of Regional Impact.

We respectfully request that you provide the undersigned with a copy of the fully executed document and the rendering transmittal letter at your earliest opportunity.

Should you have any questions or require additional information, please feel free to contact me.

Sincerely,

Todd J. Pokrywa
Sr. VP, Land Use Planning & Development

Enclosure as stated

C: Scott Knox, Esq. (via email w/o enclosure)
Stephen L. Johnson (via email w/o enclosure)
Darenda Marvin, Grimes Goebel Grimes Hawkins, et al (via email w/o enclosure)



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Local Planning Agency

FROM: Stephen M. Swanke, Program Manager
Planning & Development Department

DATE: June 24, 2015

SUBJECT: Proposed Amendment to the Viera DRI Development Order

The Viera Company has applied for a minor amendment to the Amended and Restated Development Order for the Viera Development of Regional Impact as adopted by the Board of County Commissioners on December 15, 2009. This is the third amendment to that development order. The purpose of the current application is to: (a) correct typographical errors in Exhibit 4, DRI Master Development Program; and (b) implement a Land Use Exchange using the Transportation Equivalency Matrix contained in Exhibit 5 of the current development order.

The typographic errors in Exhibit 4, DRI Master Development Program are found in the listings for General Office square footage in the "Cumulative through Phase 3" and the "Phase 4" columns. In the "Cumulative through Phase 3" column for General Office, there is a miscalculation of the cumulative amount of General Office square footage based on the addition of the amount of General Office listed for Phase 1, Phase 2 and Phase 3. The correct amount is 1,986,010 square feet rather than the 1,936,010 square feet that is listed in the current development order. This is an increase of 50,000 square feet in the "Cumulative through Phase 3" amount for General Office. In the "Phase 4" column, the amount of General Office is reduced by 49,138 square feet so that the total amount of General Office allowed in the Viera DRI is unchanged. The amount of General Office development allowed in Phase 4 of the DRI Master Development Program is 1,397,552 square feet.

The Land Use Exchange proposed by the Viera Company is allowable under Condition 4 of the Amended and Restated Development Order for the Viera Development of Regional Impact provided that it utilizes the exchange factors contained in the Transportation Equivalency Matrix found in Exhibit 5. The proposed Land Use Exchange requires a development order amendment because it increases the total amount of a particular land use by more than one percent. The specific request is for an additional 800 units of detached Senior Housing, an additional 150 units of attached Senior Housing, an additional 468 units of Single Family detached housing, an additional 256 units of Multi-Family Housing, and 8 additional Hotel Rooms in exchange for a reduction of 399,741 square feet of General Office. The additional residential units are to be included in the Phase 3 development program. The additional hotel rooms will be a part of the Phase 2 development program. The reductions in general office development involve Phase 2 and Phase 3.



Planning & Development Department

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

The Viera Company is seeking approval of the proposed development order amendment pursuant to Section 380.06(19)(e)2.l, Florida Statutes. This subparagraph states that the state land planning agency, in consultation with the regional planning council, may agree in writing that changes to a DRI that are similar in nature, impact, or character to the changes enumerated in sub-subparagraphs 380.06(19)(e)2.a.-k., Florida Statutes, and that do not create the likelihood of any additional regional impact are not substantial deviations. Specifically, sub-subparagraph k. provides that changes that do not increase the number of external, peak hour trips and that do not reduce open space and conservation areas within the project are not substantial deviations. This section of the statutes does not require the applicant to file a Notice of Proposed Change but requires an application to the local government to amend the development order.

This application has been submitted to the Department of Economic Opportunity for review. The DEO has consulted with the East Central Florida Regional Planning Council and the Brevard County Planning & Development Department and concurs that the proposed changes to the Development Order are eligible for consideration as Section 380.06(19)(e)2.k. and l., F.S. amendments.

Brevard County staff has reviewed the proposed changes and finds that the proposed changes to correct the typographical errors found in Exhibit 4, Master Development Program are necessary and that the proposed Land Use Exchange utilizing the Transportation Equivalency Matrix has been calculated correctly and does not increase external peak hour trips from the DRI or reduce open space and conservation areas.

The Florida Department of Transportation reviewed the proposed Land Use Exchange and offered no comments.

Attachments:

Land Use Exchange for Viera DRI, April 2015

Department of Economic Opportunity correspondence dated April 17, 2015

Florida Department of Transportation correspondence dated April 30, 2015

Draft Development Order



Land Use Exchange for Viera DRI

April 2015

Updated June, 2015

Prepared by:

**GRIMES GOEBEL GRIMES
HAWKINS GLADFELTER & GALVANO, P.L.**
ATTORNEYS AT LAW



Introduction

The Viera Development of Regional Impact (“DRI”) Development Order (“DO”) allows for a mixture of residential, commercial, office, hospital, attraction and recreation and hotel in four phases. The DO permits a Land Use Exchange which allows the developer variations in the quantity of approved land uses through the utilization of a Transportation Equivalency Matrix.

Request

The applicant requests an increase in the number of residential dwelling units by 1,674 and an increase in the number of hotel rooms by 8 in exchange for a decrease in office square footage in the amount of 399,741.

Transportation Equivalency Matrix Calculation

Increase Residential/Hotel	Exchange Rate	Decrease Office
800 Senior Housing Detached	6.35 (100-199KSF)	125,984 Square Feet
150 Senior Housing Attached	19.45 (0-49KSF)	7,712 Square Feet
468 Single Family	2.46 (100-199KSF)	190,244 Square Feet
256 Multi-Family	3.50 (50-99KSF)	73,143 Square Feet
8 Hotel Rooms	3.01 (0-49KSF)	2,658 Square Feet
		399,741 Square Feet

The Transportation Equivalency Matrix includes specific exchange rates for the various types of residential dwelling units; however, the Master Development Program for the DRI only contains a total number of residential dwelling units without such distinction. The applicant has prepared the exchange analysis based upon its current, planned program of development. The above mix of residential unit types may be adjusted from time to time in accordance with the conversion process described in Condition 4 of the DO using the conversion rates set forth in Transportation Equivalency Matrix attached to the DO as Exhibit 5. Notwithstanding the foregoing, however, the Applicant desires the flexibility to adjust the mix of senior housing detached units and senior housing attached units described above at any time without prior notice of such conversion so long as such conversion involves only senior housing units, is in accordance with such Transportation Equivalency Matrix and is reported by the applicant on an individual and cumulative basis in each subsequent Biennial Report

Development Order Amendatory Language

**EXHIBIT 4
DRI Master Development Program**

Land Use (See Notes)	Phase 1 Through 12/29/19	Phase 2A Through 12/29/19	Phase 3 Through 12/29/19	Cumulative Through Phase 3	Phase 4 Through 12/29/29	Totals
Residential (units)	6,126	3,550	3,000 4,674	12,676 14,350	17,269	29,945 31,619

Office Development (s.f.)	1,355,342	388,808 <u>230,927</u>	428,000 <u>186,140</u>	2,172,150 <u>1,772,409</u>	1,397,552	3,569,702 <u>3,169,961</u>
-General Office (s.f.)	1,355,342	388,808 <u>230,927</u>	241,860	1,986,010 <u>1,586,269</u>	1,397,552	3,383,562 <u>2,983,821</u>
-Government Office (s.f.)	*	*	186,140	186,140*	-----	186,140*
Hospital Health Clinic (beds and s.f.)						
-VA Clinics (s.f.)	107,500		30,000	137,500		137,500
-Hospital Beds		150	172	322		322
-ACLF Nursing Home (beds)	580	92	284	956	104	1,060
Industrial Plants or Parks Distribution, Warehousing or Wholesaling Facilities	85,518		109,500	195,018	107,500	302,518
-Office/Warehouse (s.f.)	22,500			22,500		22,500
-Light Industrial (s.f.)	63,018		109,500	172,518	107,500	280,018
Retail and Service Development (s/f/)	1,641,168	355,000	259,862	2,256,030	1,182,097	3,438,127
Hotel or Motel Development (rooms)		120 <u>128</u>		120 <u>128</u>	880	1,000 <u>1,008</u>
Attractions and Recreation Facilities						
-Stadium (seats)	7,500			7,500		7,500
-Theaters (screens/seats)	16 Screens/ 3,600 Seats			16 Screens/ 3,600 Seats		16 Screens/ 3,600 Seats
-Golf Course	18 Holes	18 Holes	18 Holes	54 Holes	18 Holes	72 Holes
Trips						
-Cumulative	165,225	197,428	265,443	265,443	413,880	413,880
-By Development Phase	165,225	32,203	68,005	265,433	148,447	413,880

* Government Office for Phases 1 and 2A is included in the General Office

DRI Master Development Program Notes

NOTES:

- Office use includes medical office uses. Medical offices may include physician offices, medical clinics, labs, and diagnostic centers, ambulatory facilities, surgery centers, urgent care centers, rehabilitation centers, medical equipment sales and service, hospice, home health, pharmacies, cancer centers, hospitals or other similar medical office or specialty medical services or uses.

2. Medical uses may include but are not limited to physician offices, medical clinics, labs, diagnostic centers, ambulatory facilities, surgery centers, urgent care centers, rehabilitation centers, medical equipment sales and service, pharmacies, cancer centers, hospitals, health fitness, hospice or home health care or other similar medical or health care uses, so long as (1) such similar use has a trip generation rate (based on Institute of Transportation Engineers (ITE) rates or other professionally acceptable standard rates) comparable to or less than the rate for the previously authorized use being replaced; or (2) the total average daily trips (ADTs) generated by such particular similar use are equivalent to or less than the total ADTs generated by the previously authorized use.
3. Retail service use includes fitness center/health club uses.
4. Residential use includes independent living uses.
5. Land uses such as elementary, secondary schools (public and private), churches, libraries, post offices, fire or police stations, golf courses and other public/civic uses are allowable in any development district, in addition to other designated uses shown on Map H.

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

April 17, 2015

Ms. Darenda D. Marvin, AICP, Senior Planner
Grimes, Goebel, Grimes, Hawkins, Gladfelter & Galvano, P.L.
1023 Manatee Avenue West
Bradenton, Florida 32205

RE: Viera Development of Regional Impact (DRI)
File No. ADA-06-1989-055 Non-substantive Modification

Dear Ms. Marvin:

In your email of March 20, 2015, you requested a determination of whether a proposed change to the Viera DRI may be reviewed and adopted as a non-substantial amendment to the development order without the need for submittal of a notification of proposed change (NOPC) pursuant to Section 380.06(19)(e)2., Florida Statutes (F.S.).

The project is currently approved for 29,945 residential dwelling units along with 3,569,702 square feet (sq ft) of office development and other non-residential uses. The proposed changes are:

- 1) Correct a typographical error in Exhibit 4. DRI Master Development Program, correcting the Cumulative through Phase 3, General Office square footage to 1,986,010 sq ft from 1,936,010 sq ft and the Phase 4 through 12/29/25 to 1,397,552 sq ft from 1,398,412 sq ft.
- 2) Trade a total of 399,741 sq ft of General Office space for an additional 1,674 residential dwelling units and eight hotel rooms as follows:
 - a) Decrease 125,984 sq ft of General Office for an additional 88 dwelling units of detached Senior Housing,
 - b) Decrease 7,712 sq ft of General Office Space for an additional 150 dwelling units of Attached Senior Housing,
 - c) Decrease 190,244 sq ft of General Office for an additional 468 Single Family dwelling units,
 - d) Decrease 2,658 sq ft of General Office for an additional eight hotel rooms, and
 - e) Decrease 73,143 sq ft of General Office for an additional 256 units of multifamily housing.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FL.A.2345 | 850.245.7105 | 850.921.3223 Fax

www.floridajobs.org | [www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

RECEIVED
APR 27 2015

Your email includes exchange calculations that follow the previously determined development order land use exchanges under Figure 5. Transportation Equivalency Matrix, previously determined not to increase the number of external peak hour trips or result in additional significant or adverse transportation impacts. You have also indicated that the proposed changes do not reduce open space and conserved areas within the project. Furthermore, the proposed changes do not create the likelihood of any additional regional impact.

Section 380.06(19)(e)2.I, F.S., states that the state land planning agency, in consultation with the regional planning council, may agree in writing that changes to a DRI that are similar in nature, impact, or character to the changes enumerated in sub-subparagraphs 380.06(19)(e)2.a.-k., F.S., and that do not create the likelihood of any additional regional impact are not substantial deviations. The Department concurs that the changes to the Development Order as described above are eligible for consideration as Section 380.06(19)(e)2.k and I, F.S., amendments. The Department has consulted with Brevard County and the East Central Florida Planning Council regarding the proposed change and neither of these entities has any objection to the change.

Therefore, pursuant to Section 380.06(19)(e)2.I, F.S., if Brevard County approves the change, it will not require the filing of a NOPC. The County must render the amended Development Order to the Department once it is adopted. Thank you for the opportunity to review this proposed change. If you have any questions, please contact Barbara Lenczewski, Planning Analyst, at (850)717-8502 or by email at Barbara.Lenczewski@deo.myflorida.com.

Sincerely,



Ana Richmond, Chief
Bureau of Community Planning

AR/bl

cc: Fred Milch., DRI Coordinator, East Central Florida Regional Planning Council
Stephen M. Swanke, Program Manager, Planning & Development Dept., Brevard County



Florida Department of Transportation

RICK SCOTT
GOVERNOR

133 S. Semoran Boulevard.
Orlando, FL 32807

JIM BOXOLD
SECRETARY

April 30, 2015

Mr. Ray Eubanks
Florida Department of Economic Opportunity
Division of Community Development
107 E. Madison Street, MSC-160
Tallahassee, FL 32399-4120

**SUBJECT: VIERA DEVELOPMENT OF REGIONAL IMPACT (DRI)
PROPOSED LAND USE EXCHANGE**

LOCAL GOVERNMENT: BREVARD COUNTY

Dear Mr. Eubanks:

The Department of Transportation has completed its review of the referenced proposed Land Use Exchange for the Viera DRI. The Viera DRI is a mixed-use community located in Brevard County. The subject conversion was received by the Department of Economic of Opportunity (DEO) on April 13th, 2015.

We appreciate the opportunity to participate in this review process. It has been determined that the requested increase of 1,674 residential dwelling units and 8 hotel rooms is offset by the decrease of 399,741 ksf of office, consistent with the approved transportation equivalency matrix. Therefore, the Department does not have any review comments at this time.

If you have any questions, you may contact John Moore at 407-482-7882 or by e-mail at john.moore@dot.state.fl.us.

Sincerely,

A handwritten signature in blue ink that reads "Heather S. Garcia".

Heather Garcia
Planning & Corridor Development Manager

C: James Stansbury, DEO
Fred Milch, ECFRPC
Steve Swanke, Brevard County
Don Griffin, City of Rockledge

File: \\Florida\Folders\$\Dhazley\Desktop\Cover Ltr - Cityofstcloudreview 15-1ESR.Doc



**OBJECTION
IV. B.**

Stephen and Bonita Hemming
3161 Camberly Circle
Melbourne, Fl 32940
321-633-3406

Subject: ID#15PZ00023 – Viera Company Amendment

I must oppose this change for several compelling reasons but first I would like to say that this is akin to a politician promising to lower taxes whilst running for office then when elected, raising taxes.

If a Development Plan was good enough for initial approval, why is it no longer good enough?

Obviously, the intent was to create office space, attract businesses and provide employment for some percentage of the Viera residents. Apparently selling office space is TOO hard for Duda/Viera so they now want to build houses and turn the selling over to builders and realtors.

The down side is that there are 4-5 subdivisions going in on the south side of Wickham between Brennity and the Water Plant, now they want to build another 1600 units, where are the buyers coming from? I see a new Palm Bay type situation developing where the whole community collapses under the weight of all these houses and everybody loses.

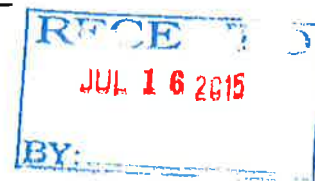
Secondly, this is supposed to be a “green” community, and office space would have cut down on the number of miles people drove to work, i.e. commuting within Viera instead of driving to Palm Bay or Kennedy or even Orlando.

Finally, it seems that we have unhindered development in Brevard County without consideration of the ensuing traffic flow. I invite you to stand at the Tree Circle by Walmart at 4:30 pm and see how long you sit in traffic. We do not need a company building any kind of facilities without paying for the traffic abatement. I for one, am sick and tired of seeing millions and millions of tax dollars spent to fix traffic problems created by companies (Walmart/Target/Colonades)-now spending millions fixing I-95/Wickham.

For once, consider all the issues not just the Viera Company financial situation.

Regards
Stephen Hemming

[Handwritten signature]
7-14-2015



Presentation to
Brevard County Commission Meeting
Change to Vista Company Master Plan
(incise residential + decrease office space)
4/2/15

IV. B,
Written Comment
from Citizen.

George H. Rosentfield

My name is GHR and I live in Jensen. I have addressed the Commission before. I am the Lion Club member of the Master League for NY State College Environmental Science & Forestry. I helped Diana Barch prepare the original CCMP, the ~~County~~ Comprehensive Conservation Master Plan, of the Marine Resource Council. back in the 1980's and 1990's a great deal of scientific effort went into that study.

Now the Vista company wants to increase residential & decrease office space. The "Florida Today" paper article yesterday indicates the major problem is traffic, and that the which traffic will remain neutral. There is much more involved that vehicle traffic.

~~Also in the problem of~~
What about the situation of ~~the~~ concerns with Vista West? Have they been addressed? There are considerations of water and sewage, land for living space & recreation, animals living on the so-called dry land ~~and~~ the prevalent wetland. There are many or equal in importance to traffic. We are already reaching upward with multiple housing for Vista West. What more are you going to take away for "Forever Florida"? End.

Be careful what you vote for! Thank you! G



DÉJÀ VU

Did you know that the 1st Passover Seder was actually a BBQ? In Exodus 12, the Jews were directed to roast a sheep or a goat. So here we are again, preparing for what has become a great tradition at TBS. The Men's Club and the Sisterhood are once again sponsoring the TBS Pre-Passover BBQ, to be held Sunday, April 6, 2014 at the Howard E. Futch Park (Paradise Beach), Indialantic at A1A and Paradise Blvd. Festivities will begin at 12 noon, and the entire congregation is invited to participate.

This event is a "FUN" raiser and not a "FUND" raiser. Again, we have priced this event with the goal of breaking even. This is definitely a FAMILY event with all ages invited. Klezmer music, games for children, Kosher Chicken, Kosher Hot Dogs, Salads, Vegetables, Desserts and much more.

This annual event has been well attended in the past, with as many as 150 congregants, their families and friends having a FUN time. Congregants frequently comment on the fact that many TBS events are "Fund" raisers. Here is your chance for a small fee to participate once again in a truly FUN time. You do not need to be a member of the Men's Club or the Sisterhood.

The cost is \$15 for adults and \$10 for under 12, payable in advance. Please send your checks payable to the Sisterhood to Temple Beth Sholom, 5995 N. Wickham Road, Melbourne, Florida 32940, Attn: David Scholl-BBQ.

Chairpersons: Gail Azia and Robert J. Mandel, MD

db

OBJECTION

IV. B.



Stephen and Bonita Hemming
3161 Camberly Circle
Melbourne, FL 32940
321-633-3406

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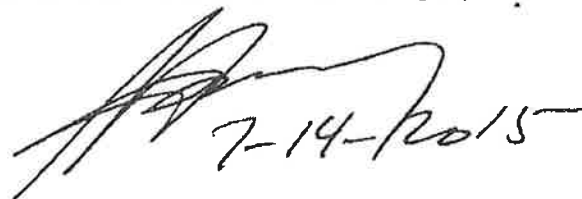
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Stephen Hemming


7-14-2015

