



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.11.

8/4/2022

Subject:

Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal) request a change of zoning classification from GU, BU-1-A, and BU-1, with existing BDP's, to BU-2 and removal of existing BDP's. (22Z00020) (Tax Accounts 2312189, 2312249, 2312191, 2312201, 2312205, 2312203, 2312233, 2312234, 2312213, & 2312214) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from GU (General Use), BU-1-A (Restricted Neighborhood Commercial), and BU-1 (General Retail Commercial), with existing BDP's (Binding Development Plan), to BU-2 (Retail, Warehousing, and Wholesale Commercial) and removal of existing BDP's.

Summary Explanation and Background:

The applicants are requesting to change the zoning of a 17.70± acre property from GU, BU-1, and BU-1-A with two BDPs, to BU-2 and removal of two BDPs in order to develop a Florida Power and Light hardened service center (Space Coast Service Center) comprised primarily of an administrative office building, a warehouse, and a vehicle maintenance garage.

In general, the character of the area along Port St. John Parkway is mostly undeveloped commercial parcels with the exception of two developed commercial properties: an office building and a medical center. Due to the I-95 interchange, Port St. John Parkway provides vehicular access into the Port St. John community and is intended to serve as a commercial corridor to provide an array of services for local and regional neighborhoods and tourist markets.

If approved, the subject property would be the only parcel with BU-2 zoning in the surrounding area. The closest developed BU-2 lot is approximately 2.4 miles to the east on the western side of N. Highway 1 and contains a self-storage facility.

The Board may wish to consider whether the request and removal of the two existing BDPs are consistent and compatible with the surrounding area.

On July 18, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Once resolution is received, please execute and return a copy to Planning and Development.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
 22Z00020**

Sunshine Petro, Inc., Jacob Aaron Corporation, and Alice Elaine Tisthammer

GU (General Use), BU-1 (General Retail Commercial) and BU-1-A (Restricted Neighborhood Retail Commercial) with Two BDPs to BU-2 (Retail, Warehousing, and Wholesale Commercial) and Removal of Two BDPs

Tax Account Numbers: 2312203, 2312233, 2312234, 2312214, 2312213, 2312205, 2312191, 2312201, 2312249, 2312189
 Parcel I.D.s: 23-35-27-00-45, 23-35-27-00-75, 23-35-27-00-76, 23-35-27-00-56, 23-35-27-00-55, 23-35-27-00-47, 23-35-27-00-33, 23-35-27-00-43, 23-35-27-00-91, & 23-35-27-00-31
 Location: On the north side of Port St. John Parkway approximately 570 feet west of Grissom Parkway (District 1)
 Acreage: 17.70± acres
 Planning & Zoning Board: 7/18/2022
 Board of County Commissioners: 8/04/2022

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C).

| | CURRENT | PROPOSED |
|--|--|--|
| Zoning | GU, BU-1 and BU-1-A | All BU-2 |
| Potential* | <ul style="list-style-type: none"> • 0 SFR unit • 630,095 sq. ft. of commercial (using 0.75 FAR for NC and 1.0 FAR for CC) | 771,012 sq. ft. of commercial (using 1.0 FAR for CC) |
| Can be Considered under the Future Land Use Map | YES RES 4, CC, & NC | YES** CC |

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Approval is pending approval of companion request **22SS00003** which proposes to change the Future Land Use Designation from Residential 4 (RES 4), Community Commercial (CC), and Neighborhood Commercial (NC) to all Community Commercial (CC).

Background and Purpose of Request

The applicants are requesting to change the zoning of a 17.70± acre property from GU (General

Use), BU-1 (General Retail Commercial) and BU-1-A (Restricted Neighborhood Retail Commercial) with Two BDPs to BU-2 (Retail, Warehousing, and Wholesale Commercial) and Removal of Two BDPs in order to develop a Florida Power and Light hardened service center (Space Coast Service Center) comprised primarily of an administrative office building, a warehouse, and a vehicle maintenance garage. BU-2 zoning is necessary for their proposed use, as the existing GU, BU-1 and BU-1-A zoning classifications do not permit storage warehouses and outdoor storage of motor vehicles.

According to the applicant, a service center is a facility FPL establishes to maintain and manage the current and future growth of the electrical system in an area and is typically comprised of an administrative office building, a warehouse, a vehicle maintenance garage, and certain other site features associated with operations and securing the property. It is not a place where customers can pay bills or place service repair requests. The proposed buildings will provide space for offices, workstations, conference rooms, assembly rooms, break areas, restrooms, storage, vehicle and equipment maintenance, and ancillary building and employee support spaces to include temporary housing for employees due to an emergency.

The subject property consists of ten parcels that are undeveloped.

The GU portions of the property retain the original zoning. The BU-1-A portion of the property was rezoned from GU to BU-1-A with a BDP on August 25, 2009 as zoning action **Z-11514**. That BDP, recorded in ORB 6014, Pages 2375-2383, provides the following conditions:

- Where feasible, any structure constructed on the Property shall have a similar outer material and color finish envelope as the Parrish Medical Center at the South West intersection of Grissom Parkway and Port St. John Connector Road
- Landscaping shall, where possible, be of Florida Natural Vegetation to minimize the use of potable watering for irrigation
- Unless otherwise required by the requirements of oil company providing products to the Property, all signage shall be monument signs and similar in design to the signage of Parrish Medical Center
- All lighting will be down lighting to limit light to the building site and minimize off site impacts on adjoining undeveloped properties
- There will be no overnight parking of automobiles, semi-tractors and trailers on the Property
- Where reasonably determined to be feasible by the Owner, recyclable building materials will be used in any structures to be built upon the Property.

The BU-1 portions of the property were rezoned from GU to BU-1 with a BDP on May 7, 2009 as zoning action **Z-11493**. That BDP, recorded in ORB 5945, Pages 1177-1182, limits the number of hotel rooms to a maximum of 220 rooms on the property and limits commercial square footage, excluding hotel, to 335,000 square feet.

Land Use

The subject property is currently designated as Community Commercial (CC), Neighborhood Commercial (NC), and Residential 4 (RES 4) Future Land Use (FLU). The proposed BU-2 zoning is consistent with the existing Community Commercial (CC) FLU designation, but not with the existing Neighborhood Commercial (NC) or Residential 4 (RES 4) FLU designations. A companion

application, **22SS00003**, if approved, would change the Future Land Use designation on the NC and RES 4 portions of the parcel to all CC.

Applicable Land Use Policies

FLU Policy 2.2 – The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

- A. Permitted/prohibited uses;
The applicant wishes to develop a Florida Power and Light hardened service center (Space Coast Service Center) comprised of an administrative office building, a warehouse, a vehicle maintenance garage and other associated features. This use requires BU-2 zoning as warehouses and outdoor storage of motor vehicles is not permitted under the GU, BU-1-A, and BU-1 zoning classifications.
- B. Existing commercial zoning trends in the area;
There have been no zoning actions within a half-mile radius of the subject property within the last three years; however, there are two pending applications: 22SS00006 is an application for a small scale comprehensive plan amendment to change the future land use on 20.88 acres from CC and NC to RES 15, and 22Z00027 is the companion application to rezone from TU-2 and GU with BDP to all RU-2-15 and removal of BDP.
- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;
Based on the FLU, the property is adjacent to undeveloped residential and public conservation lands on the north and east, undeveloped residential and commercial properties on the west, and developed commercial (medical center) and undeveloped commercial on the south (across Port St. John Parkway).
- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;
The preliminary concurrency analysis did indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service. The applicant may be required to phase develop based on available roadway network capacity. A more detailed analysis will occur at site plan. The subject site is within the City of Cocoa's service area for potable water and sewer. Specific concurrency issues will be addressed at the time of Site Plan review.
- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and
No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.
- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.
This property will need to comply with Brevard County Performance Standards noted within Sections 62-2251 through 62-2272 of Brevard County Code.

Policy 2.3 – Land development regulations provide performance standards for evaluating the acceptability of proposed commercial development activities, including:

Criteria:

- A. Integration of vehicular and non-vehicular access into the site and access management features of site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access, where feasible, as determined by Brevard County;
This will be reviewed at the site plan stage.
- B. Buffering from adjacent existing/potential uses;
Review will be performed at the site plan review stage.
- C. Open space provisions and balance of proportion between gross floor area and site size;
Open space development is not required for this type of commercial usage. Building type and floor area ratio will be reviewed at the site plan stage.
- D. Adequacy of pervious surface area in terms of drainage requirements;
Drainage requirements will be reviewed at the site plan stage.
- E. Placement of signage;
Signage will need to comply with Section 62-3316 of Brevard County Code and will be reviewed at the site plan review stage.
- F. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
Lighting will need to comply with Section 62-2257 of Brevard County Code and will be reviewed at the site plan review stage.
- G. Safety of on-site circulation patterns (patron, employee and delivery vehicles), including parking layout and drive aisles, and points of conflict;
Review will be performed at the site plan review stage.
- H. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Development Regulations;
Review will be performed at the site plan review stage.
- I. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance; and
No noteworthy comments have been identified by the NRMD review. Review will be performed at the site plan review stage.
- J. Performance based zoning requirements which may serve as a substitute for or accompany land development regulations in attaining acceptable site design.
Nothing in the form of waivers, administrative approvals or variances have been requested at this time.

Policy 2.7 – Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met.

BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Potential incompatibilities are possible due to the intensive nature of commercial activities permitted by the BU-2 classification such noise, light, traffic and other nuisance factors potentially associated with BU-2 activities.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The applicant has stated a specific commercial use of a Florida Power and Light hardened service center (Space Coast Service Center) comprised of an administrative office building, a warehouse, a vehicle maintenance garage and other associated features. The applicant has not provided hours of operation, a lighting plan, or a traffic analysis. The proposed use has the potential to subject the adjacent residential to the north when developed.

According to the applicant, the administrative office building along with the stores warehouse and vehicle maintenance garage are being designed to withstand Category 5 hurricane winds and provide a location to support the repositioning of approximately 120 utility workers to facilitate restoration work as soon as the weather permits. More particularly, the large centrally located assembly rooms in the administrative office building will be reconfigured with 50 bunks to be used during emergencies. The administrative office building is constructed to support not only the day-to-day activities but the increased population in support of utility workers being staged at the property to implement storm restoration activities.

The proposed use is not anticipated to generate odor or noise that would diminish the quality of life of the existing neighborhood approximately 2,000 feet to the north along Bridge Road. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan review stage.

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

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed use.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

There are four (4) FLU designations (CC, NC, RES 4, and PUB-CONS) within 500 feet of the subject property. The latest FLU amendment was approved under 2009-2.1 which changed the FLU from NC to PUB-CONS on December 15, 2009 (Ordinance 09-36).

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

There has not been any actual development within this area in the preceding three (3) years.

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

While there has not been any actual development within this area in the preceding three (3) years, one zoning action is pending (22Z00027) within one-half mile.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

In general, the character of the area along Port St. John Parkway is mostly undeveloped commercial parcels with CC Future Land Use designations with the exception of two developed commercial properties: an office building and a medical center. Due to the I-95 interchange, Port St. John Parkway provides vehicular access into the Port St. John community and is intended to serve as a commercial corridor to provide an array of services for local and regional neighborhoods and tourist markets. Developed commercial parcels include a medical center (with BU-1 zoning) and an office building (with TU-2 zoning) on the south side of Port St. John Parkway.

While the applicants are proposing a Florida Power and Light hardened service center (Space Coast Service Center) comprised of an administrative office building, a warehouse, a vehicle maintenance garage and other associated features, the BU-2 zoning classification also permits other commercial activity of a higher intensity.

If the zoning is approved, the subject property would be the only parcel with BU-2 zoning in the surrounding area. There are no comparable properties with the same zoning along Port St. John Parkway. The closest developed BU-2 lot is approximately 2.4 miles to the east on the western side of N. Highway 1 and contains a self-storage facility on 1.7 acres.

While the closest established residential neighborhood zoning is approximately 2,000 feet to the north of the subject property, undeveloped residential land is adjacent to the north and west of the subject property. Consideration should be given to uses permitted in BU-2 that have the potential to impact the residential area adjacent to the subject parcel. Such uses in BU-2 include major automobile

repairs (permitted by right), the manufacturing and assembly of certain products (permitted with conditions), and overnight commercial parking (conditional use).

The proposed BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots.

Surrounding Area

| | Existing Use | Zoning | Future Land Use |
|--------------|--|---------------|------------------------|
| North | Undeveloped land | GU & RU-1-11 | CC & RES 4 |
| South | Stormwater pond, undeveloped land, and a medical center (across Port St. John Parkway) | GU & BU-1 | PUB-CONS, NC, and CC |
| East | Undeveloped land (across Grissom Parkway) | GU | PUB-CONS and RES 4 |
| West | Undeveloped land | GU & RU-1-11 | RES 4 & CC |

The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

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

BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet.

TU-2 is a transient tourist commercial classification, intended to accommodate tourist needs adjacent to interstate and expressway interchanges.

The RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

There have been no zoning actions within a half-mile radius of the subject property within the last three years; however, there are two pending applications: **22SS00006** is an application for a small scale comprehensive plan amendment to change the future land use on 20.88 acres from CC and NC to RES 15, and **22Z00027** is the companion application to rezone from TU-2 and GU with BDP to all RU-2-15 and removal of BDP.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Port St. John Parkway, between I-95 to Grissom Parkway, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 27.54% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 45.95%. The corridor is anticipated to operate at 73.49% of capacity daily. The proposal is anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

The subject parcel is within the City of Cocoa's service area for potable water. The closest Brevard County sewer line is 0.8 miles north of the subject property at Fay Boulevard.

Environmental Constraints

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Protected Species
- Protected and Specimen Trees

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

The subject parcel contains mapped hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one unit per five acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65 694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

For Board Consideration

The Board may wish to consider whether the request and removal of the two existing BDPs are consistent and compatible with the surrounding area. The Board may also wish to consider additional BDP conditions to help mitigate any off-site impacts.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 22Z00020

Applicant: Rosenthal, FPL

Zoning Request: GU, BU-1, BU-1-A with 2 BDPs to BU-2 and remove BDPs

Note: Applicant wants multipurpose FPL facility.

P&Z Hearing Date: 07/18/22; **BCC Hearing Date:** 08/04/22

Tax ID Nos: 2312205, 2312189, 2312249, 2312191, 2312201, 2312203, 2312233, 2312234, 2312213 & 2312214

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Protected Species
- Protected and Specimen Trees

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils (Anclote sand & St. Johns sand), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. A Natural Resource Assessment report prepared by Kimley Horn in March 2021, found no wetlands on site. The wetland assessment shall be verified at time of site plan submittal. Section 62-3694(c)(3)b has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Port St. John Parkway and Grissom Parkway are MQRs at this location.

Impacts to wetlands are permissible for commercial or industrial land development activities on a property that is designated as commercial or industrial on the Future Land Use map.

If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62 3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Aquifer Recharge Soils

St. Johns sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected Species

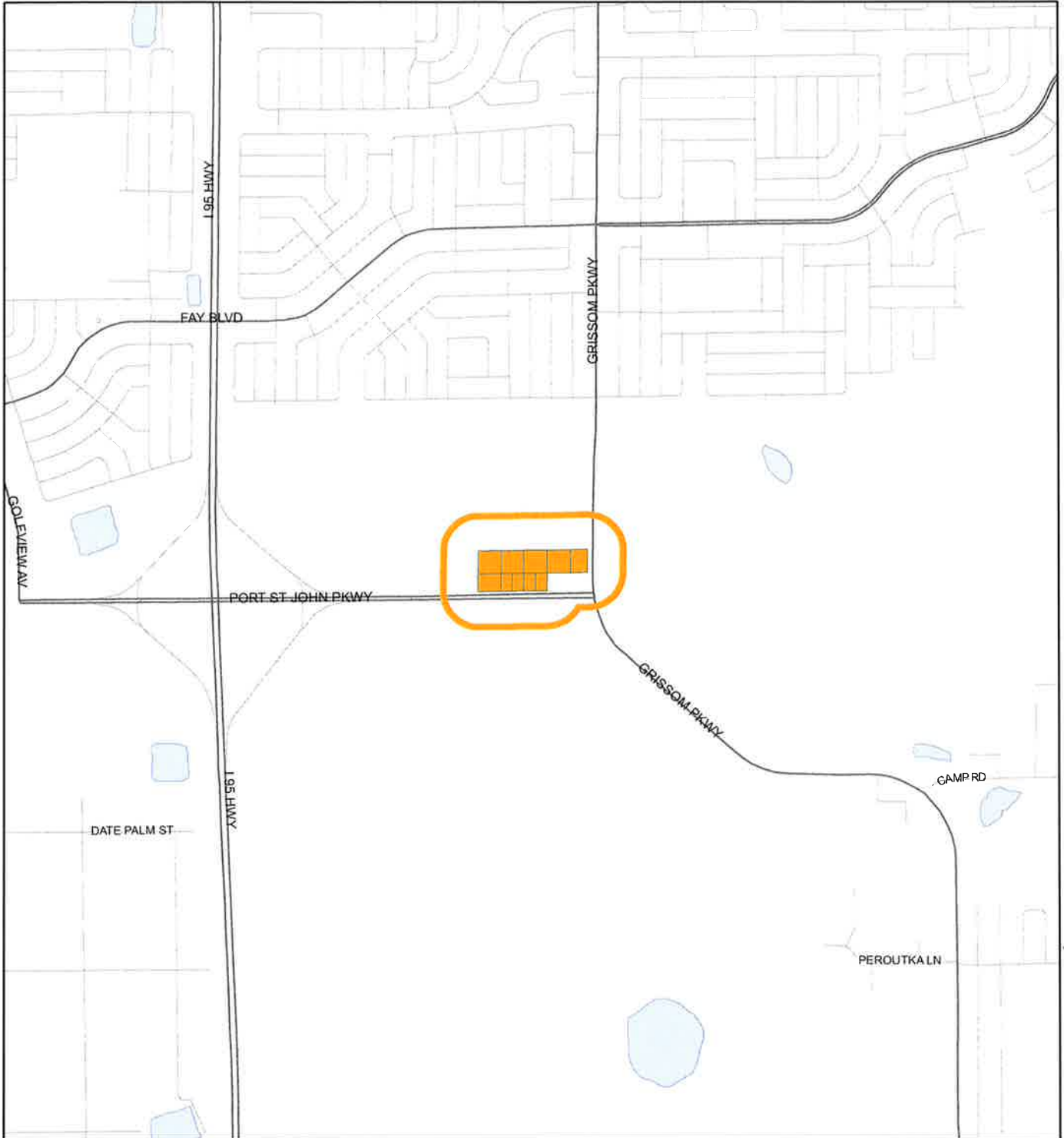
Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy adjacent to the property, and there is potential for existence of Gopher Tortoises on site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The August 18, 2009 BDP, proposed to be removed, stated that landscaping shall, where possible, be of Florida Natural Vegetation to minimize the use of potable water for irrigation. During site plan design, the applicant is encouraged to use a low-water use plant palette such as xeriscape plants and trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

LOCATION MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER
22Z00020





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

Buffer Distance: 500 feet

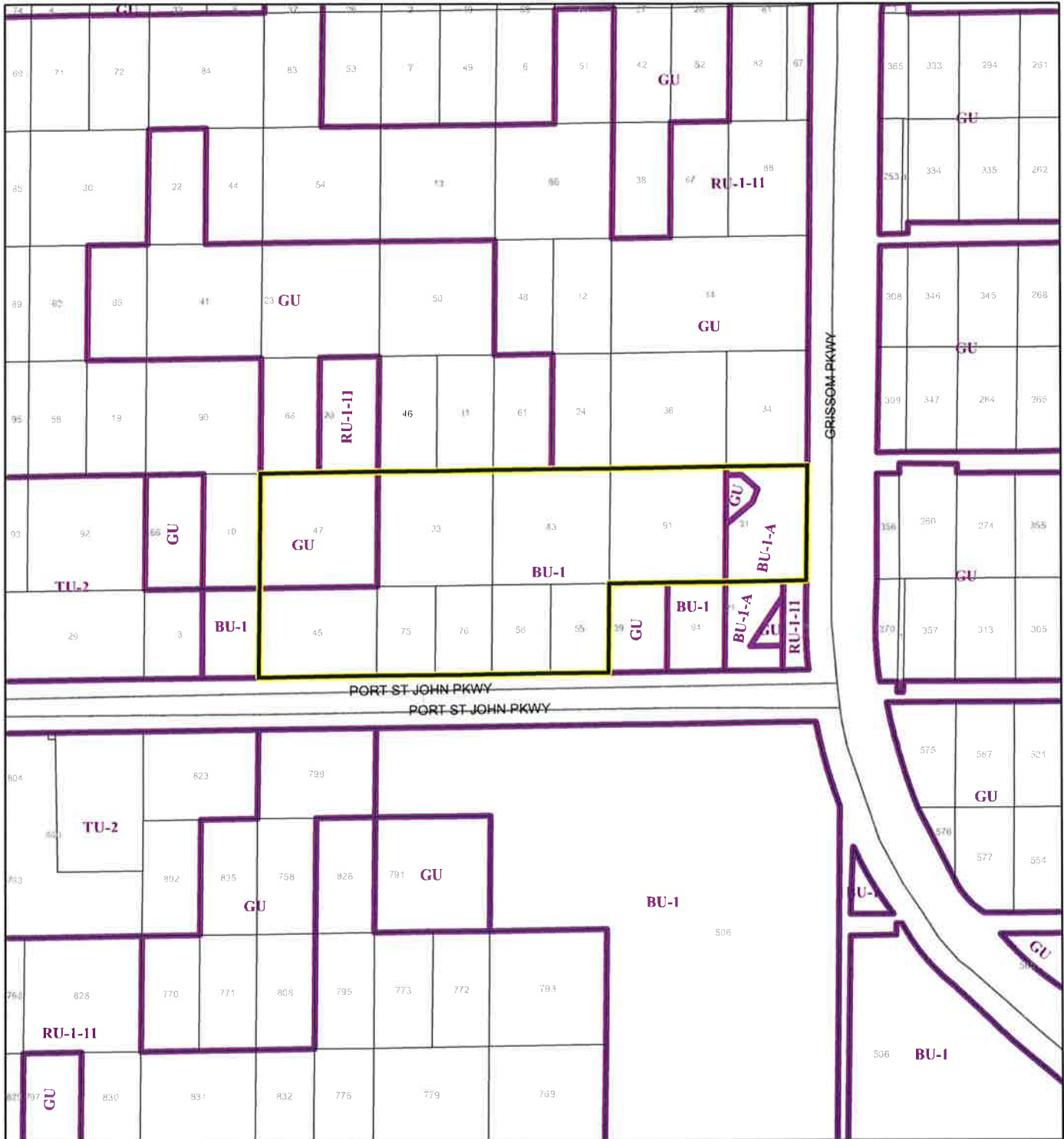
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/6/2022



-  Buffer
-  Subject Property

ZONING MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER
22Z00020



1:4,800 or 1 inch = 400 feet

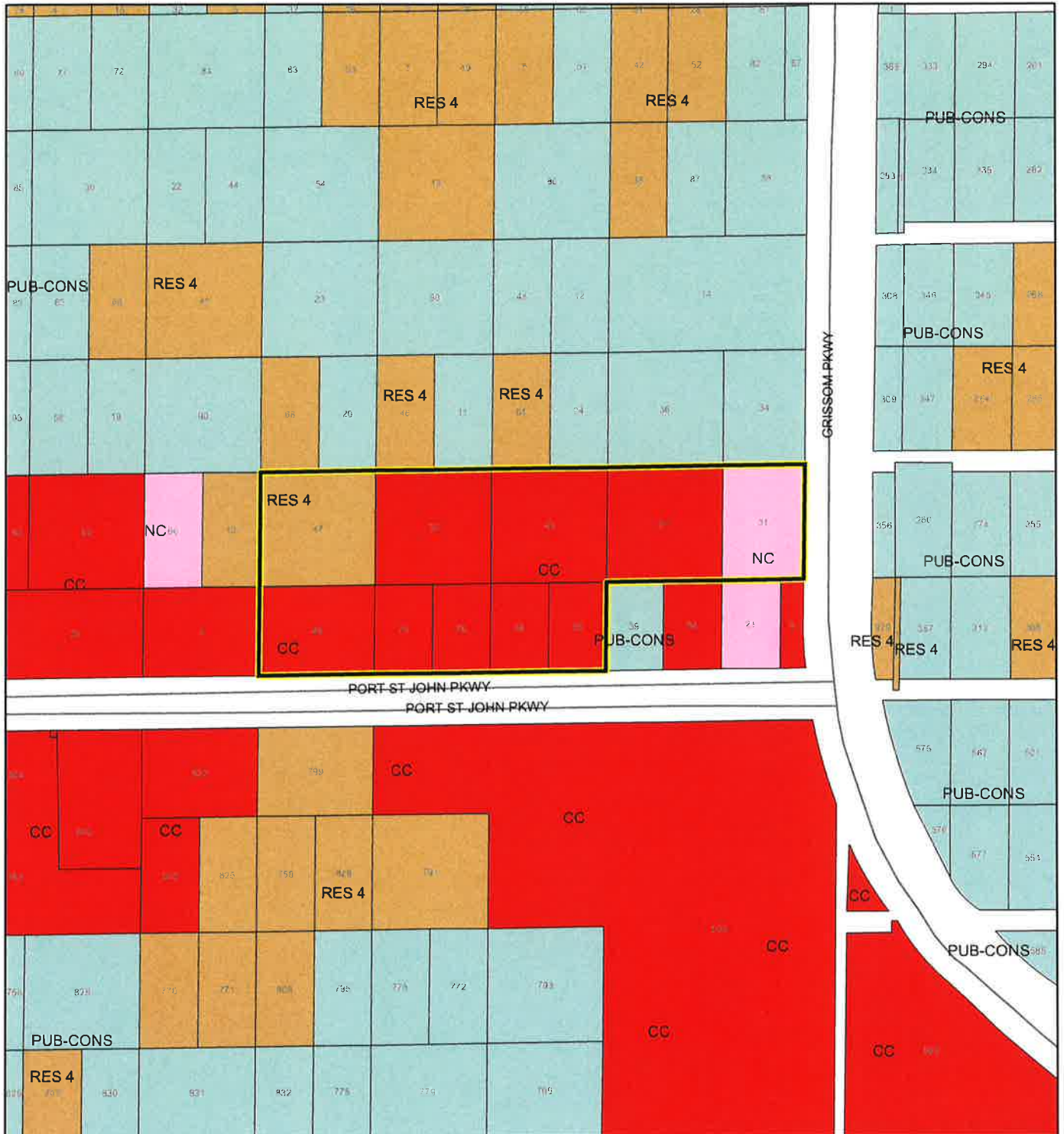
-  Subject Property
-  Parcels
-  Zoning

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

Produced by BoCC - GIS Date: 5/6/2022

FUTURE LAND USE MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER
22Z00020



1:4,800 or 1 inch = 400 feet

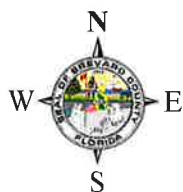
- Subject Property
- Parcels

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

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AERIAL MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER
22Z00020





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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

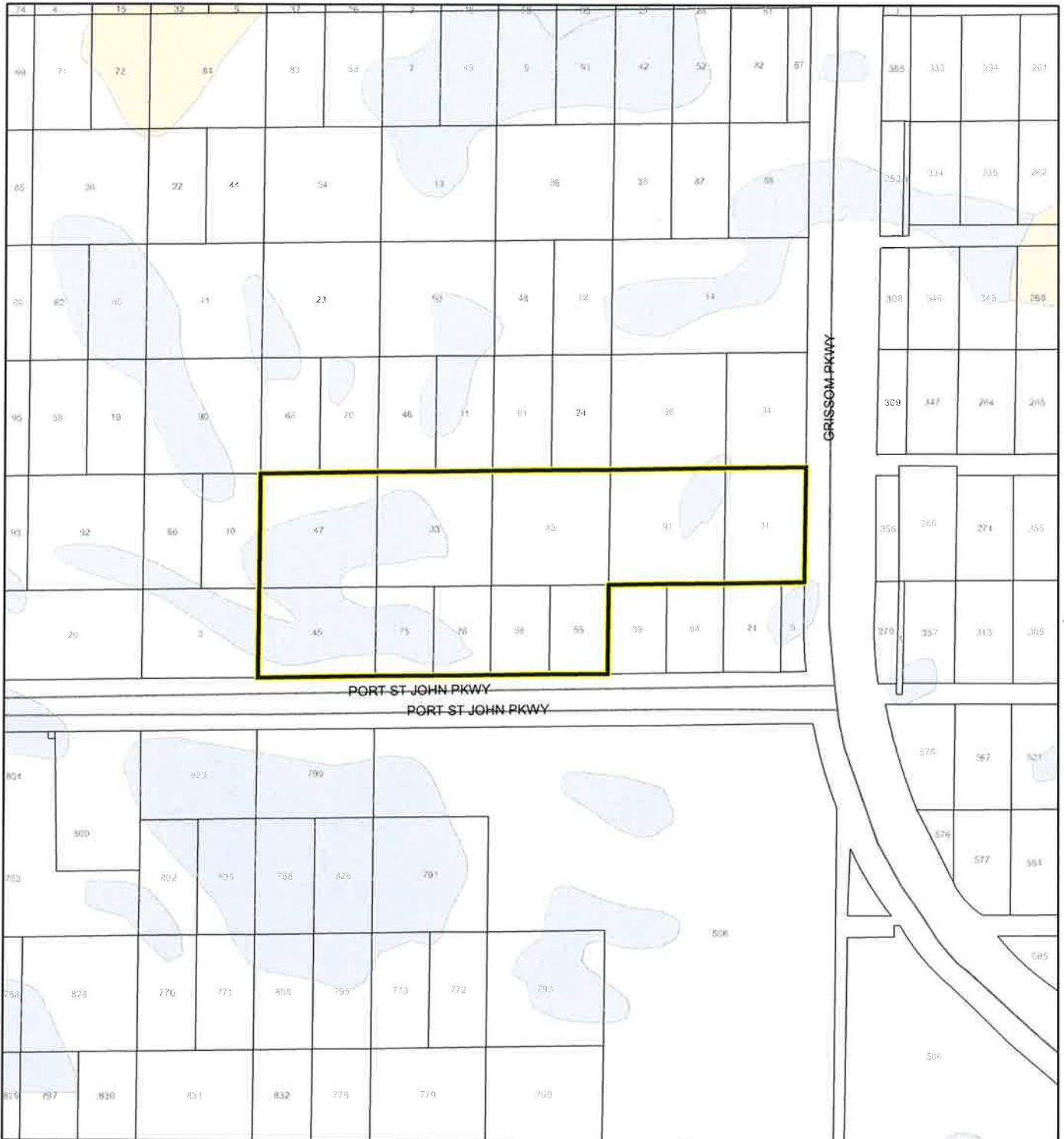
Produced by BoCC - GIS Date: 5/6/2022

-  Subject Property
-  Parcels

NWI WETLANDS MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER

22Z00020



1:4,800 or 1 inch = 400 feet

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

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- National Wetlands Inventory (NWI)**
- Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine
 - Subject Property
 - Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER

22Z00020



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

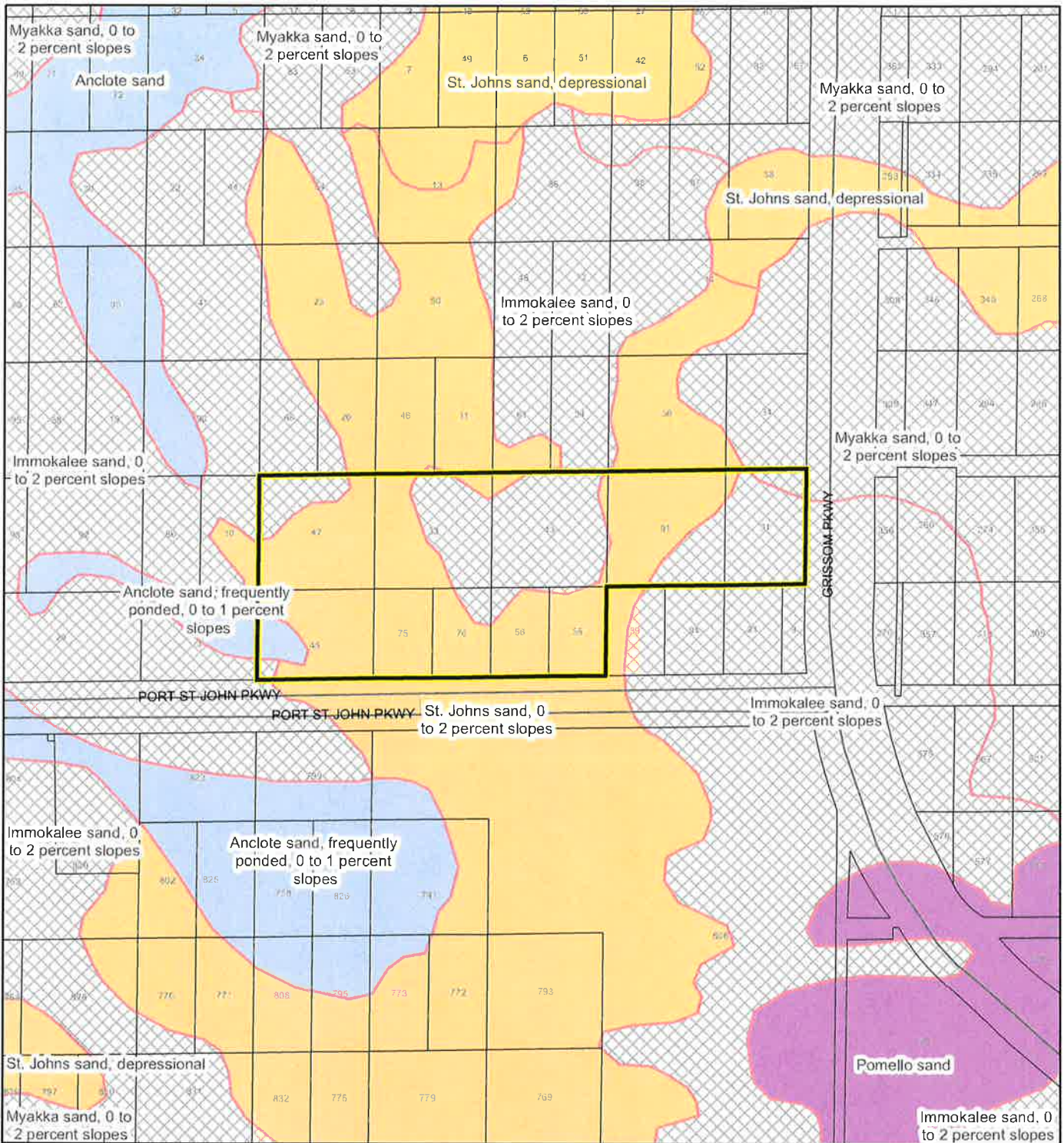
Subject Property

Parcels

USDA SCSSS SOILS MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER

22Z00020



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 5/6/2022

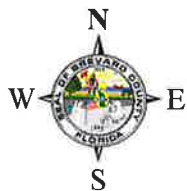
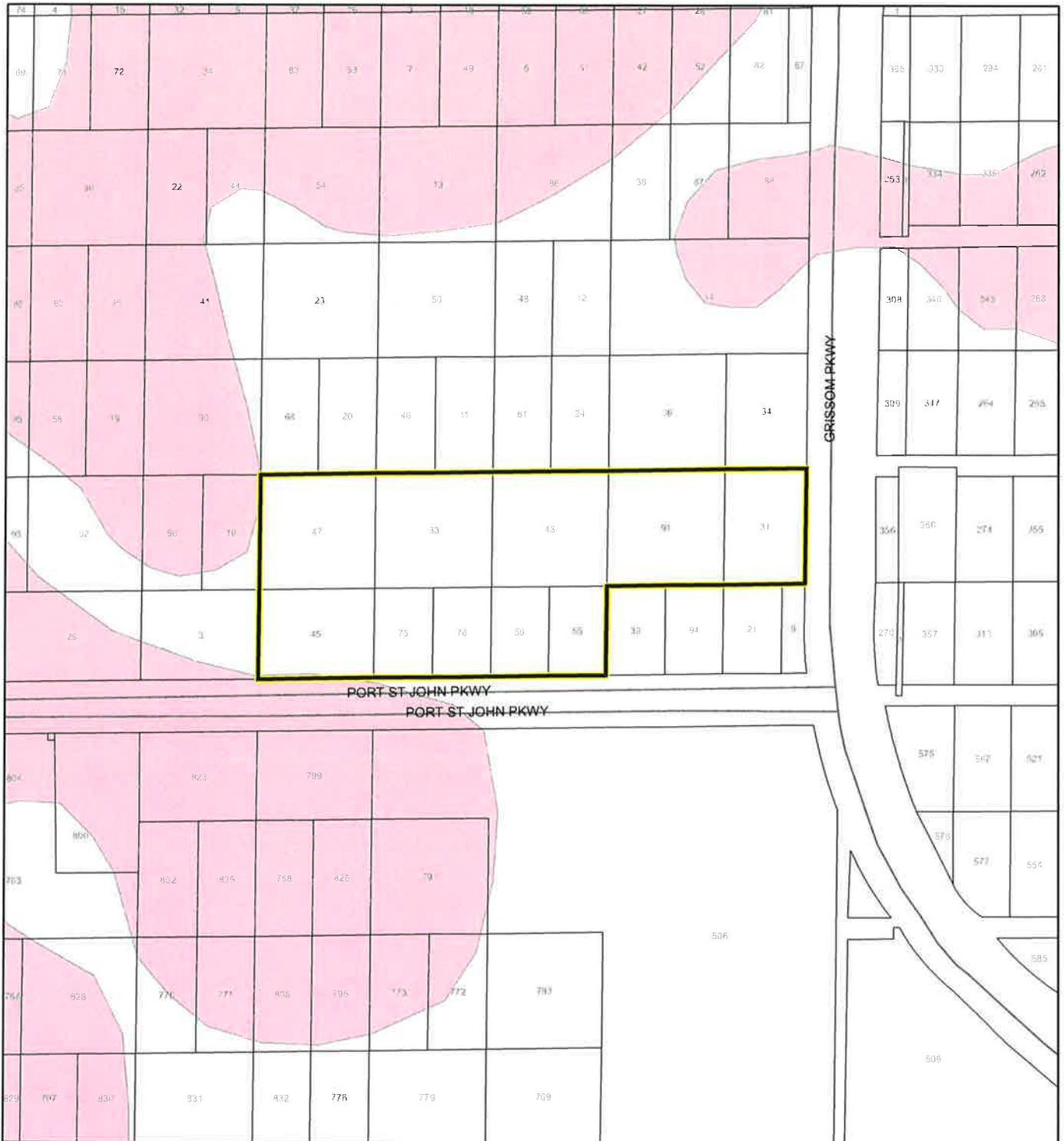
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER

22Z00020



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 5/6/2022

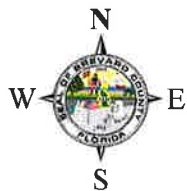
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER

22Z00020



1:4,800 or 1 inch = 400 feet

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

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 Subject Property

 Parcels

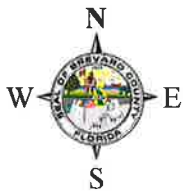
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER

22Z00020



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER
22Z00020



1:4,800 or 1 inch = 400 feet

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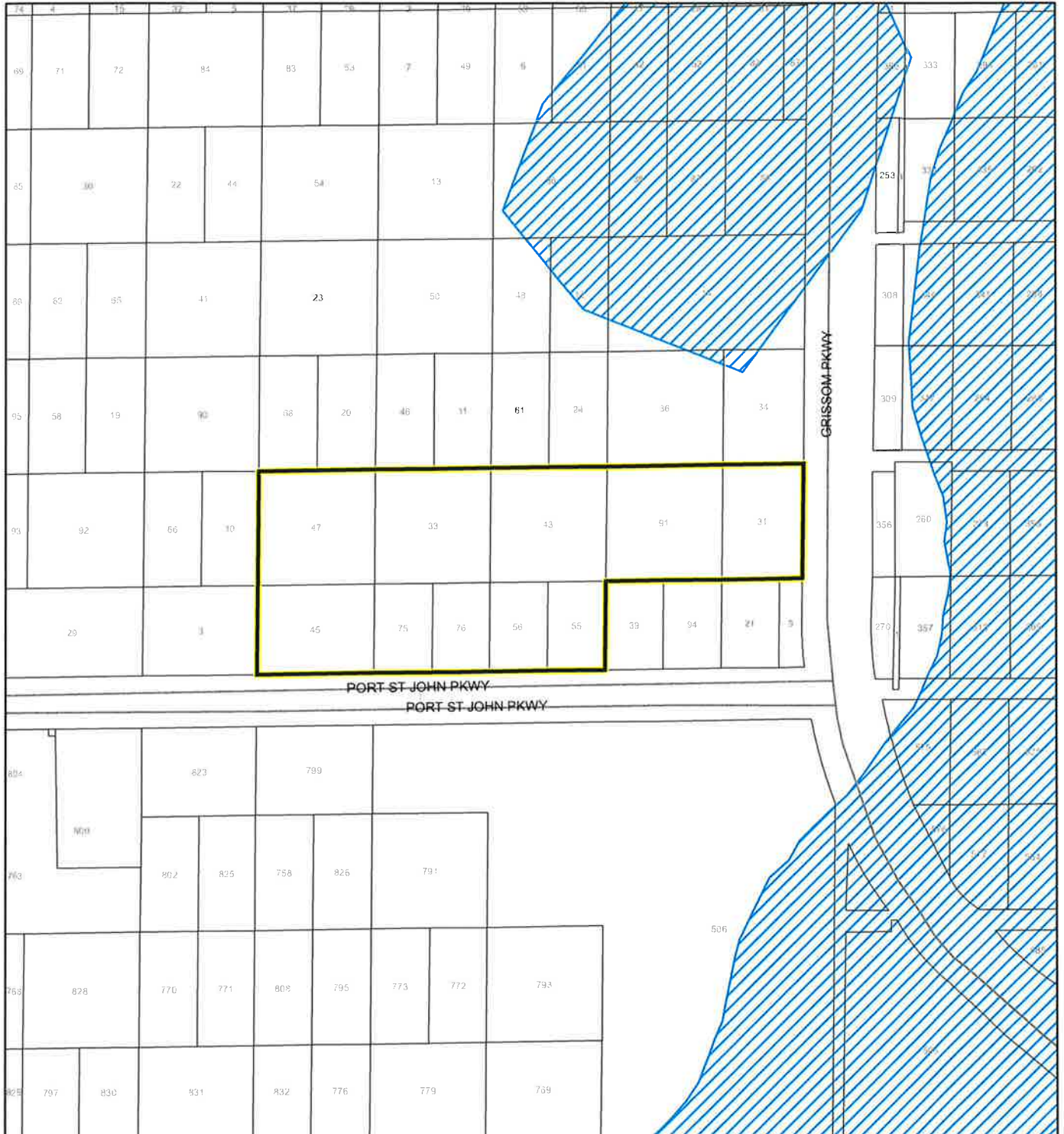
 Subject Property

 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP




SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER
22Z00020



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/6/2022

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER

22Z00020



1:4,800 or 1 inch = 400 feet

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

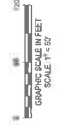
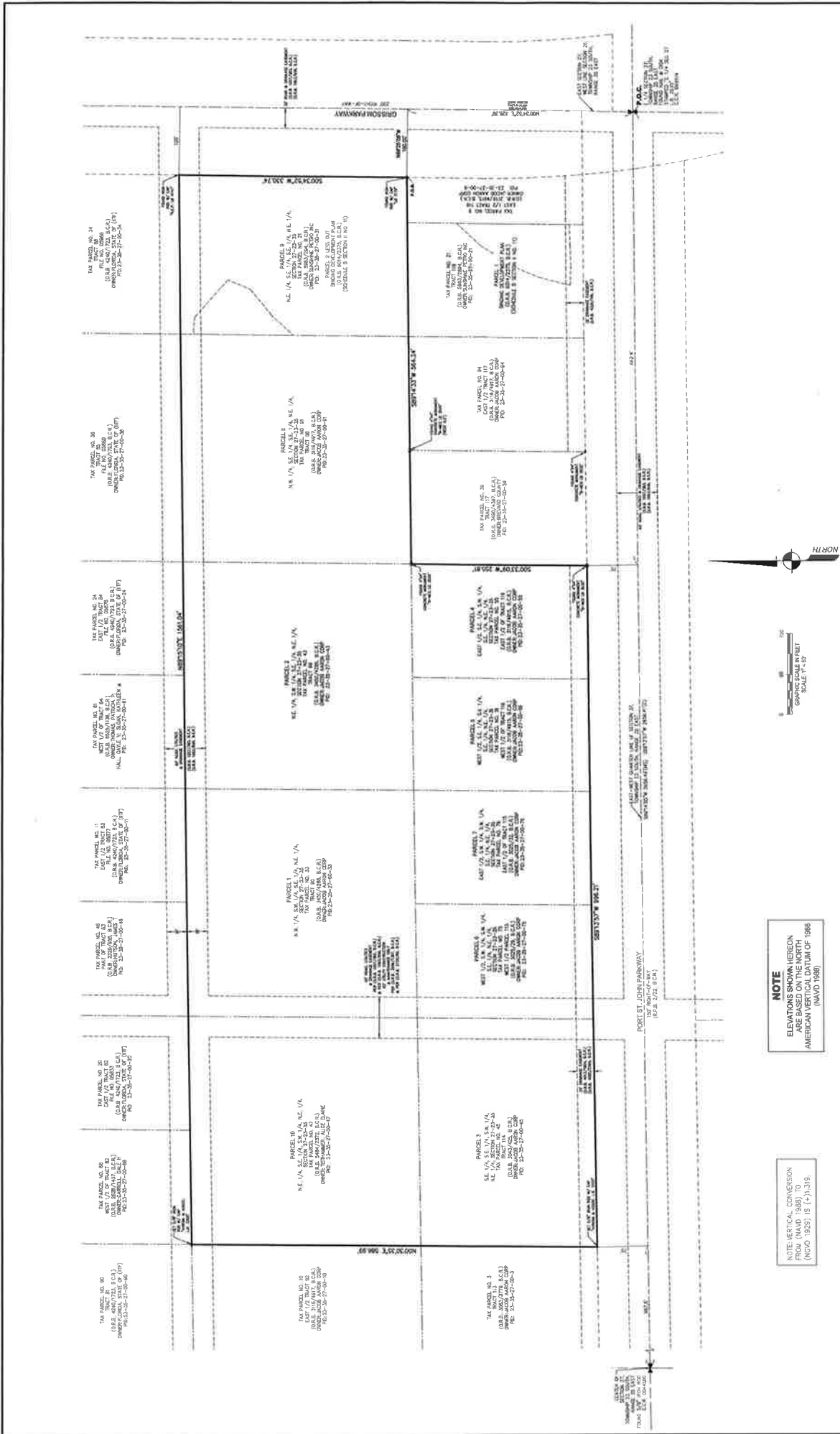
Produced by BoCC - GIS Date: 5/6/2022

SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels



NOTE
ELEVATIONS SHOWN HEREON
ARE IN FEET TO THE
AMERICAN VERTICAL DATUM OF 1988
(NAVD 1988)

NOTE: VERTICAL CONVERSION
FROM NAVD 1988 TO GDA 84
(NAD 83) IS (+) 318

| | |
|---------|-----------------------|
| JOB # | 1185-Z |
| SCALE | 1" = 50' |
| DATE | 02/08/2022 |
| BY | J.A.S. |
| CHECKED | D.A.H. |
| F.I. # | 2304-8F PO. 7-1716-15 |
| SHEET | 2 OF 2 |

SPECIFIC PURPOSE SURVEY
F.P.L. SPACE COAST SERVICE CENTER
PORTION OF SECTION 27,
TOWNSHIP 23 SOUTH, RANGE 35 EAST
COCOA
BREVARD COUNTY
FLORIDA

| REVISIONS | DATE | BY | DATE | BY |
|-----------|------|----|------|----|
| | | | | |
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Natural Resource Assessment

Space Coast Service Center Brevard County, Florida

Prepared for:
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408

144196067
March 2021
© Kimley-Horn & Associates, Inc. 2021
1920 Wekiva Way, Suite 200
West Palm Beach, FL 33411
561-845-0665

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- APPENDIX D – SHPO FLORIDA MASTER SITE FILE REPORT

**Natural Resource Assessment
Technical Memorandum**

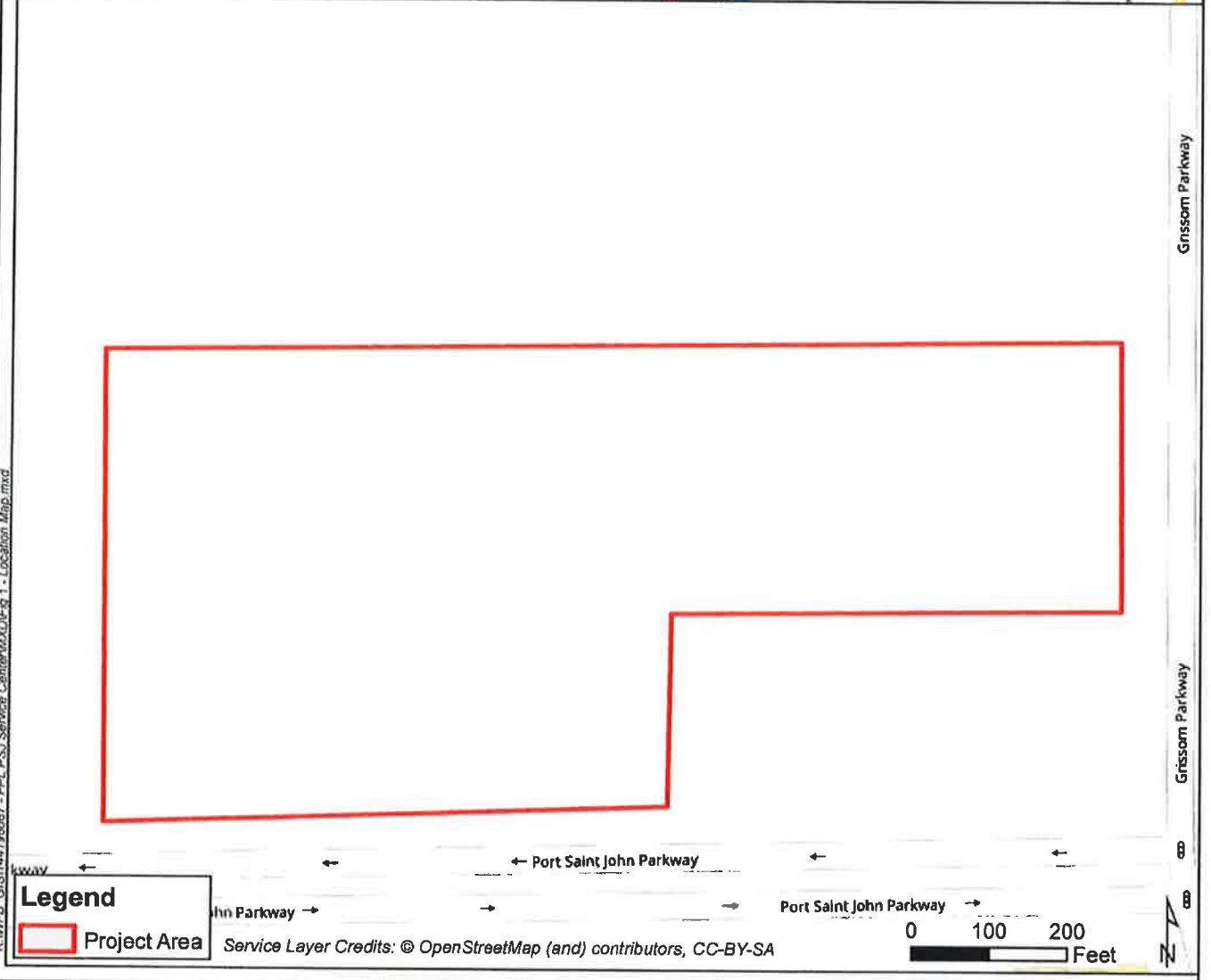
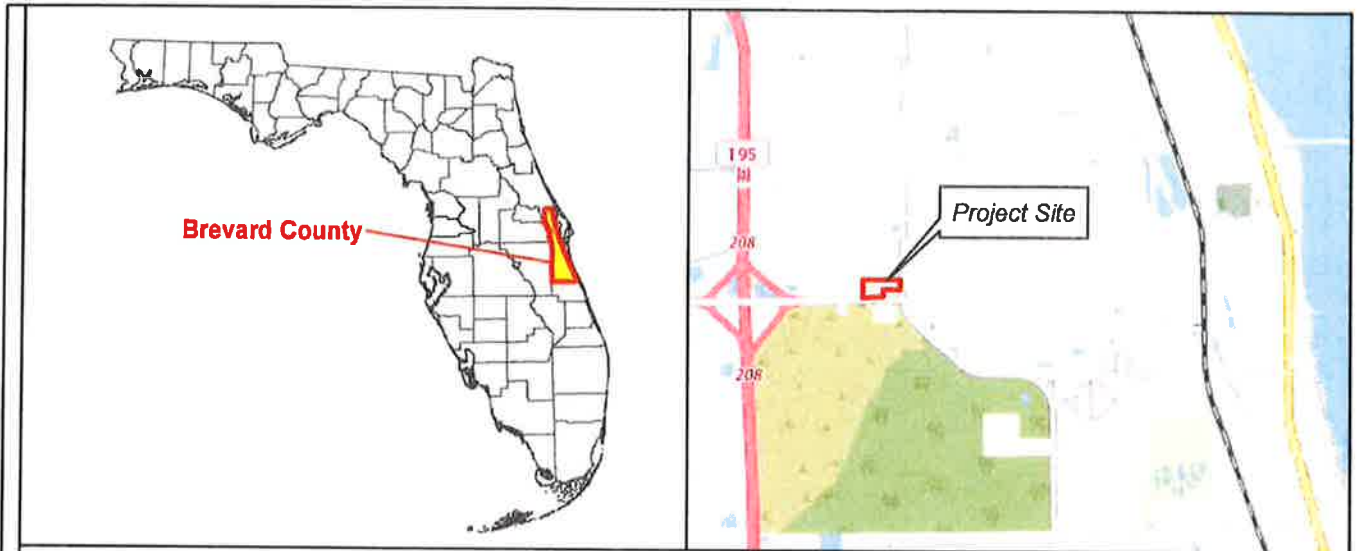
**Space Coast Service Center
Brevard County, Florida**

1.0 INTRODUCTION

The following technical memorandum summarizes a review of readily available documentation and the results of field reconnaissance conducted at the study area. The purpose of this Natural Resource Assessment was to characterize the existing conditions of the property relative to threatened and endangered species and their habitat, ecological communities, land cover and vegetation, wetlands, soils, hydrology, archaeological and historical resources, and floodplains.

The scope of this assessment included field reconnaissance to determine habitat present and to determine environmental constraints for this study area.

The project site is approximately 14.5 acres and is located at the northwest corner of Grissom Parkway and Port Saint John Parkway (28° 27' 15.10" N, 80° 48' 24.31" W) in Section 27, Township 23 South Range 35 East in unincorporated Brevard County, Florida. A location map is attached as **Figure 1**. A portion of the U.S. Geological Service (USGS) 7.5-Minute Providence, Florida quadrangle map depicting the location of the project site is attached as **Figure 2**. Based on review of the USGS quadrangle map, elevations on the project site range from approximately 25 to 30 feet.



K:\WPB GIS\144196067 - FPL PSJ Service Center\MXD\Fig. 1 - Location Map.mxd

Legend

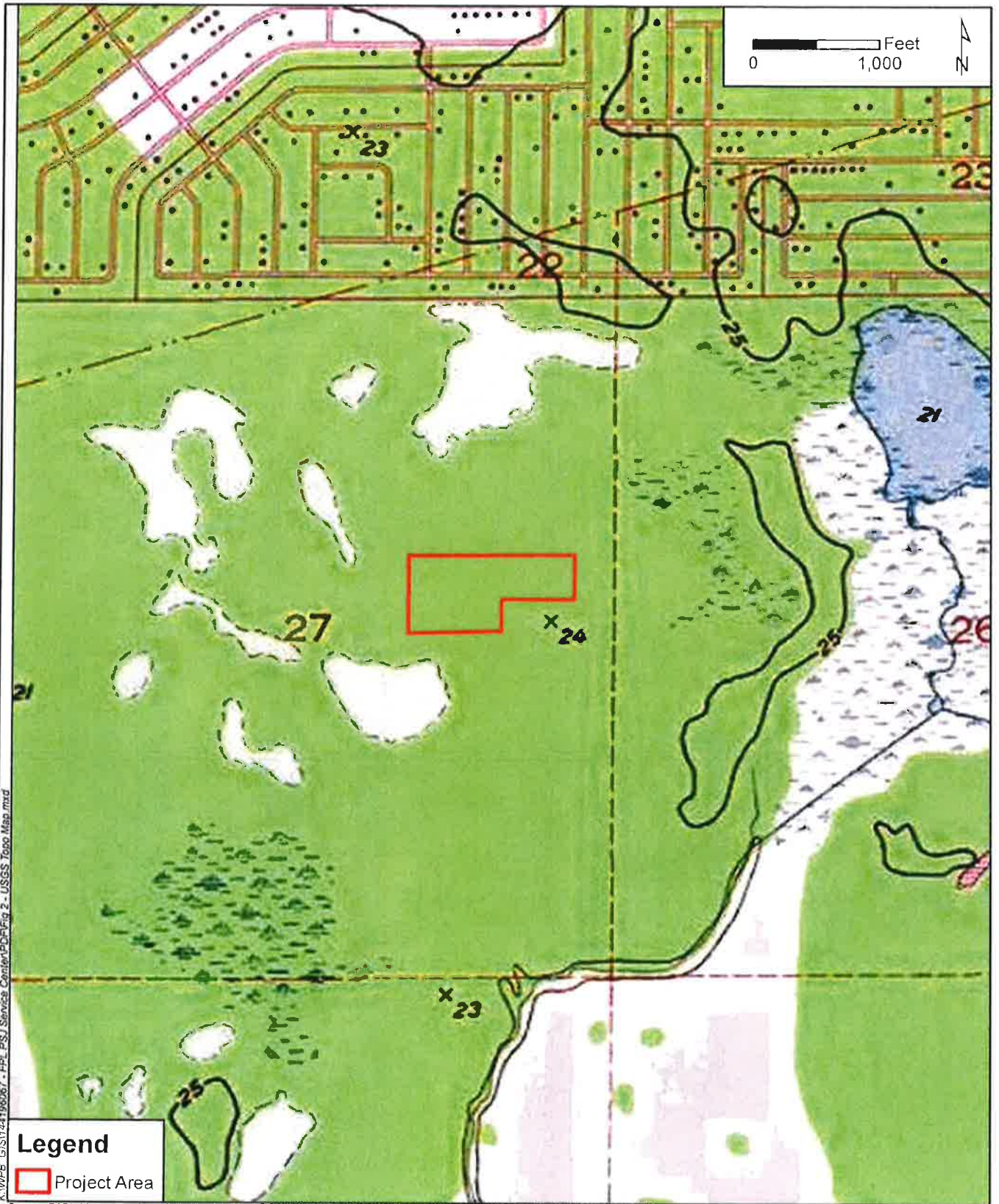
Project Area

Service Layer Credits: © OpenStreetMap (and) contributors, CC-BY-SA



| | | | |
|---|--|------------|----------|
| <p>© 2021 Kimley-Horn and Associates, Inc. 1920 Wekiva Way, STE 200, West Palm Beach, FL 33411 Phone (561) 945-0665 www.kimley-horn.com</p> | Project Location Map | | |
| | FPL Space Coast Service Center Brevard County, FL | | |
| 1 inch = 200 feet | PROJECT NUMBER: 144196067 | MARCH 2021 | FIGURE 1 |





K:\WPB GIS\144196067 - FPL PSJ Service Center\PDF\Fig 2 - USGS Topo Map.mxd

Source: ESRI, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

| | | | |
|--|--|---------------------------|------------|
| <p>Legend</p> <p> Project Area</p> | USGS 7.5 Minute Quadrangle Map | | |
| | FPL Space Coast Service Center Brevard County, FL | | |
| © 2021 Kimley-Horn and Associates, Inc. 1920 Wekiva Way, Suite 200 West Palm Beach, FL 33411 Phone: (561) 845-0665 www.kimley-horn.com | 1 inch = 1,000 feet | PROJECT NUMBER: 144196067 | MARCH 2021 |
| | | | FIGURE 2 |

34

2.0 METHODOLOGY

The methodology for this assessment included a review of the following resources:

- Florida Natural Areas Inventory (FNAI) Biodiversity Matrix (<http://www.fnai.org/biointro.cfm>)
- Various Geographic Information System (GIS) data layers from the U.S. Fish and Wildlife Service (USFWS), U.S. Geological Survey (USGS), Florida Fish and Wildlife Conservation Commission (FWC) (<https://myfwc.com/wildlifehabitats/wildlife/bba/>)
- USFWS IPaC data [(<https://ecos.fws.gov/ipac/>)]
- U.S. Department of Agriculture (USDA) / Natural Resources Conservation Service (NRCS) Soil Survey of Brevard County, Florida (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>)
- State Historic Preservation Officer (SHPO), Florida Master Site File (<http://www.flheritage.com/>)
- USFWS National Wetlands Inventory (NWI) Maps (Web-based maps available from <http://www.fws.gov/wetlands/Data/mapper.html>)
- Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (FIRM; Web-based maps available from <http://msc.fema.gov/>)
- United States Geological Survey (USGS) Quadrangle Maps, Land Boundary Information System (LABINS; <http://www.labins.org>)
- St. Johns River Water Management District Interactive GIS Map
- Florida Department of Environmental Protection (FDEP) MapDirect GIS
- Brevard County Code of Ordinances
- Chapter 62-340, Florida Administrative Code (FAC)

On March 10, 2021 a field review of the project limits was conducted by environmental scientists to document the existing habitat conditions and determine potential wildlife utilization. The field review also included a 15% gopher tortoise survey.



3.0 - EXISTING CONDITIONS

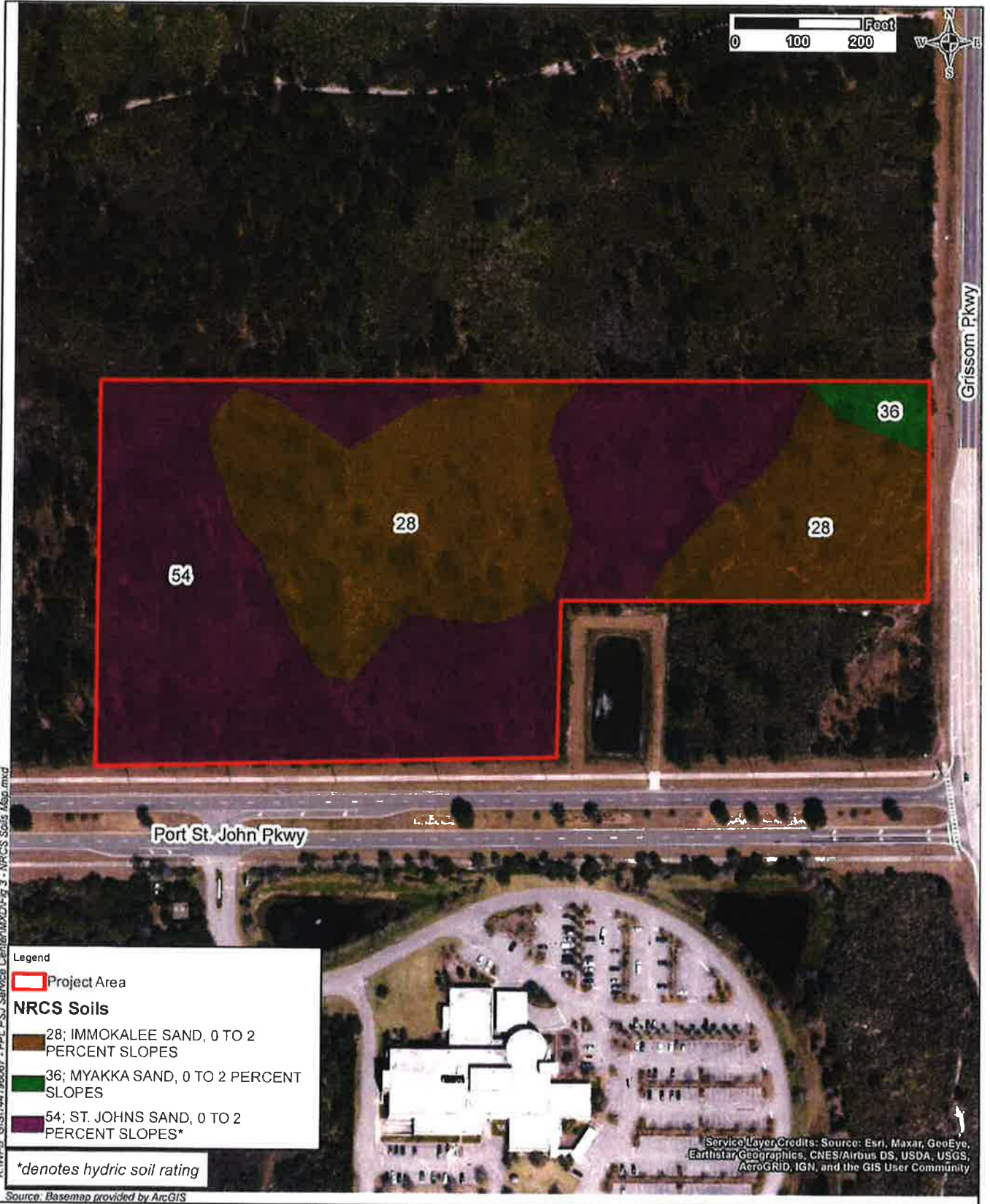
3.1 SOILS

The USDA / NRCS *Soil Survey of Brevard County, Florida*, maps the following soil on the property: (28) Immokalee Sand, (36) Myakka Sand, and (54) St. Johns Sand. A copy of the digital USDA/NRCS soils mapping data is illustrated in **Figure 3** and details regarding each soil are provided in **Table 1**.

| Table 1 NRCS Soils Identified Within Study Area | | | | | | |
|--|----------------|-------------------------|------------------------|----------------|-------------------|--|
| Soil ID Number ¹ | Soil Name | Occurrence ² | Characteristics | Drainage Class | Groundwater Depth | Hydric, Hydric Inclusions, or Non-hydric |
| 28 | Immokalee Sand | Flatwoods | Moderate permeability | Poorly Drained | 6-18 inches | Non-hydric |
| 36 | Myakka Sand | Broad flats | Rapid permeability | Poorly Drained | 6-18 inches | Non-hydric |
| 54 | St. Johns Sand | Broad flats and sloughs | Very slow permeability | Poorly drained | 0-6 inches | Hydric |

¹ Reference: https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/florida/FL009/0/Brevard.pdf
² Reference: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>





K:\WPB GIS\144196067 - FPL PSJ Service Center\MXD\Fig 3 - NRCS Soils Map.mxd

Legend

Project Area

NRCS Soils

- 28; IMMOKALEE SAND, 0 TO 2 PERCENT SLOPES
- 36; MYAKKA SAND, 0 TO 2 PERCENT SLOPES
- 54; ST. JOHNS SAND, 0 TO 2 PERCENT SLOPES*

*denotes hydric soil rating

Source: Basemap provided by ArcGIS

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

| | | | |
|--|--|------------|----------|
| <p style="font-size: 24pt; font-weight: bold; margin: 0;">Kimley»Horn</p> <p style="font-size: 10pt; margin: 5px 0 0 0;">© 2021 Kimley-Horn and Associates, Inc. 1920 Wekiva Way, Suite 200 West Palm Beach, FL 33411 Phone: (561) 845-0665 www.kimley-horn.com</p> | NRCS Soils Map | | |
| | FPL Space Coast Service Center Brevard County, FL | | |
| 1 inch = 200 feet | PROJECT NUMBER: 144196067 | MARCH 2021 | FIGURE 3 |

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3.2 LAND COVER AND NATURAL COMMUNITIES

Vegetative communities within the study area were identified through pedestrian transects and aerial photograph interpretation. Vegetative communities were classified using the *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS, Florida Department of Transportation, 1999). A FLUCFCS map of the study area is attached as **Figure 4**. A description of the upland land cover included below, characterizes dominant vegetation observed along random pedestrian transects, and does not represent an all-inclusive vegetative inventory. The acreage provided for each land cover is approximate, based on aerial mapping. A photo log of the site can be found in **Appendix A**.

FLUCFCS 411 – PINE FLATWOODS (3.5± ACRES)

This land cover makes up approximately 3.5 acres of the project site. Canopy vegetation includes primarily slash pine (*Pinus elliottii*) with occasional cabbage palm (*Sabal palmetto*). Understory vegetation includes dominant saw palmetto (*Serenoa repens*) with myrtle oak (*Quercus myrtifolia*), Chapman's oak (*Quercus chapmanii*), wax myrtle (*Myrica cerifera*), and gallberry (*Ilex glabra*).

FLUCFCS 419 – OTHER PINES (1± ACRES)

This land cover makes up approximately 1 acre of the project site and is dominated by slash pine with minimal understory.

FLUCFCS 421 – XERIC OAK (10± ACRES)

This land cover is the largest habitat within the project area and makes up approximately 10 acres of the project site. There is minimal canopy vegetation, however when it is present, the canopy is primarily comprised of slash pine with occasional cabbage palm. Dominant understory vegetation includes myrtle oak, Chapman's oak, and scrub oak (*Quercus inopina*) with fewer occurrences of saw palmetto, wax myrtle, gallberry, shining fetterbush (*Lyonia lucida*), rusty lyonia (*Lyonia ferruginea*), gopher apple (*Licania michauxii*), winged sumac (*Rhus copallinum*), wire grass (*Eleusine indica*), and shiny blueberry (*Vaccinium myrsinites*).





K:\MPS GIS\144196067 - FPL PSJ Service Center\MD\Fig 4 - FLUCFCS Map.mxd

Legend

Project Area

FLUCFCS Code

- 411: Pine Flatwoods (3.5 acres)
- 419: Other Pines (1 acre)
- 421: Xeric Oak (10 acres)

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar, Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Source: Basemap provided by ArcGIS

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FLUCFCS Map

**FPL Space Coast Service Center
 Brevard County, FL**

1 inch = 200 feet

PROJECT NUMBER: 144196067

MARCH 2021

FIGURE 4



3.3 WETLANDS, TIDAL WATERS AND OTHER SURFACE WATERS

The presence of wetlands was evaluated based on the Florida unified wetland delineation methodologies in accordance with Chapter 62-340, Florida Administrative Code (FAC) and Chapter 62-331 FAC under the State 404 Program. These methods consider prevalence of wetland vegetation, hydric soil indicators, and wetland hydrology. Surface waters include both natural and manmade bodies of water, such as streams, lakes, ponds, canals, and ditches. Based on an informal assessment of the vegetative communities, hydrologic conditions, and soils observed during on-site reconnaissance, no wetlands or surface waters exist within the project area.

3.4 WILDLIFE UTILIZATION

Wildlife, or evidence of wildlife, seen during field reconnaissance included black vulture (*Coragyps atratus*), cattle egret (*Bubulcus ibis*), northern cardinal (*Cardinalis cardinalis*), brown anole (*Anolis sagrei*), and armadillo (*Dasypus novemcinctus*).

3.5 ENDANGERED, THREATENED, AND SPECIES OF SPECIAL CONCERN

A list of protected species potentially occurring within the project vicinity was generated using the databases described in Section 2.0 Methodology. Information regarding previously documented occurrences, on-site observations conducted as part of this assessment, and likelihood of occurrence is summarized below.

FNAI – The FNAI report includes data from FNAI Matrix Unit 58476 (**Appendix B**). Based on the FNAI report, there are no documented listed species within the vicinity of the site. FNAI lists wood storks (*Mycteria Americana*) as likely to occur within the matrix unit. Wood stork habitat does not exist on-site, and this species is discussed further below.

FWC – There are no known bald eagle (*Haliaeetus leucocephalus*) nests or wading bird colonies on or within one mile of the study area. Additionally, no bald eagles or their nests were observed within the study area during field reconnaissance. There are two documented observations of the Florida scrub-jay (*Aphelocoma coerulescens*) within one mile of the study area. No additional coordination regarding the bald eagle or wading birds is anticipated. Further discussion of the scrub-jay can be found below.

USFWS Consultation Areas – The study area is in the following USFWS Consultation Areas:

- Audubon's crested caracara (*Polyborus plancus audubonii*)
- Everglade's snail kite (*Rostrhamus sociabilis plumbeus*)
- Florida scrub-jay (*Aphelocoma coerulescens*)

Habitat for the Audubon's crested caracara and everglade snail kite does not occur on-site, thus, no further coordination regarding these species is anticipated. Suitable habitat for the Florida scrub-jay is present on-site, and the species is discussed further below.

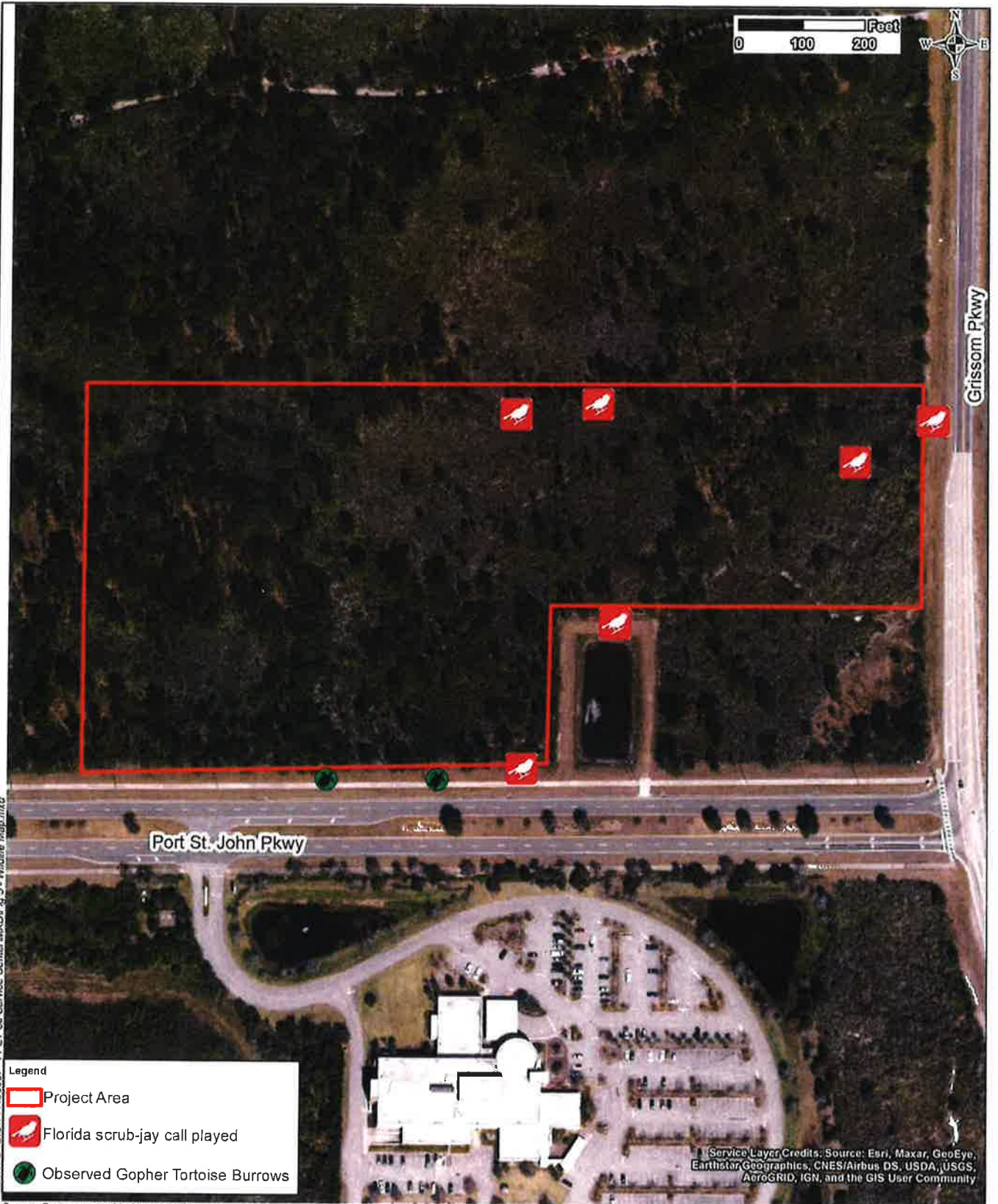
USFWS Wood Stork Colonies – The project site is within the core foraging area (CFA) of two known wood stork colonies: Lake Poinsett and Brevard County Maintenance Shop. The CFA for an active wood stork colony is defined as a circular area within a 15-mile radius from the wood stork colony. No wood storks, or potential wood stork foraging habitat, occurs within the project site, and no further coordination regarding wood stork is anticipated.

USFWS IPaC Data – The IPaC Trust Resources includes historical data in their reporting, which results in some species findings that do not reflect current on-site conditions. The following species are listed in the data and have suitable or marginal habitat within the study area: Florida scrub-jay and gopher tortoise. Species listed in the data that do not have suitable habitat on-site include: Audubon's crested caracara, eastern black rail, Everglade snail kite, wood stork, eastern indigo snake, green sea turtle, hawksbill sea turtle, leatherback sea turtle, and loggerhead sea turtle. This dataset confirmed that the project site is not within any USFWS designated Critical Habitat (**Appendix B**).

Based on field reconnaissance and database reviews, a listing of the state and federally listed species potentially occurring within the immediate vicinity of the study area has been compiled. **Table 2** lists species that may occur and their likelihood of occurrence. Likelihood of occurrence is based on actual observation of the species, signs of the species (burrows, tracks, scat, etc.), observance of suitable habitat, or documented occurrences of the species within various databases. A copy of the map depicting observed species on-site is attached as **Figure 5**.

| Table 2 | | | | | | |
|-------------------------------------|-------------------|--------------------------------|----------------|--------------|--|--------------------------|
| Potential Listed Species Occurrence | | | | | | |
| Common Name | | Scientific Name | Federal Status | State Status | Comments | Likelihood of Occurrence |
| Birds | Florida scrub-jay | <i>Aphelocoma coerulescens</i> | T | FT | Observed On-site: No Observed in Proximity: No Habitat Present: Yes Habitat Type: Nesting/Foraging | High |
| Reptiles | Gopher Tortoise | <i>Gopherus polyphemus</i> | C | ST | Observed On-site: No Observed in Proximity: Yes Habitat Present: Marginal Habitat Type: Burrowing/foraging | Moderate |

Federal Status: E = Endangered; T = Threatened; T(S/A) = Threatened due to Similarity of Appearance; C = Candidate Species; NL = Not Listed. State Status: FE- Federally Endangered; FT – Federally Threatened; FT(S/A) – Federally Threatened due to Similarity of Appearance; ST- State Threatened; SSC = Species of Special Concern. Note: Coordination is not required with FWC for Federally listed species.



K:\WPB GIS\144196067 - FPL PSJ Service Center\MXD\Fig 5 - Wildlife Map.mxd

Legend

- Project Area
- ♂ Florida scrub-jay call played
- Observed Gopher Tortoise Burrows

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Source: Basemap provided by ArcGIS

| | | | |
|---|--|------------|----------|
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| | FPL Space Coast Service Center Brevard County, FL | | |
| 1 inch = 200 feet | PROJECT NUMBER: 144196067 | MARCH 2021 | FIGURE 5 |

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Based on the database review and field reconnaissance, the following species have the potential to occur on-site and/or require additional evaluation, survey or permitting.

Florida Scrub-Jay

The Florida scrub-jay is listed as threatened by both the USFWS and FWC. The scrub-jay inhabits fire-dominated, low-growing, oak scrub habitat found on well-drained sandy soils. The project site falls within the USFWS consultation area for the species and there are documented observations of the scrub-jay within one mile of the project site. A scrub-jay survey will be required prior to development utilizing the methods outlined in the Florida Scrub-Jay General Survey Guidelines and Protocols (2007) (**Appendix C**) to determine the presence of scrub-jays.

Gopher Tortoise

Gopher tortoises are considered a keystone species in certain ecosystems because many different animal species utilize their extensive burrows for shelter. The gopher tortoise is listed as Threatened by the FWC and is a candidate for listing by the USFWS and prefers dry upland habitats such as pine flatwoods, xeric oak hammocks, open sandy pastures, and disturbed areas. Per FWC guidelines, Kimley-Horn conducted a 15% gopher tortoise survey (March 10, 2021) and no burrows were observed on-site, however two burrows were observed directly adjacent to the project area. In addition, potential habitat for the gopher tortoise does occur on-site. Thus, a 100% gopher tortoise survey will need to be completed no more than 90 days prior to construction. Impacts to or within 25 feet of gopher tortoise burrows require a relocation permit from FWC. This permit authorizes gopher tortoises to be relocated by an authorized agent to a protected certified recipient area.

Listed Plant Species

The Florida Department of Agriculture and Consumer Service's *Notes on Florida's Threatened and Endangered Plants*, and Richard Wunderlin's *Guide to Vascular Plants of Florida*, were consulted to assess habitat requirements for listed plant species. Although 15 state-listed plants were noted by FNAI as possibly occurring in this area, none were observed during field reconnaissance. No further action is anticipated regarding listed plant species.

3.6 HISTORIC AND ARCHAEOLOGICAL RESOURCES

Kimley-Horn requested an inquiry from the Department of State, State Historic Preservation Officer (SHPO) Division of Historical Resources Florida Master Site File (FMSF) regarding the presence of known historical or archaeological findings on the study area or in the immediate vicinity (*Appendix D*). The FMSF lists no previously recorded cultural resources and no resources that are eligible for the National Register of Historic Places within a 0.25-mile radius of the project area.

3.7 FLOODPLAIN INFORMATION

FEMA indicates that the entirety of the study area is located within Flood Zone X - areas determined to be outside of the special flood hazard area. A FEMA flood zone map is attached as *Figure 6*. No required floodplain compensation is anticipated.



K:\WPB_GIS\144196067 - FPL PSJ Service Center\AXD\Fig 5 - FEMA Map.mxd

Source: Basemap provided by ArcGIS

Legend

- Project Area
- Flood Zone

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

| | | | |
|---|--|------------|----------|
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| | FPL Space Coast Service Center Brevard County, FL | | |
| 1 inch = 200 feet | PROJECT NUMBER: 144196067 | MARCH 2021 | FIGURE 6 |

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4.0 REGULATORY REQUIREMENTS

4.1 LOCAL ENVIRONMENTAL ORDINANCES

Per the Brevard County Code of Ordinances, a permit shall be required prior to any land clearing activities (Article XIII, Sec. 62-4337). A survey of all protected trees and canopy coverage shall be prepared by a professional land surveyor registered in the State of Florida. Protected trees include hardwood trees having DBH of ten inches or greater or a softwood tree, such as a pine, having a DBH of 14 inches or greater. Protected trees were observed on-site, and a tree survey will be required before site development.

Article X, Division 4 addresses development in or adjacent to wetlands. Any wetlands addressed by an FDEP or SJRWMD permit will be exempt from the county's mitigation standards provided that the FDEP or SJRWMD permit conditions are consistent with Brevard County's requirements. As there are no wetlands on-site, no further coordination regarding wetland impacts are anticipated.

4.2 STATE REGULATORY REQUIREMENTS

Environmental Resource Permit

The ERP evaluates the project impacts to wetlands, surface waters, and stormwater management design including floodplain impacts. An ERP may be required from the SJRWMD if any stormwater improvements are proposed as part of this project. Drainage design and stormwater management is not discussed further in this report as the scope was limited to natural resources. As there are no wetlands on-site, a non-jurisdictional determination is recommended, however an ERP addressing wetland impacts is not required.

It should be noted that the FDEP has assumed administration of the Clean Water Act (CWA) Section 404 program. Effective December 22, 2020, FDEP will process Section 404 permits within State-assumed Waters of the US (WOTUS) rather than the US Army Corps of Engineers (USACE). Based on a preliminary review, there do not appear to be Waters of the US (WOTUS) present on site, and therefore, authorization under Section 404 will not be required.

Listed Species Permitting

Species specific permitting may be required for potential effects to listed species or their habitats including the gopher tortoise. Per FWC regulations, Kimley-Horn conducted a 15% gopher tortoise survey (March 10, 2021) and no burrows were observed on-site, however two potential burrows were observed directly adjacent to the project area. In addition, potential habitat for the gopher tortoise does occur on-site. Thus, a 100% gopher tortoise survey will need to be completed no more than 90 days prior to construction. Impacts to or within 25 feet of gopher tortoise burrows require a relocation permit from FWC. This permit authorizes gopher tortoises to be relocated by an authorized agent to a protected certified recipient area.

4.3 FEDERAL REGULATORY REQUIREMENTS

Section 404 Dredge and Fill Permitting

Please refer to State Regulatory Requirements above. The Corps of Engineers has suspended processing of 404 permits in state-assumed waters, and the state permit provides the necessary authorization under Section 404. Based on a preliminary review, there do not appear to be Waters of the US (WOTUS) present on site, and therefore, authorization under Section 404 will not be required.

Federal Listed Species

Federal and State listed species and protected habitats present on-site may require mitigation for potential impacts. Since the project does not appear to have any federal jurisdictional wetlands, there is not a federal nexus for addressing potential species impacts with the USFWS. If, after project design and additional species-specific surveys, it is determined that impacts to federally protected species will occur, consultation through Section 10 of the Endangered Species Act may be required. This section provides an estimate of anticipated species survey, permitting, and mitigation requirements associated with site development.

Florida Scrub-Jay

The Florida scrub-jay is listed as threatened by both the USFWS and FWC. The scrub jay inhabits fire-dominated, low-growing, oak scrub habitat found on well-drained sandy soils. This site falls within a USFWS consultation area for the species and there are documented

sightings within one mile of the site. Additionally, there is suitable scrub-jay habitat on-site; thus, coordination with the USFWS and a scrub jay survey will be required. Surveys can be conducted from March-October with March, July, and October being the best times to survey. Surveys are conducted with the assistance of a scrub jay vocalization which is broadcast along transects throughout suitable habitat. If scrub jays are present and occupied habitat will be impacted, a permit may be required from the USFWS.

5.0 SUMMARY AND RECOMMENDATIONS

- A tree survey and permit will be required from Brevard County before any land clearing activities.
- No wetlands were observed on-site, however an ERP will be required if any stormwater improvements are proposed as part of this project.
- The site does not appear to contain federal jurisdictional Waters of the US, so authorization under Section 404 will not be required.
- The following state and federally listed species were observed or potentially occur on-site: gopher tortoise and Florida scrub-jay as described in Section 4.2 and 4.3. A 100% survey will be required no more than 90 days prior to construction for the gopher tortoise. If any gopher tortoises or their burrows are found, any impacts to or within 25 feet of gopher tortoise burrows will require a relocation permit from FWC. Coordination with the USFWS and a formal survey will be required for the scrub-jay.
- Based on the FMSF, there were no historic or archaeological resources within the study area. Currently, no further action is required. The SHPO will review and comment on the ERP and determine if additional analysis is warranted.
- The study area is not within a FEMA designated floodplain. No further action is required.

**APPENDIX A
SITE PHOTO LOG**



Photo 1: View looking south from northeast corner of site.



Photo 2: View looking north from southeast corner of site.

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PHOTOGRAPHIC LOG

**Space Coast Service Center
 Brevard County, FL**

SCALE: NTS

PROJECT NO 144196067

DATE March 2021

PAGE 1





Photo 3: View looking east from southwest corner of site.



Photo 4: View looking west from southeast corner of site.

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 Brevard County, FL**

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Photo 5: View looking north at stormwater pond adjacent to site.

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Photo 6



Photo 7

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Photo 8



Photo 9

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Photo 10



Photo 11

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DATE March 2021

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APPENDIX B
FNAI BIODIVERSITY MATRIX AND USFWS IPAC DATA



Florida Natural Areas Inventory

Biodiversity Matrix Query Results

UNOFFICIAL REPORT

Created 3/23/2021

(Contact the FNAI Data Services Coordinator at 850.224.8207 or kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 58476

| | |
|--|---|
| | <p>Descriptions</p> <p>DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.</p> <p>DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.</p> <p>LIKELY - The species or community is <i>known</i> to occur in this vicinity, and is considered likely within this Matrix Unit because:</p> <ol style="list-style-type: none"> 1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; <i>or</i> 2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit. <p>POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.</p> |
|--|---|

Matrix Unit ID: 58476

0 Documented Elements Found

0 Documented-Historic Elements Found

4 Likely Elements Found

| Scientific and Common Names | Global Rank | State Rank | Federal Status | State Listing |
|---|-------------|------------|----------------|---------------|
| <u><i>Apelocoma coerulescens</i></u> Florida Scrub-Jay | G2 | S2 | LT | FT |
| <i>Mesic flatwoods</i> | G4 | S4 | N | N |
| <u><i>Mycteria americana</i></u> Wood Stork | G4 | S2 | LT | FT |
| <i>Scrub</i> | G2 | S2 | N | N |

Matrix Unit ID: 58476**26 Potential Elements for Matrix Unit 58476**

| Scientific and Common Names | Global Rank | State Rank | Federal Status | State Listing |
|---|-------------|------------|----------------|---------------|
| <u><i>Athene cunicularia floridana</i></u> Florida Burrowing Owl | G4T3 | S3 | N | SSC |
| <u><i>Calopogon multiflorus</i></u> Many-flowered Grass-pink | G2G3 | S2S3 | N | T |
| <u><i>Centrosema arenicola</i></u> Sand Butterfly Pea | G2Q | S2 | N | E |
| <i>Chamaesyce cumulicola</i> Sand-dune Spurge | G2 | S2 | N | E |
| <i>Conradina brevifolia</i> Short-leaved Rosemary | G2Q | S2 | LE | E |
| <i>Conradina grandiflora</i> Large-flowered Rosemary | G3 | S3 | N | T |
| <u><i>Deeringothamnus pulchellus</i></u> Beautiful Pawpaw | G1 | S1 | LE | E |
| <i>Dicerandra thinicola</i> Titusville Balm | G1Q | S1 | N | E |
| <u><i>Drymarchon couperi</i></u> Eastern Indigo Snake | G3 | S3 | LT | FT |
| <u><i>Gopherus polyphemus</i></u> Gopher Tortoise | G3 | S3 | C | ST |
| <u><i>Grus canadensis pratensis</i></u> Florida Sandhill Crane | G5T2T3 | S2S3 | N | ST |
| <i>Gymnopogon chapmanianus</i> Chapman's Skeletongrass | G3 | S3 | N | N |
| <i>Lechea cernua</i> Nodding Pinweed | G3 | S3 | N | T |
| <u><i>Lechea divaricata</i></u> Pine Pinweed | G2 | S2 | N | E |
| <u><i>Linum carteri</i> var. <i>smallii</i></u> Small's Flax | G2T2 | S2 | N | E |
| <u><i>Lithobates capito</i></u> Gopher Frog | G3 | S3 | N | SSC |
| <i>Mustela frenata peninsulæ</i> Florida Long-tailed Weasel | G5T3 | S3 | N | N |
| <u><i>Nemastylis floridana</i></u> Celestial Lily | G2 | S2 | N | E |
| <i>Nolina atopocarpa</i> Florida Beargrass | G3 | S3 | N | T |
| <i>Panicum abscissum</i> Cutthroat Grass | G3 | S3 | N | E |
| <i>Peucaea aestivalis</i> Bachman's Sparrow | G3 | S3 | N | N |
| <u><i>Picoides borealis</i></u> Red-cockaded Woodpecker | G3 | S2 | LE | FE |
| <u><i>Podomys floridanus</i></u> Florida Mouse | G3 | S3 | N | SSC |
| <u><i>Sceloporus woodi</i></u> Florida Scrub Lizard | G2G3 | S2S3 | N | N |
| <u><i>Sciurus niger shermani</i></u> Sherman's Fox Squirrel | G5T3 | S3 | N | SSC |
| <u><i>Warea carteri</i></u> Carter's Warea | G3 | S3 | LE | E |

Disclaimer

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance

on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

Unofficial Report

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.



United States Department of the Interior

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North Florida Ecological Services Field Office
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256-7517
Phone: (904) 731-3336 Fax: (904) 731-3045



In Reply Refer To:
Consultation Code: 04EF1000-2021-SLI-0645
Event Code: 04EF1000-2021-E-01094
Project Name: PSJ Service Center

March 08, 2021

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

<http://>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- Migratory Birds

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

North Florida Ecological Services Field Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256-7517

(904) 731-3336

Project Summary

Consultation Code: 04EF1000-2021-SLI-0645

Event Code: 04EF1000-2021-E-01094

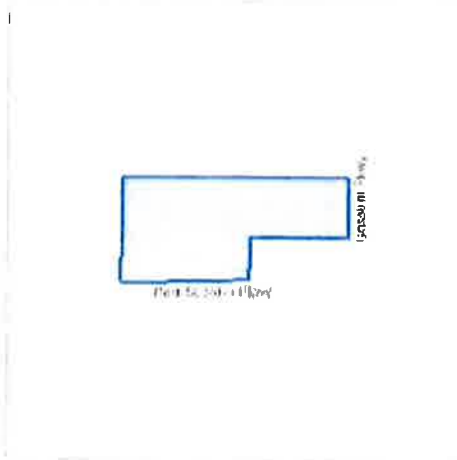
Project Name: PSJ Service Center

Project Type: ** OTHER **

Project Description: NRA

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@28.4549549,-80.80670798285777,14z>



Counties: Brevard County, Florida

Endangered Species Act Species

There is a total of 13 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

| NAME | STATUS |
|---|------------|
| Audubon's Crested Caracara <i>Polyborus plancus audubonii</i> Population: FL pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8250 | Threatened |
| Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477 | Threatened |
| Everglade Snail Kite <i>Rostrhamus sociabilis plumbeus</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7713 | Endangered |
| Florida Scrub-jay <i>Aphelocoma coerulescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6174 | Threatened |
| Wood Stork <i>Mycteria americana</i> Population: AL, FL, GA, MS, NC, SC No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8477 | Threatened |

Reptiles

| NAME | STATUS |
|---|------------|
| Eastern Indigo Snake <i>Drymarchon corais couperi</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/646 | Threatened |
| Gopher Tortoise <i>Gopherus polyphemus</i> Population: eastern No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6994 | Candidate |
| Green Sea Turtle <i>Chelonia mydas</i> Population: North Atlantic DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6199 | Threatened |
| Hawksbill Sea Turtle <i>Eretmochelys imbricata</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3656 | Endangered |
| Leatherback Sea Turtle <i>Dermochelys coriacea</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1493 | Endangered |
| Loggerhead Sea Turtle <i>Caretta caretta</i> Population: Northwest Atlantic Ocean DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1110 | Threatened |

Flowering Plants

| NAME | STATUS |
|---|------------|
| Carter's Mustard <i>Warea carteri</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5583 | Endangered |
| Lewton's Polygala <i>Polygala lewtonii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6688 | Endangered |

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

| NAME | BREEDING SEASON |
|--|------------------------|
| American Kestrel <i>Falco sparverius paulus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA | Breeds Apr 1 to Aug 31 |
| Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626 | Breeds Sep 1 to Jul 31 |

| NAME | BREEDING SEASON |
|---|-------------------------|
| <p>Common Ground-dove <i>Columbina passerina exigua</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> | Breeds Feb 1 to Dec 31 |
| <p>Dunlin <i>Calidris alpina arctica</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> | Breeds elsewhere |
| <p>Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679</p> | Breeds elsewhere |
| <p>Limpkin <i>Aramus guarauna</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds Jan 15 to Aug 31 |
| <p>Magnificent Frigatebird <i>Fregata magnificens</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds Oct 1 to Apr 30 |
| <p>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds May 10 to Sep 10 |
| <p>Semipalmated Sandpiper <i>Calidris pusilla</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds elsewhere |
| <p>Swallow-tailed Kite <i>Elanoides forficatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938</p> | Breeds Mar 10 to Jun 30 |

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (☀)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

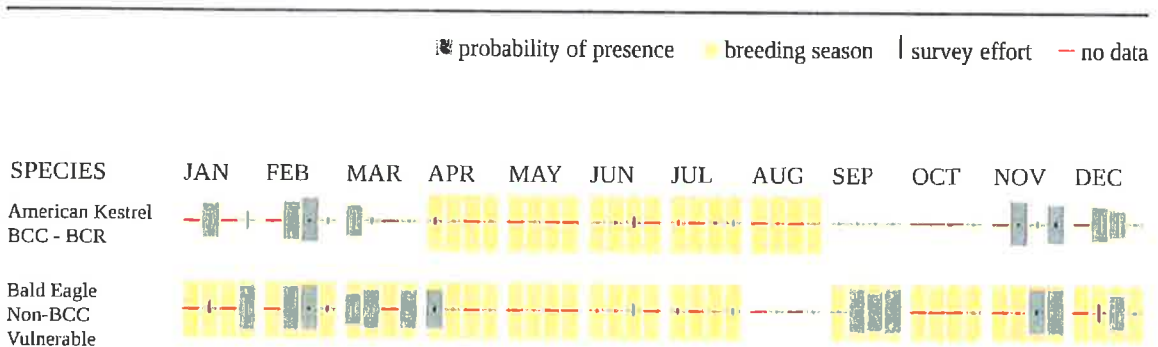
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

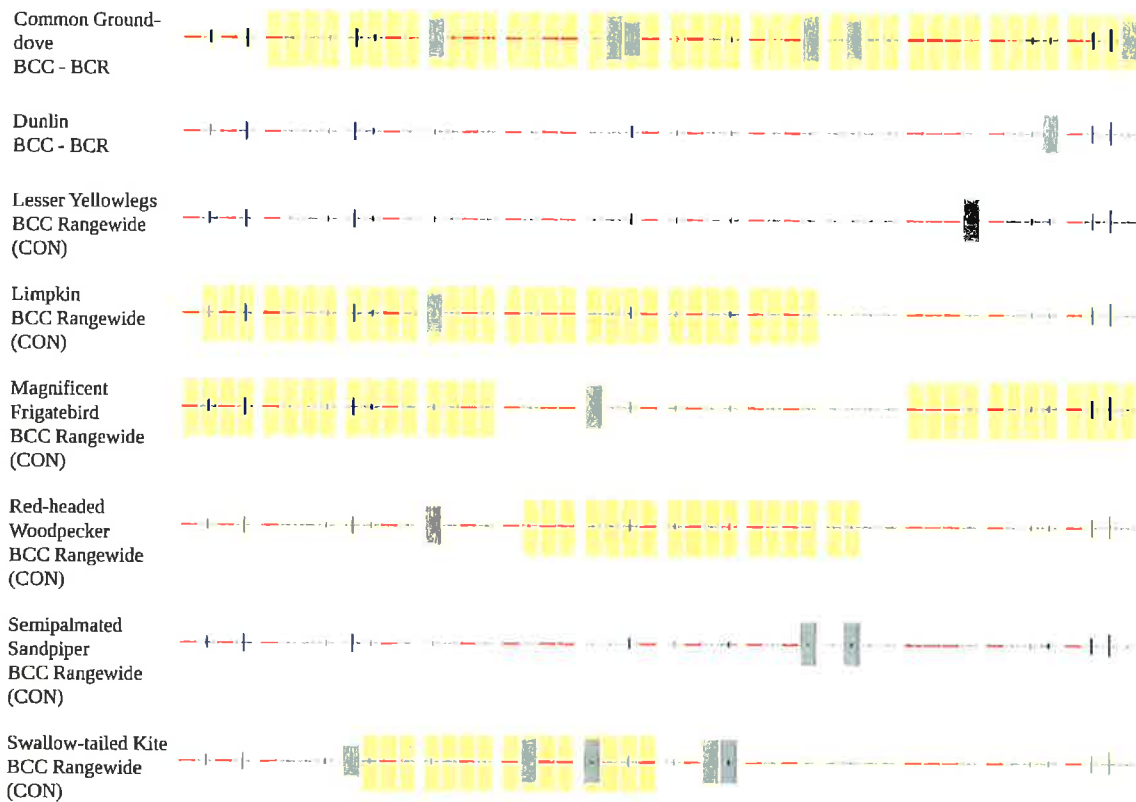
No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#)

may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);

2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities,

should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

APPENDIX C
SPECIES SPECIFIC SURVEY PROTOCOLS

Scrub-Jay Survey Guidelines

(Updated 08/24/2007)

Adapted from: J.W. Fitzpatrick, G.E. Woolfenden and M.T. Kopeny. 1991. *Ecology and development-related habitat requirements of the Florida scrub-jay (Aphelocoma coerulescens)*. Florida Game and Fresh Water Fish Commission, Nongame Wildlife Program Technical Report No. 8. Tallahassee, FL. 49pp.

The most effective method for surveying a site for Florida scrub-jays is to traverse the area systematically, using a high quality tape recording of Florida scrub-jay territorial scolding in an attempt to attract the jays. The recording should include clear examples of all typical territorial scolds, including the female "hiccup" call. Vocalizations are available by contacting:

Macaulay Library
Cornell Lab of Ornithology
159 Sapsucker Rd.
Ithaca, NY 14850
Email: macaulaylibrary@cornell.edu
<http://birds.cornell.edu>

Map plant communities either on a 7.5 foot U.S. Geological Survey (USGS) topographic map or an aerial photograph at a scale of no more than 400 feet per inch. The vegetation map must show all forms of existing development. On the vegetation map, establish parallel line transects with playback stations along each transect. Space the transects and playback stations so that all different scrub types will be sampled for jays (i.e., so that the taped calls will be effectively broadcast across areas of concern). These scrub types should include not only the more "classic" xeric oak scrub, scrubby pine flatwoods, scrubby coastal strand, and sand pine scrub, but should also include:

- pine-mesic oak
- xeric oak
- sand live oak
- improved, unimproved, and woodland pastures;
- citrus groves;
- rangeland;
- pine flat woods;
- longleaf pine xeric oak;
- sand pine;
- sand pine plantations;
- forest regeneration areas;
- sand other than beaches;
- disturbed rural land in transition without positive indicators of intended activity; and disturbed burned areas.

The presence of scrub oaks, no matter how sparsely distributed, is the key indicator of "scrub" habitat.

Distances between transects, and between stations along transects, depend on many factors, including power of the speaker used for broadcasting the calls, topography of the site, and the density of the surrounding vegetation. Adequate spacing between transects can be estimated roughly as the distance at which a person listening to the tape directly in front of the speaker perceives the "bird" to be no more than about 100 meters away. A distance of 100 to 200 meters between transects and between stations is generally adequate when using a good-quality, hand-held cassette player broadcasting at full volume.

Surveys should be carried out on calm, clear days about one hour after sunrise, and should terminate before midday heat or wind. Surveys should not be conducted in winds stronger than a moderate breeze (5-8 mph), in mist or fog, or in precipitation exceeding a light, intermittent drizzle. Heat and especially wind lowers the tendency for jays to respond to distant territorial scolds, and wind reduces the distance over which recordings can be heard. Jays are also reluctant to fly on windy days regardless of hour or season. Surveys also should NOT be conducted if accipiters or other scrub-jay predators are present in the area; in the event this is the case, the surveyor should either wait until the predator is gone or come back on another day.

Surveys may be conducted anytime between March 1 through October 31. However, ideal survey periods include: 1) spring (especially March), 2) fall (September and October), when territorial displays are most frequent and vigorous, and 3) midsummer (July) when young of the year are independent but still distinguishable by plumage. The poorest times of the year to survey are late winter, when jays are most likely to fly far for food, and late spring when the young are quiet and the adults are occupied with molt and feeding fledglings.

Transects may be driven or walked. If driven, step out or stand atop the vehicle at each playback station. Broadcast the calls at each station for at least 1 minute in all four directions around the playback station, emphasizing any direction in which low-growing oak scrub is the predominant vegetation. On the vegetation map, plot the locations and indicate group size of all Florida scrub-jays where they are first seen or heard. Distinguish adult-plumaged jays from juvenile-plumaged jays whenever possible.

At localities with car trails, large areas of scrub can be surveyed with a vehicle in one day. On foot, the process is more laborious because of the relatively large size of territories (often 10 to 40 acres). Once a group is located, stop broadcasting at that station. Remaining at this station briefly should result in the assembly of the entire group. This allows one to estimate group size and, if done during the midsummer, to distinguish young of the year from adults.

Sometimes two or more groups will be attracted to one station, usually from different directions. Observers should be careful, therefore, to plot each group where it was first spotted or heard, not at the site to which the jays were attracted. In rare circumstances, especially at sites where numerous groups congregate at artificial food or water sources, it may be difficult to differentiate groups. This is especially true where jays have become habituated and tame to human approach. Again, in such cases careful observation is extremely important. Studies of such congregations using color-marked jays have confirmed that almost always they consist of members of different family groups. Often they may have crossed several territory boundaries to reach the neutral feeding or drinking areas. The result gives a false impression of extremely high jay density.

It is essential that the subject area be surveyed as often as necessary (for a minimum of 5 days) to establish an accurate count of jay groups and territorial boundaries. If more than 8 to 10 jays are encountered at a single playback station during a fall or spring survey period, the jays at this site should be monitored carefully over several visits and different times of day. Numbers will shift as groups arrive and depart. Often it is possible to watch where the jays come from or return to as a means of determining how many groups are represented. For determining territorial boundaries, it is essential that the surveyor be familiar with different types of behavior exhibited by scrub-jays. Territorial boundaries may be most accurately predicted through a combination of observing scrub-jays and listening for territorial behavior (in the case where several families of scrub-jays exist in contiguous habitat) or by including habitat suitable for occupation by scrub-jays within a territorial boundary (in the case where a family of scrub-jays is somewhat isolated from other groups). If a question exists as to how many groups of scrub-jays are onsite, or where to draw territorial boundaries, it is strongly recommended that the U.S. Fish and Wildlife Service receive permission from the land owner to conduct an independent survey onsite.

The key end products of this procedure are: (1) a complete count of all jay groups onsite and (2) an approximate territory map or home range center for each group. Provide the U.S. Fish and Wildlife Service with a final report that includes the following, as applicable:

A. An information sheet including:

- Dates and starting and ending times of all surveys conducted.
- Weather conditions during all surveys, including average temperature, wind speed and direction, visibility, and precipitation.
- Total number of jay groups found, number of jays in each group and number of juvenile-plumaged jays in each of these groups.

B. An aerial photograph or vegetation map depicting:

- The entire area of interest.
- Transect lines and playback stations.
- Locations of all jays seen or heard while conducting the survey or at any other time, including flight direction.
- Approximate suspected territory boundaries between jay groups or suspected home range centers for each group.

Mail Scrub-jay survey reports to:

North Florida Counties

Scrub-Jay Survey
U.S. Fish and Wildlife Service
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256-7517

South Florida Counties

Scrub-Jay Survey
U.S. Fish and Wildlife Service
1339 20th St.
Vero Beach, FL 32960-3559

APPENDIX D
HISTORICAL AND ARCHAEOLOGICAL RESOURCES



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

March 8, 2021

Chloe Gossett

Kimley-Horn | 1920 Wekiva Way, Suite 200, West Palm Beach, FL 33411

Direct: 561 840 0217 | Mobile: 816 916 2233

In response to your request on March 8, 2021, the Florida Master Site File lists no cultural resources recorded at the designated parcel located in Brevard County, FL. The search includes historical resources within a 0.25-mile research radius, as requested.

When interpreting the results of our search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi, Ph.D.

Florida Master Site File

Eman.Vovsi@DOS.MyFlorida.com

145



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR Aero, IGN, USDA, USDA, AeroGRID, IGN, and the GIS User Community
Aerial photography: 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025
Aerial photography: 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025

Prepared by: Robertson and Associates
Address: 100 Parnell Street, Merritt Island, FL 32953

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 5 day of May, 2009, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Jacob Aaron Corporation, BDM Financial Corporation, Florida corporations; and Michael P., Richard, Patricia, and Lori L. Melzer, and their heirs, successors and assigns (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the BU-1 and TU-2 zoning classification(s) and desires to develop the property as commercial and tourist commercial, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer/Owner shall limit the number of hotel rooms to a maximum of 220 rooms on the Property; and commercial square footage, excluding hotel square footage, to 335,000 square feet on the Property.

3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.


4. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until the Property is rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on FEBRUARY 5, 2009. The County at any time may amend or cancel this Agreement as to the Property or any part of the Property provided the Owner of that part of the Property which the amendment or cancellation addresses consents to the amendment or cancellation at that time. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1-7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

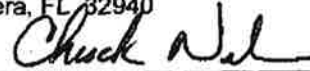
IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST



Scott Ellis, Clerk of Circuit Court
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

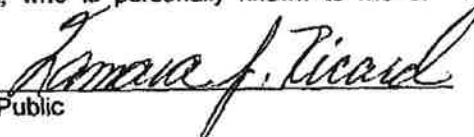


Chuck Nelson, Chairman
As approved by the Board on 5/5/09

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 5 day of May, 2009 by Chuck Nelson, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.

My commission expires

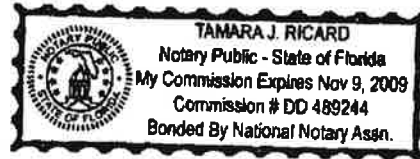


Notary Public

SEAL
Commission No.:

Tamara J. Ricard

(Name typed, printed or stamped)



WITNESSES:

[Signature]
Antonio Rodriguez
(Witness Name typed or printed)

Christine Hinshelwood
CHRISTINE HINSHELWOOD
(Witness Name typed or printed)

DEVELOPER/OWNER

[Signature]
Roger Miller, President.
Jacob Aaron Corp & BDM Financial Corp.

STATE OF FLORIDA §

COUNTY OF MIAMI-DADE §

The foregoing instrument was acknowledged before me this 2nd day of April, 2009, by Roger Miller, President of Jacob Aaron Corp. and BDM Financial Corp., who is personally known to me or who has produced _____ as identification.

My commission expires May 12, 2011
SEAL
Commission No.: DD646127

[Signature]
Notary Public CATHY M. RUCKER
(Name typed, printed or stamped)



MICHAEL P. MELZER
WITNESSES:

M.P. Melzer
M.P. Melzer

(Witness Name typed or printed)

M.P. Melzer
Daniel E. deFluiter

(Witness Name typed or printed)

DANIEL E. deFluiter

DEVELOPER/OWNER

Richard Melzer
Patricia Melzer

Michael P. Melzer

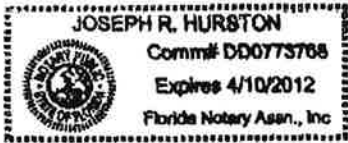
STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 9TH day of MARCH, 2009, by MICHAEL P. MELZER, RICHARD MELZER ARE President of who is personally known to me or who has produced LORI MELZER, PATRICIA MELZER as identification.

My commission expires
SEAL
Commission No.:

[Signature]
Notary Public
(Name typed, printed or stamped)



LEGAL FOR JACOB AARON, BDM FINANCIAL, AND MELZER PARCELS

Rezoning from GU to TU-2

The following tax parcels located in Section 27, Township 23 South, Range 35 North, Brevard County, FL

North Tax Parcels:

259, 331, 261, 330, 329, 96, 93, 92, 273, 336, 304, 309, 298, 252, 29, and W ½ of 3.

Total acreage – 7.48 acres, 9.93 acres, and 1.17 acres = 18.58

South Tax Parcels –

S ½ of 575 - .63 ac.; sw ¼ of 763 - .59 ac.; 823 – 1.93 ac., 802 – 1.25 ac.

Total acreage – 4.40

Total Rezoning to TU-2 – 22.98 acres

Rezoning from GU to BU-1

The following tax parcels located in Section 27, Township 23 South, Range 35 North, Brevard County, FL

North Tax Parcels:

E ½ of 3 - .96 ac; 45 - 1.93 ac.; 33, 43, 91, 75, 76, 56, 55, 94 – 12.44 ac.

Total Rezoning to BU-1 - 15.33 acres

Existing TU-2

The following tax parcels located in Section 27, Township 23 South, Range 35 North, Brevard County, FL:

568, 782, 804, 816, 824, , 801, 800, N ½ of 575, and 763 less the SW ¼ consisting of 10.4 acres.

TOTAL ACRES: 48.71

Exhibit A

Existing BDP (Parcel 31)
22Z00020
Jacob Aaron et al.

RETURN: Clerk to the Board #2?

PREPARED BY AND RETURN TO:
John H. Evans, Esquire
John H. Evans, P.A.
1702 S. Washington Ave
Titusville, FL 32780

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 8/18/09, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as County") and Sunshine Petro, Inc., a Florida corporation, (hereinafter referred to as "Owner") and their successors and assigns.

RECITALS

WHEREAS, Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Owner has filed an application to rezone the Property from GU to BU-1-A and a CUP for a Convenience Store with gasoline sales; and

WHEREAS, provided the County grants the Owner's zoning applications and CUP application, the Owner has voluntarily agreed to certain development restrictions on the 2.7 acre more or less property so as to assure quality development in character with surrounding properties; and

WHEREAS, the County is authorized to regulate the development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain

RETURN: Clerk to the Board #27

or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. Where feasible, any structure constructed on the Property shall have a similar outer material and color finish envelope as the Parrish Medical Center at the South West intersection of Grissom Parkway and Port St. John Connector Road.

3. Landscaping shall, where possible, be of Florida Natural Vegetation to minimize the use of potable watering for irrigation.

4. Unless otherwise required by the requirements of oil company providing products to the Property, all signage shall be monument signs and similar in design to the signage of Parrish Medical Center.

5. All lighting will be down lighting to limit light to the building site and minimize off site impacts on adjoining undeveloped properties.

6. There will be no overnight parking of automobiles, semi-tractors and trailers on the Property.

7. Where reasonably determined to be feasible by the Owner, recyclable building materials will be used in any structures to be built upon the Property.

8. Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Owners' agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this Property.

RETURN: Clerk to the Board #27

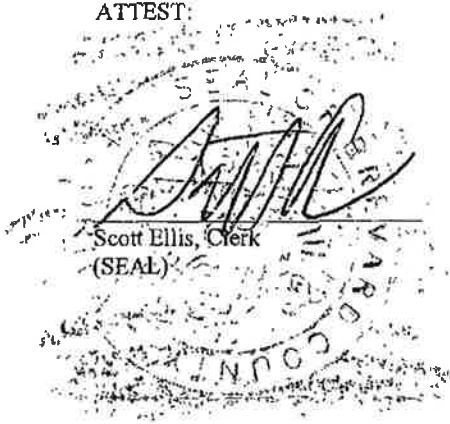
9. Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

10. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above-referenced condition as approved by the Board of County Commissioners on May 28, 2009. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

11. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Section 1.7 and 62-5, Code or Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed all as of the date and year first above written.

ATTEST:



Scott Ellis, Clerk
(SEAL)

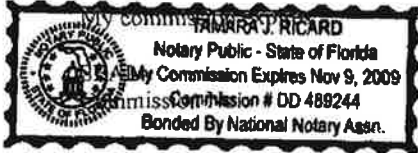
BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Chuck Nelson, Chairman
As approved by the Board on 8/18/09

RETURN: Clerk to the Board #27

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 18 day of Aug, 2009 by Chuck Nelson, Chairman of the Board of County Commissioners of Brevard County, Florida who is personally known to me or who has produced _____ as identification.



Tamara J. Ricard
Notary Public
Tamara J. Ricard
(Name typed, printed or stamped)

WITNESSES:

Charles R. Danzhenca
Charles R. Danzhenca
Print or Type Witness Name

Laurie D. Paulin
Laurie D. Paulin
Print or Type Witness Name

OWNER

MIKESHIA for - LINDA BIRN
MIKESHIA

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 17th day of June, 2009 by Mike Shah who is personally known to me or who has produced _____ as identification.

SEAL



Melissa M Lemois
Notary Public
Melissa M Lemois
(Name typed, printed or stamped)
My Commission Expires: July 5, 2012

STATE OF FLORIDA
COUNTY OF BREVARD

RETURN: Clerk to the Board #27

COMMITMENT NO.: 108120061

FILE NO.: 108120061

EXHIBIT A

Parcel 1:

Tract 118: The West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 27, Township 23 South, Range 35 East, Brevard County, Florida. Subject to the North and East 30 feet for road, utility and drainage.

Less that portion conveyed to the Board of County Commissioners, Brevard County, Florida, a political subdivision of the State of Florida, by Warranty Deed recorded in Official Records Book 3948, Page 3268, Public Records of Brevard County, Florida.

Parcel 2:

The Northeast Quarter of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 27, Township 23 South, Range 35 East, Brevard County, Florida. Subject to the North and East 30 feet for road, utility and drainage.

Less and Except that parcel of land described in Quit-Claim Deed to Brevard County Board of County Commissioners in Official Records Book 3011, Page 3719, Public Records of Brevard County, Florida.

Reg. D 0012 Rev. 01-05 " This Commitment is not valid unless Schedule A, Schedule B Section-I and Schedule B Section-II are included."

**STEWART TITLE
GUARANTY COMPANY**

RETURN: Clerk to the Board #27

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
(NOT A SURVEY)
SHEET 2 OF 2

LEGAL DESCRIPTION:

PARCEL 1:

THE WEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 23 SOUTH, RANGE 35 EAST, LESS LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3848, PAGE 3268, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT:

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 23 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 27 AND RUN N. 00°34'28" E ALONG THE EAST LINE OF THE SAID NORTHEAST ONE-QUARTER, A DISTANCE OF 75.02 FEET; THENCE S 89°13'35" W 166.05 FEET TO THE EAST LINE OF THE WEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 27; THENCE N 00°34'02" E ALONG SAID EAST LINE 19.65 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S 87°24'42" W 31.11 FEET; THENCE S 87°40'14" W 29.08 FEET; THENCE N 88°16'17" W 28.54 FEET; THENCE N 14°24'56" E 45.43 FEET; THENCE N 23°03'38" E 34.26 FEET; THENCE N 31°49'42" E 62.30 FEET; THENCE N 41°34'13" E 49.28 FEET TO THE SAID EAST LINE OF THE WEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 27; THENCE S 00°34'02" W ALONG SAID EAST LINE 163.60 FEET TO THE POINT OF BEGINNING. CONTAINING 0.20 ACRES MORE OR LESS.

AND

PARCEL 2:

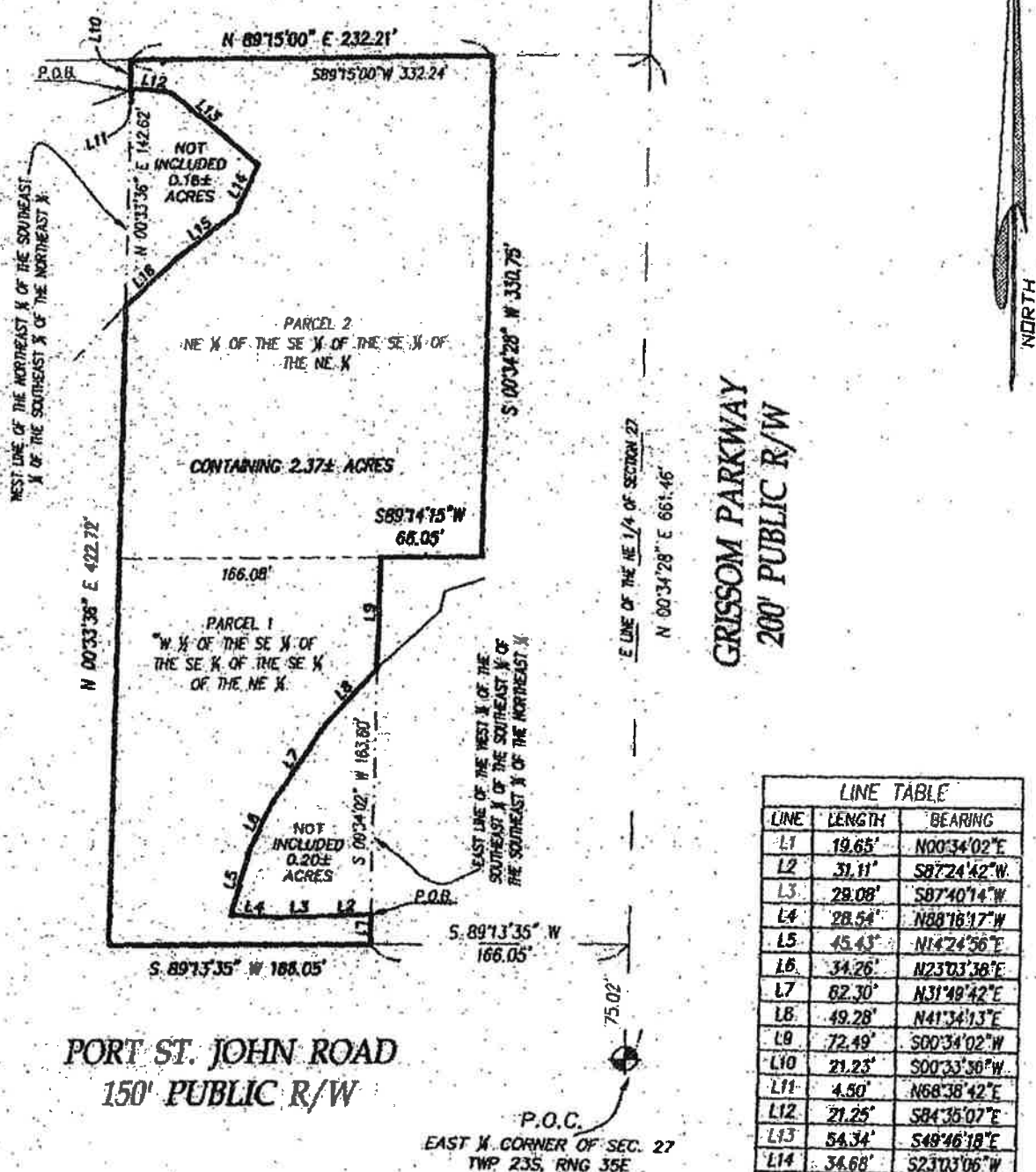
THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 23 SOUTH, RANGE 35 EAST, LESS LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3011, PAGE 3719 AND OFFICIAL RECORDS BOOK 3011, PAGE 3720, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT:

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 23 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE EAST $\frac{1}{4}$ CORNER SAID SECTION 27 AND RUN N. 00°34'28" E ALONG THE EAST LINE OF THE SAID NORTHEAST ONE-QUARTER, A DISTANCE OF 661.46 FEET; THENCE S 89°15'00" W 332.24 FEET TO THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 27; THENCE S 00°33'36" W ALONG SAID WEST LINE 21.23 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE N 68°38'42" E 4.50 FEET; THENCE S 84°35'07" E 21.25 FEET; THENCE S 49°46'18" E 54.34 FEET; THENCE S 23°03'06" W 34.68 FEET; THENCE S 50°47'27" W 48.96 FEET; THENCE S 45°15'23" W 44.24 FEET TO THE SAID WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 27; THENCE N 00°33'36" E ALONG SAID WEST LINE 142.62 FEET TO THE POINT OF BEGINNING. CONTAINING 0.16 ACRES MORE OR LESS.

THIS SKETCH AND DESCRIPTION CONTAINS 2 SHEETS, EACH SHEET IS NOT FULL OR COMPLETE, WITHOUT THE OTHER, THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER WHICH CAN BE FOUND ON SHEET 1 OF 2.

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
(NOT A SURVEY)
SHEET 1 OF 2**



**GRISSOM PARKWAY
200' PUBLIC R/W**

**PORT ST. JOHN ROAD
150' PUBLIC R/W**

| LINE TABLE | | |
|------------|--------|-------------|
| LINE | LENGTH | BEARING |
| L1 | 19.65' | N00°34'02"E |
| L2 | 31.11' | S87°24'42"W |
| L3 | 28.08' | S87°40'14"W |
| L4 | 28.54' | N88°16'17"W |
| L5 | 45.43' | N14°24'56"E |
| L6 | 34.26' | N23°03'38"E |
| L7 | 82.30' | N31°48'42"E |
| L8 | 49.28' | N41°34'13"E |
| L9 | 72.49' | S00°34'02"W |
| L10 | 21.23' | S00°33'38"W |
| L11 | 4.50' | N68°38'42"E |
| L12 | 21.25' | S84°35'07"E |
| L13 | 54.34' | S48°46'18"E |
| L14 | 34.68' | S23°03'06"W |
| L15 | 48.96' | S50°47'27"W |
| L16 | 44.24' | S45°15'23"W |

P.O.C.
EAST 1/4 CORNER OF SEC. 27
TWP 23S, RNG 35E

THIS SKETCH AND DESCRIPTION CONTAINS 2 SHEETS. EACH SHEET IS NOT FULL OR COMPLETE WITHOUT THE OTHER. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER WHICH CAN BE FOUND ON SHEET 1 OF 2.

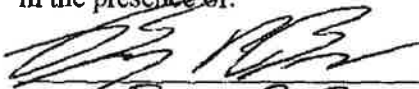
RETURN: Clerk to the Board #27

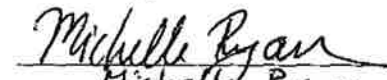
JOINDER BY MORTGAGEE


KNOW ALL MEN BY THESE PRESENTS:

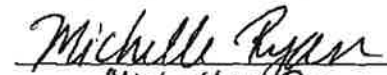
THAT, the undersigned, MICHAEL P. MELZER and LORI L. MELZER, husband and wife, and I.D.S. INTERNATIONAL, INC., a Florida corporation, the owner and holder of a Mortgage dated June 1, 2009 and recorded on June 4, 2009 in Official Records Book 5963, Page 2898, Public Records of Brevard County, Florida by the execution hereof consent to the recording of the Binding Development Plan recorded in Official Records Book ____, Page ____, Public Records of Brevard County, Florida and further covenant and agree that the lien of their Mortgage shall be and stand subordinate to such Binding Development Plan as if said Binding Development Plan had been executed and recorded prior to the recording of their Mortgage.

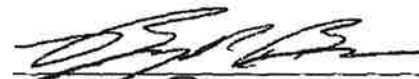
Signed, Sealed and Delivered in the presence of:

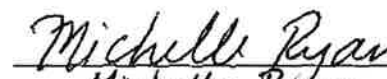

Bryan R Burns
Print or Type Witness Name


Michelle Ryan
Print or Type Witness Name


Bryan R. Burns
Print or Type Witness Name


Michelle Ryan
Print or Type Witness Name


Bryan R. Burns
Print or Type Witness Name


Michelle Ryan
Print or Type Witness Name


MICHAEL P. MELZER


LORI L. MELZER

I.D.S. INTERNATIONAL, INC., a Florida corporation

By: , President
MICHAEL P. MELZER, as President

RETURN: Clerk to the Board #27

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MICHAEL P. MELZER and LORI L. MELZER BANK who acknowledged executing the foregoing Joinder in the presence of two subscribing witnesses, freely and voluntarily.

WITNESS my hand and official seal in the County and State last aforesaid this 9th day of July, 2009.

[SEAL]



Leslie M. Ellis

NOTARY PUBLIC

My Commission Expires: January 11, 2013

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MICHAEL P. MELZER as President of I.D.S. INTERNATIONAL, INC., a Florida corporation, and that he acknowledged executing the foregoing Joinder on behalf of the corporation in the presence of two subscribing witnesses, freely and voluntarily, under authority duly vested in him by said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 9th day of July, 2009.

[SEAL]



Leslie M. Ellis

NOTARY PUBLIC

My Commission Expires: January 11, 2013

Florida Power & Light Company Space Coast Service Center

Brevard County Planning and Zoning Board / Local Planning Agency

Monday, July 18, 2022 @ 3:00 P.M.

Project Team

Development Team:

Florida Power & Light Company (FPL)

Jon Rosenthal, Project Director, Construction & Project Management
Jack McGowan, PMP, Senior Project Manager

Kimley-Horn and Associates, Inc.

Kelley Klepper, AICP (Planning)
Chris Hollen, P.E. (Engineering)
Alyssa Monaghan, CNU-A (Planning)

Requests

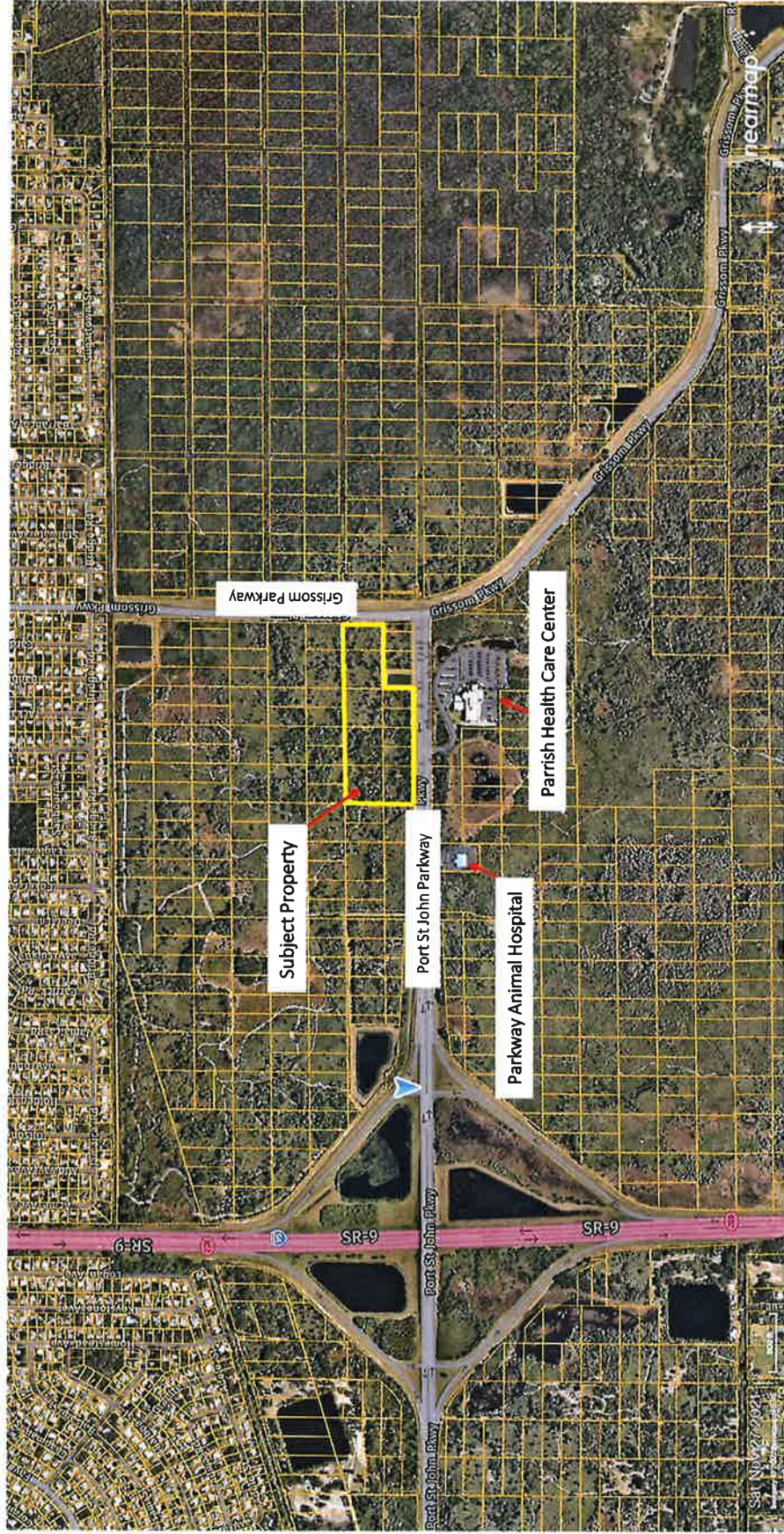
Future Land Use Map Amendment

- Two (2) parcels from Residential 4 (Res-4) and Neighborhood Commercial (NC) to Community Commercial (CC)

Rezone

- 10 individual parcels (17 +/- acre project area) from General Retail Commercial (BU-1), General Use (GU) and Restricted Neighborhood Retail Commercial (BU-1-A) to Retail, Warehousing and Wholesale Commercial (BU-2)

Aerial



Existing Future Land Use

Two (2) parcels from Residential
4 (Res-4) and Neighborhood
Commercial (NC) to Community
Commercial (CC)



Proposed Future Land Use

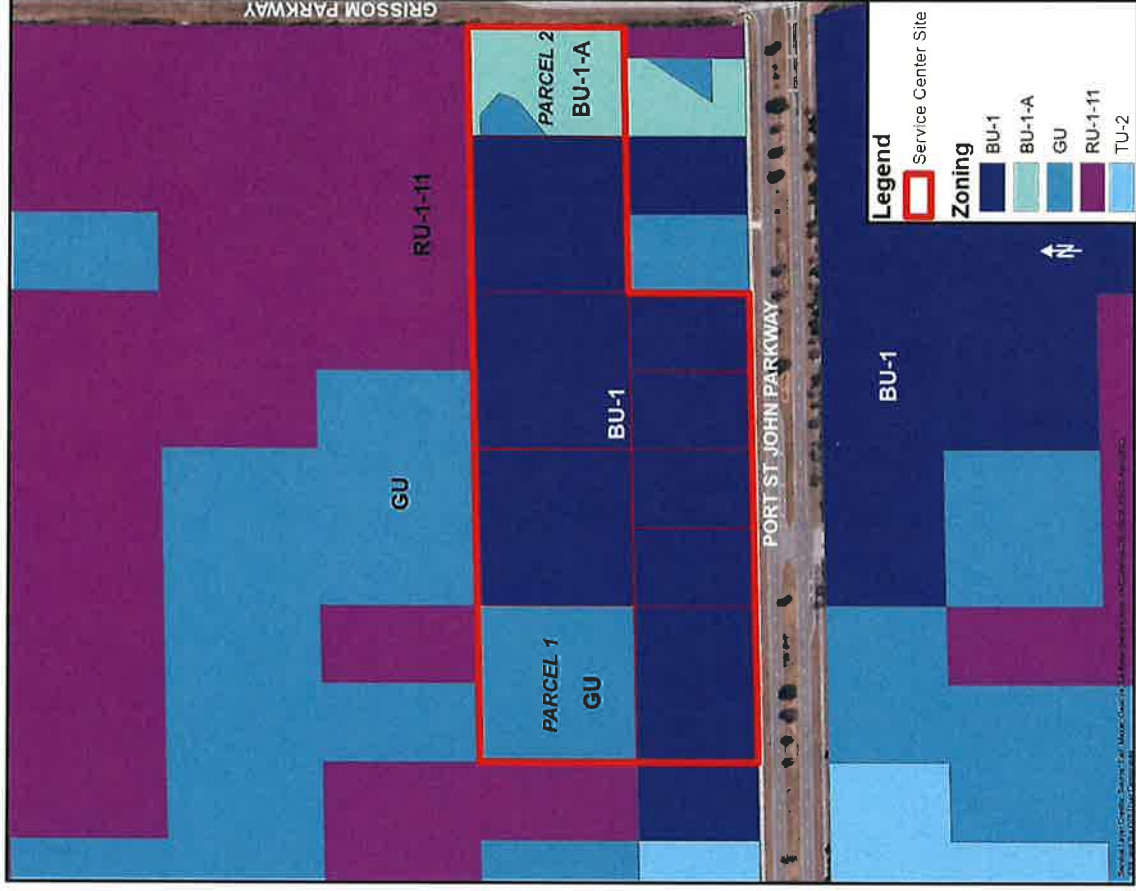
The proposed amendment is found to be consistent with, but not limited to, the following Brevard County Comprehensive Plan Policies:

- FLU Administrative Policy 3
- FLU Administrative Policy 4
- FLU Policy 2.1
- FLU Policy 2.7
- FLU Policy 2.8



Existing Zoning

10 individual parcels (17 +/- acre project area) from General Retail Commercial (BU-1), General Use (GU) and Restricted Neighborhood Retail Commercial (BU-1-A) to Retail, Warehousing and Wholesale Commercial (BU-2)



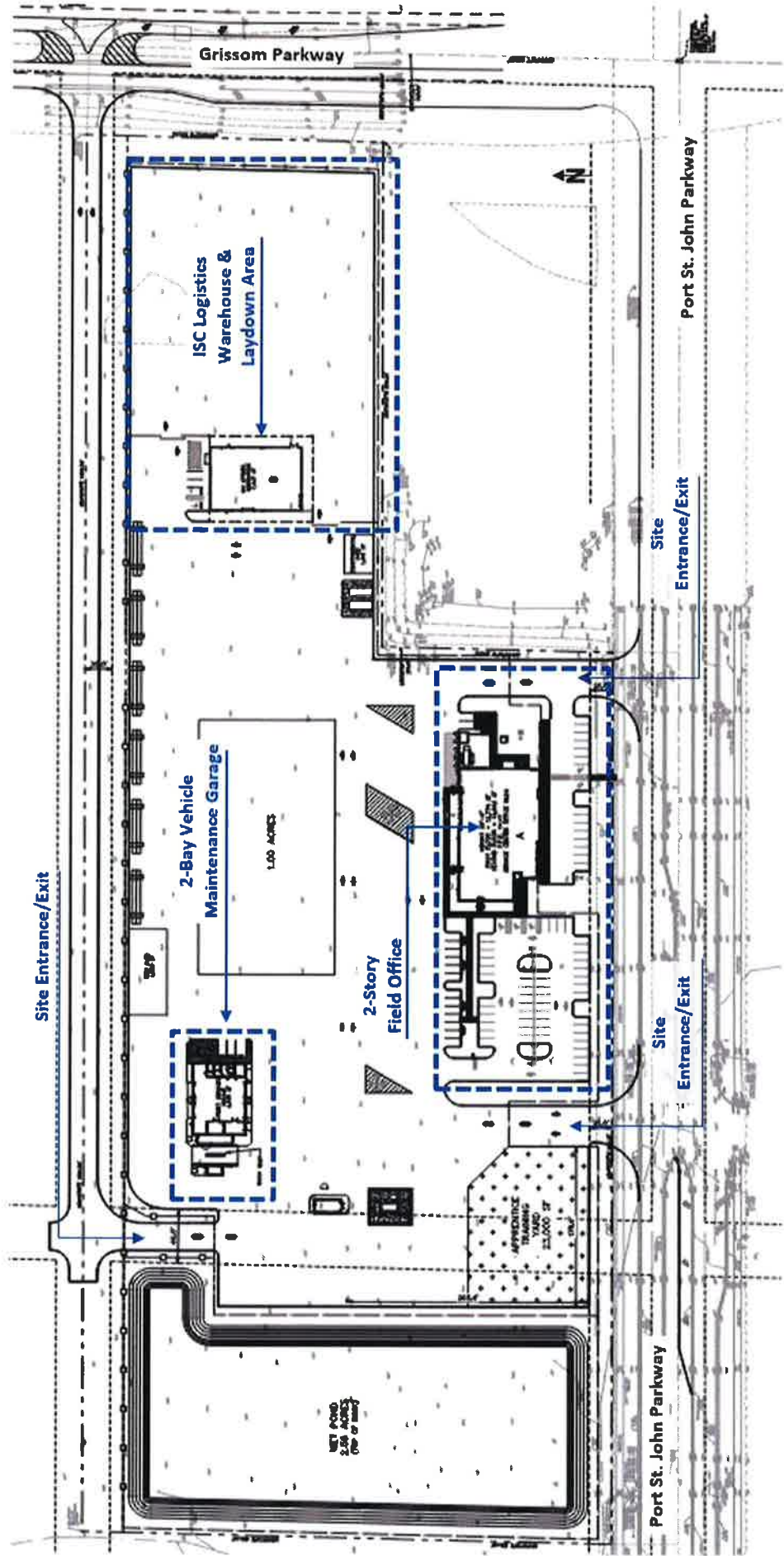
Proposed Zoning

The proposed amendment is found to be consistent with, but not limited to, the Brevard County Land Development Code and the following Brevard County Comprehensive Plan Policies:

- FLU Administrative Policy 3
- FLU Administrative Policy 4
- FLU Policy 2.2
- FLU Policy 2.3
- FLU Policy 2.7



Preliminary Site Plan



Requesting recommendation of approval

Thank you & happy to answer any questions

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 18, 2022**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4); Bruce Moia (D5); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jane Hart, Planner III; Alex Esseesse, Assistant County Attorney; and Tonya Parker, Administrative Secretary.

Excerpt of Complete Agenda

Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal)

A Small Scale Comprehensive Plan Amendment (22S.06), to change the Future Land Use designation from RES 4 (Residential 4), NC (Neighborhood Commercial) and CC (Community Commercial) to all CC. The property is 17.70 +/- acres, located on the north side of Port St. John Parkway, approx. 570 ft. west of Grissom Parkway. (No assigned address. In the Cocoa area.) (22SS00003) (Tax Accounts 2312189, 2312249, 2312191, 2312201, 2312205, 2312203, 2312233, 2312234, 2312213, & 2312214) (District 1)

Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal)

A change of zoning classification from GU (General Use), BU-1-A (Restricted Neighborhood Commercial), and BU-1 (General Retail Commercial), with existing BDPs (Binding Development Plan) to BU-2 (Retail, Warehousing, and Wholesale Commercial), and removal of existing BDP's (Binding Development Plan). The property is 17.70 +/- acres, located on the north side of Port St. John Parkway, approx. 570 ft. west of Grissom Parkway. (No assigned address. In the Cocoa area.) (22Z00020) (Tax Accounts 2312189, 2312249, 2312191, 2312201, 2312205, 2312203, 2312233, 2312234, 2312213, & 2312214) (District 1)

Jon Rosenthal, Florida Power & Light, stated before the board is a proposal for a new FPL service center, which is a place where FPL houses engineers, line crews, maintenance crews, and administrative staff. Three buildings are planned, one is a two-story, 25,000 square-foot service center, and the two others are a maintenance garage and a storage warehouse. A service center is where FPL maintains the electrical grid in neighborhoods throughout the community on a day-to-day basis, but more recently FPL has begun a strategy that involves positioning people in preparation of storm events. These hardened service centers have been established in various areas across the state; there is one in Flagler County, and one currently being built in Indian River County. The service center allows FPL to pre-position storm riders, such as electricians and contractors, to be on site and commence restoration once deemed safe to do so. He said FPL is able to bring in 120 storm riders prior to storm landfall, allowing restoration work to begin much quicker.

Kelley Klepper, Kimley Horn & Associates, 1777 Main Street, Ste. 200, Sarasota, Florida, stated the 120 storm riders are not people who will be there on a daily basis, they will be used in the case of a storm event. He said what FPL is trying to do is clean up the Future Land Use map for two parcels totaling 4.25 acres; concurrent with that is a rezoning request for 10 parcels totaling approximately 17 acres, and also the removal of two existing BDPs. The property is along the Port St. John Parkway, the NW quadrant of Grissom. There is some development to the south, the Parrish Health Care Center, the animal hospital, and the proposed multi-family project. The facility will be mostly isolated

from residential development. The majority of the surrounding properties are vacant. The CC designation is consistent and compatible with what is already established in the area, as well as on the south side of the quadrant. From a zoning perspective, they are asking for approval for the 10 individual parcels totaling 17.7 acres, to be rezoned to BU-2 to allow the service center. There will be access off of Grissom Parkway and Port St. John Parkway, and segregated access for customers and crews.

Henry Minneboo asked if the service center will have an impact on any of the other service centers, such as the one on Merritt Island.

Mr. Rosenthal stated they are still evaluating the existing facilities in the area. He said FPL likes to stage crews day-to-day as well as during a storm event, so there could still be a presence at the Merritt Island facility and other locations. The proposed facility will be day-to-day and will be staffed day-to-day. The proposed location in Port St. John is good because of the quick access to S.R. 528 and it also takes crews off of Merritt Island during a storm event and gives them a place take shelter.

No public comment.

Jeffrey Ball noted the proposed site plan has not been vetted to make sure it meets Code requirements, so it is conceptual in nature.

Mr. Rosenthal stated FPL has been working with the developer of the proposed apartments to the west, as well as Parrish Health Care facility and the animal clinic, to get feedback.

Mr. Hopengarten asked if there will be outside storage of transformers or utility poles. Mr. Rosenthal replied yes, there will be outdoor storage, which is why they are proposing an 8-foot screening wall around the perimeter of the site. He also anticipates softening the screening wall on the outside with shrubbery. He stated there is outdoor storage as well as vehicle staging, and there will be vehicle staging on the property all night every day of the week.

Robert Sullivan asked if the facility is a service center as well as an emergency operations center. Mr. Rosenthal replied it is a facility FPL anticipates staging storm riders. He said FPL has designed it and set aside space on the property to stage outside contractors that are coming in to assist with restoration activities, but he is hesitant to give it the title of emergency operations center.

Mr. Sullivan said he is in favor of the project.

Liz Alward stated the proposed facility is in a good location.

Motion by Liz Alward, seconded by Bruce Moia, to recommend approval of the Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from RES 4, NC and CC to all CC. The motion passed unanimously.

Motion by Liz Alward, seconded by Bruce Moia, to recommend approval of the change of zoning classification from GU, BU-1-A, and BU-1, with existing BDPs, to BU-2, and removal of the two existing BDP's. The motion passed unanimously.

H.10 2 H.11



FPL[®]

Florida Power & Light Space Coast Service Center

Florida Power & Light Company

August 4, 2022



The planned Space Coast Service Center features design like the Flagler Service Center in Palm Coast (pictured above).

Project Team

Development Team:
Florida Power & Light Company (FPL)

Jon Rosenthal, Project Director, Construction & Project Management
Jack McGowan, PMP, Senior Project Manager

Kimley-Horn and Associates, Inc.

Kelley Klepper, AICP (Planning)
Chris Hollen, P.E. (Engineering)
Alyssa Monaghan, CNU-A (Planning)



Requests

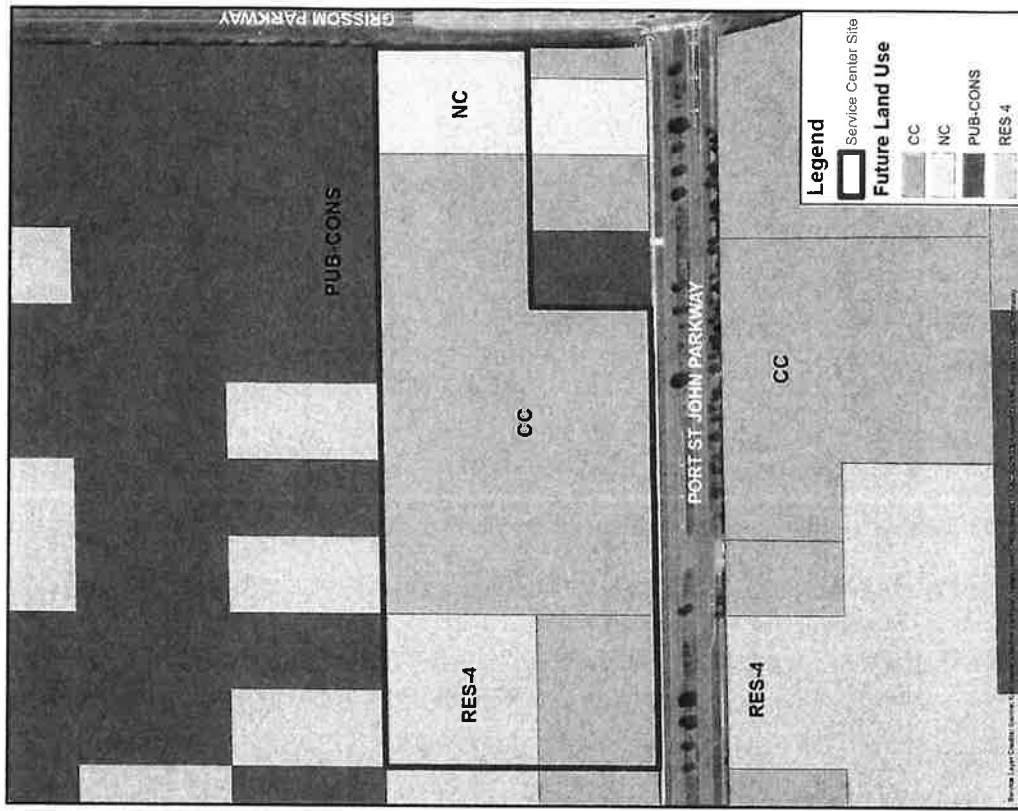
- ▶ Future Land Use Map Amendment
 - ▶ Two (2) parcels from Residential 4 (Res-4) and Neighborhood Commercial (NC) to Community Commercial (CC)
- ▶ Rezone
 - ▶ 10 individual parcels (17 +/- acre project area) from General Retail Commercial (BU-1), General Use (GU) and Restricted Neighborhood Retail Commercial (BU-1-A) to Retail, Warehousing and Wholesale Commercial (BU-2)
- ▶ Removal of two (2) existing Binding Development Concept Plans

Aerial



Existing Future Land Use

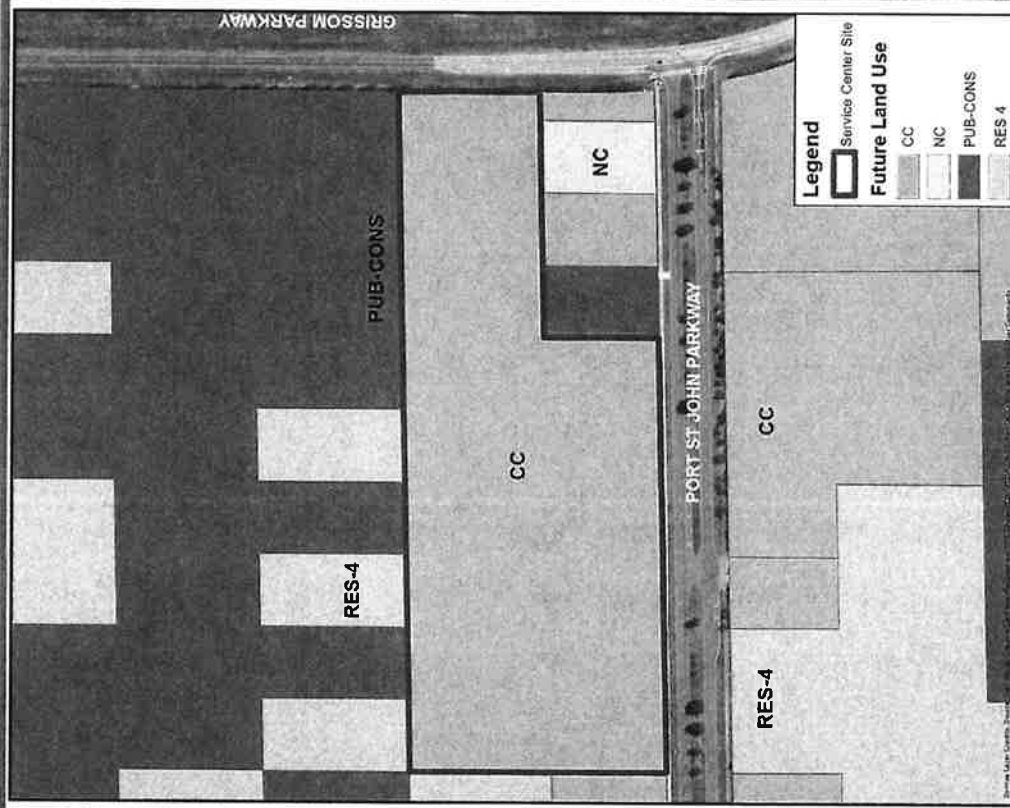
Two (2) parcels from Residential 4 (Res-4) and Neighborhood Commercial (NC) to Community Commercial (CC)



Proposed Future Land Use

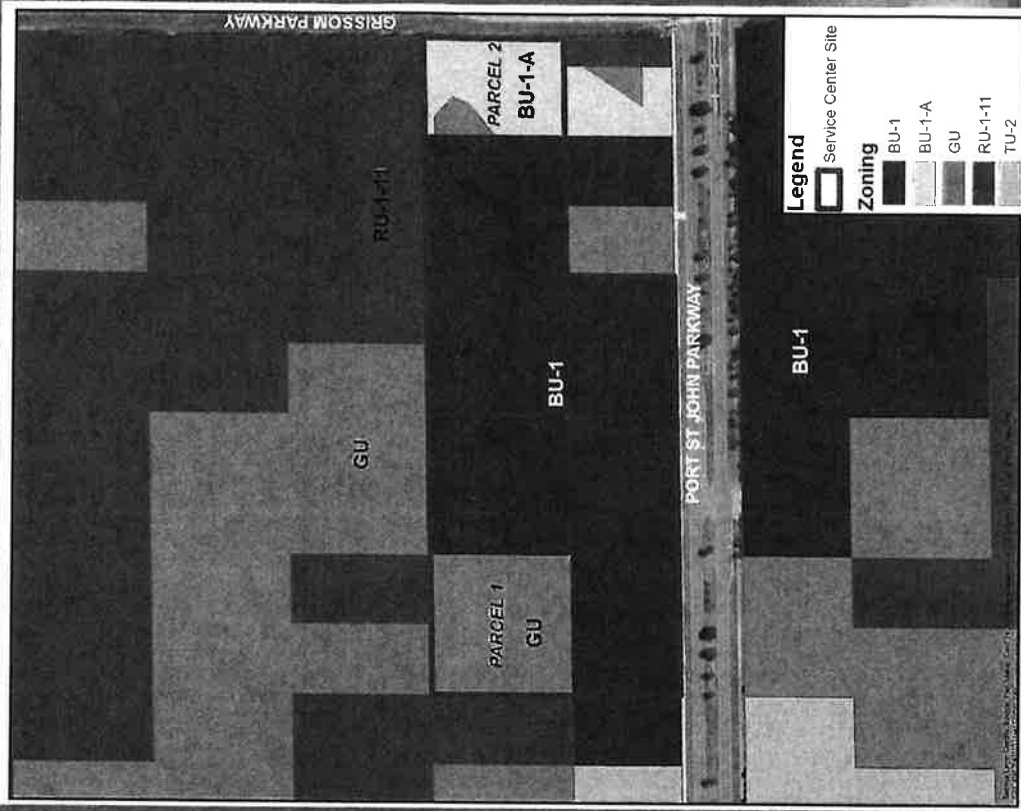
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- FLU Policy 2.7
- FLU Policy 2.8



Existing Zoning

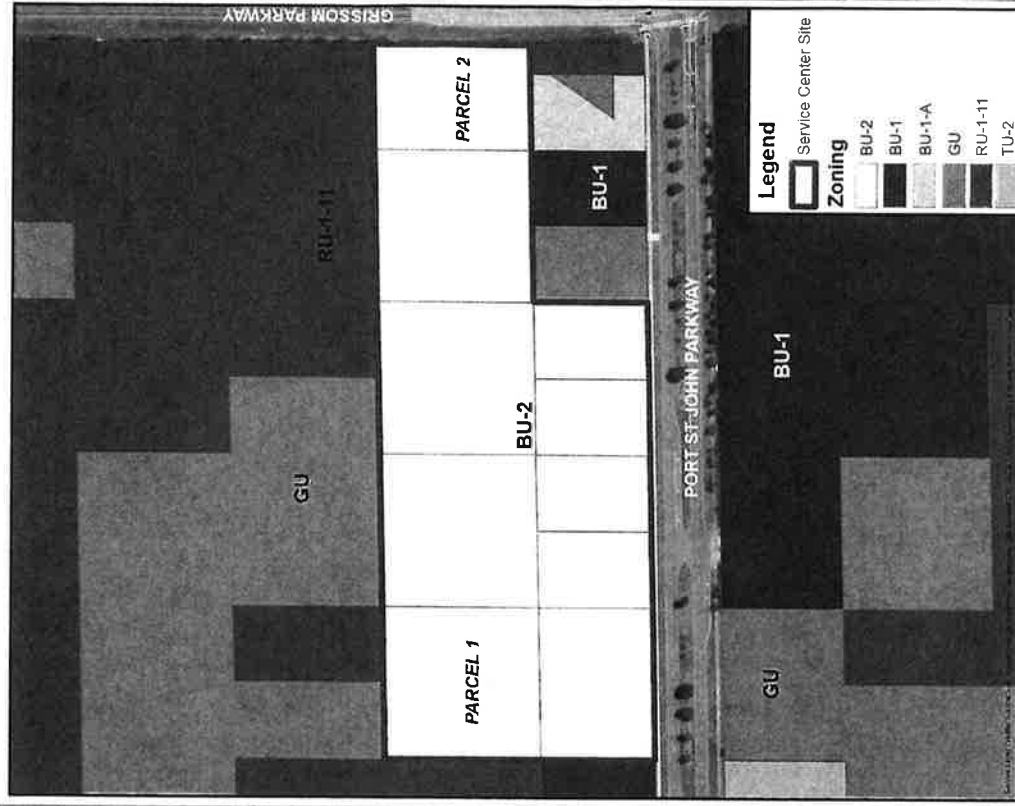
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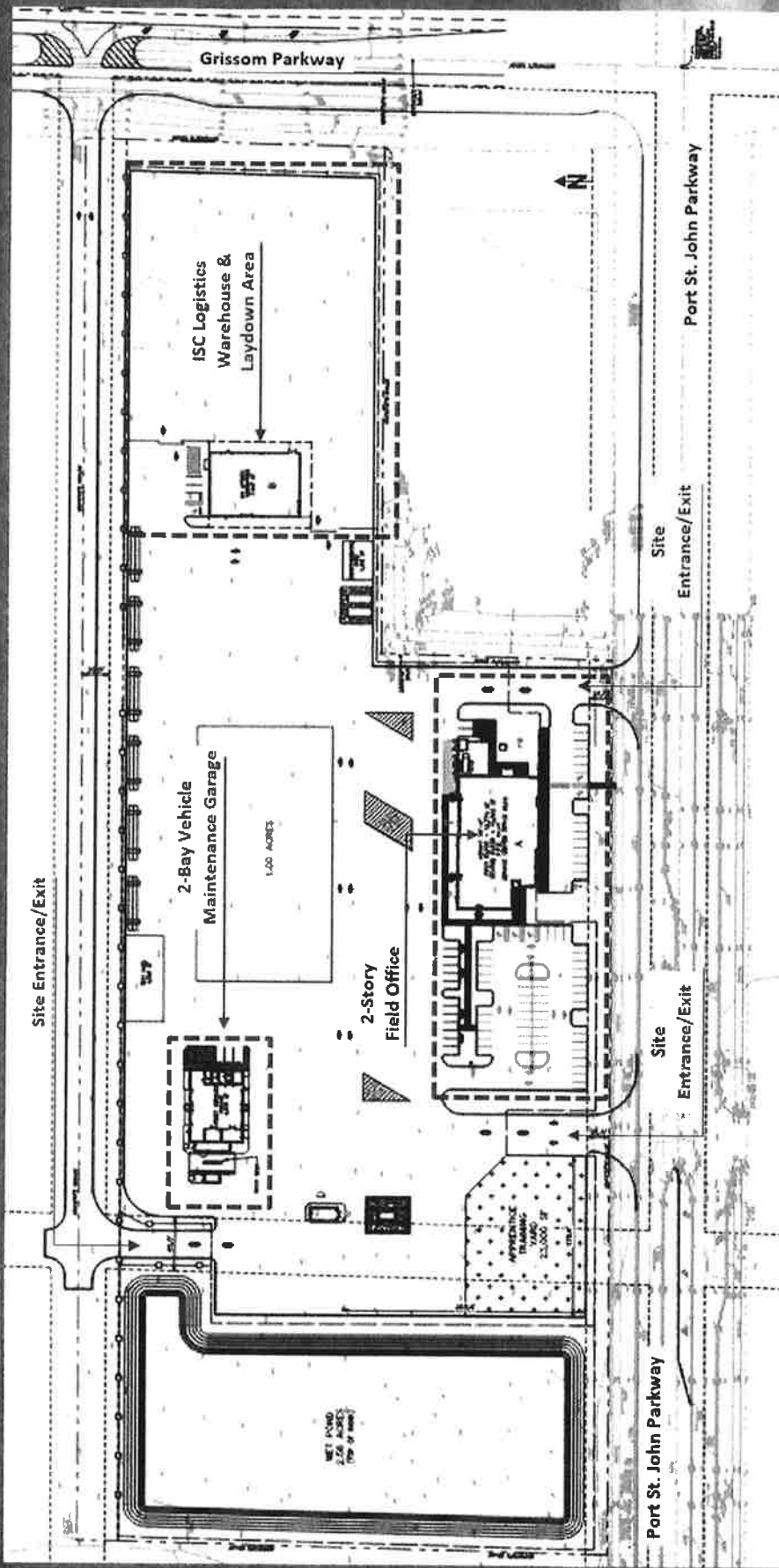
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Preliminary Site Plan



Requesting approval

Thank you & happy to answer any questions



FPL[®]

From: [Schmadeke, Adrienne](#)
To: [Jones, Jennifer](#)
Cc: [Alward, Keith A](#)
Subject: Disclosure Aug 4 Agenda H.10. and H.11.
Date: Monday, August 1, 2022 3:20:35 PM
Attachments: [July 12 meeting D4 FPL S 20220801161819.pdf](#)

Jennifer,

On behalf of Commissioner Smith, please accept this disclosure submission for both Agenda H.10. and H.11. on the August 4 Zoning Agenda.

On July 12, 2022, Commissioner Smith met with Mr. Bart Gaetjens and Mr. Jon Rosenthal in the District 4 Commission Office for 30 minutes to receive information about these agenda items.

Attached is a handout provided to Commissioner at this meeting.

Regards,

Adrienne Schmadeke



Adrienne Schmadeke

Chief of Staff

Brevard County Commission, District 4

Commissioner Curt Smith

[321.633.2044](tel:321.633.2044) | Adrienne.Schmadeke@brevardfl.gov

2725 Judge Fran Jamieson Way, Bldg. C - Suite 214,
Viera, FL 32940

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.