



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

12/3/2020

Subject:

Donald Minnick requests a change of zoning classification from AU and EU-2 with a BDP, to all EU-2 and removal of BDP. (20Z00028) (Tax Account 2112241) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) and EU-2 (Estate Use Residential) with a BDP (Binding Development Plan), to all EU-2 and removal of the BDP.

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from AU and EU-2 with a BDP to all EU-2 with removal of the BDP for the purpose of building a single-family residence. This request may be considered to be consistent with the Residential 15 Future Land Use.

The parcel's split zoning fails to incorporate sufficient land area under either zoning classification to meet the required minimum lot area, lot width, or lot depth for either zoning classification. To correct this issue, the applicant has opted to expand the EU-2 zoning to cover the entire lot. As the current BDP contains parameters not applicable to this lot, the applicant is also requesting to remove the BDP from this property. The BDP covered an area which later became the Eagle Pointe Subdivision recorded in Plat Book 52 Page 37.

The developed character of the surrounding area is a mix of single family detached dwellings under the EU-2, RU-1-11 and RU-1-13 zoning classifications, townhouses under the PUD zoning designation and a condominium developed under the RU-2-30 zoning designation. The proposed removal of the BDP conditions from this parcel will have no impact upon those areas retaining the BDP. Site specific conditions of the BDP affected other portions of the Eagle Pointe development outside of this lot. The recorded Plat identifies the subject property as a separate lot.

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhood given that the EU-2 zoning classification offers a minimum living area of 1,500 square feet.

On November 9, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

When resolutions are received, please execute and return to Planning and Development.

Resolution 20Z00028

On motion by Commissioner Lober, seconded by Commissioner Zonka, the following resolution was adopted by a unanimous vote:

WHEREAS, Donald Minnick has requested a change of zoning classification from AU (Agricultural Residential) and EU-2 (Estate Use Residential) with a BDP (Binding Development Plan) to all EU-2 and removal of BDP, on property described as Lot 1, Block D, Eagle Pointe Subdivision, a subdivision according to the plat thereof, as recorded in Plat Book 52, Pages 37 – 39, inclusive, of the Public Records of Brevard County, Florida. **Section 24, Township 21, Range 34.** (0.24 acres) Located on the east side of Arnold Palmer Dr., approx. 120 ft. north of London Town Rd. (1989 Arnold Palmer Dr., Titusville); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and


WHEREAS, the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from AU and EU-2 with a BDP to all EU-2 and removal of BDP be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of December 3, 2020.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida



Rita Pritchett, Chair

Brevard County Commission

As approved by the Board on December 3, 2020.

ATTEST:



SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – November 9, 2020

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**



BOARD OF COUNTY COMMISSIONERS

Planning and Development

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
321-633-2070

**Application for Zoning Action, Comprehensive Plan Amendment, or
Variance**

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 20200028

Existing FLU: RES 15 Existing Zoning: AU and EU 2 BDP

Proposed FLU: _____ Proposed Zoning: EU 2 and removal of BDP

PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

Donald Scott Minnick
Name(s) _____ Company _____
1968 Turpentine Rd MIMS FL 32754
Street City State Zip Code
scottminnickconstruction@gmail.com 321-863-1508
Email Phone Cell

APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

☐ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other _____

Name(s) Company

Street City State Zip Code

Email Phone Cell

APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element _____
- ☐ Other Amendment (CP): _____
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORG)
- ☐ Conditional Use Permit (CUP)
- ☐ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☐ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☒ Other Action: Remove BDP

Acreage of Request: 0.24

Reason for Request: Combine zoning to EU-2 from AU & EU-2
& remove BDP to make a usable lot.

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☒ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☐ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

[Signature]
Signature of Property Owner or
Authorized Representative

9/1/2020
Date

State of Florida

County of Brevard

Subscribed and sworn to me before me this 1st day of, September, 20 20,
personally appeared Scott Minnick, who is personally known to me or
produced FI DL as identification, and who did / did not take an oath.

[Signature]
Notary Public Signature

Seal



Office Use Only:

Accela No. 20200028 Fee: \$588.00 Date Filed: 9/1/2020 District No. 1

Tax Account No. (list all that apply) 2112241

Parcel I.D. No.

21 34 24 25 1D 1
Twp Rng Sec Sub Block Lot/Parcel

Planner: GCM Sign Issued by: GCM Notification Radius: 500'

MEETINGS

- ☒ P&Z
☐ PSJ Board
☐ NMI Board
☐ LPA
☐ BOA
☒ BCC

DATE

11/9/2020

TIME

3pm

→ To be placed
by Code
Enforcement.

12/3/2020

5pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials _____

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☐ Yes ☒ No If yes, list _____

Location of subject property:

670 feet west of King Richards Drive on right side
of London Town Road

Description of Request: Remove AH + BH-2 with BDP + D

BH-2 + Removal of BDP.

ACCELA #

20200028

DOCUMENT SUBMITTAL REQUIREMENTS

| Application type | Application | Authorization to Act Form ¹ | Recorded Property Deeds | Legal Description of Request ² | Certified Survey ⁸ | Property Appraisers Map | Concurrency | School Concurrency ³ | Wetland Survey ⁴ | CUP Worksheet & Sketch ⁵ | Comp Plan Information ⁶ | Notice to Applicants | Neighbors Affidavit ⁷ | Letter to Zoning Official | Variance Hardship Worksheet ⁹ | *Additional Documentation | Fees |
|-------------------------------------------|-------------|----------------------------------------|-------------------------|-------------------------------------------|-------------------------------|-------------------------|-------------|---------------------------------|-----------------------------|-------------------------------------|------------------------------------|----------------------|----------------------------------|---------------------------|------------------------------------------|---------------------------|------|
| NUMBER OF COPIES REQUIRED | | | | | | | | | | | | | | | | | |
| Staff to check indicating receipt | | | | | | | | | | | | | | | | | |
| Comprehensive Plan Amendment ⁶ | 1 | 1 | 1 | 2 | 2 | 1 | 1 | 1 | 1 | | 1 | 1 | | | | * | Y |
| Zoning request | 1 | X | 1 | 1 | X | 1 | 1 | 1 | X | | | 1 | | | | * | Y |
| Conditional Use Permit (CUP) | 1 | 1 | 1 | 1 | 1 ⁸ | 1 | | | X | 1 | | 1 | | | | | Y |
| AA – Waiver | 1 | 1 | | | 1 | 1 | | | | | | | 1 | 1 | | | Y |
| AA – Easement or Flag lot | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | Y |
| Variance | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | 1 | * | Y |

¹If the property is not owned in entirety by the applicant, either an Authorization to Act form or a notarized letter from each/all property owners of the subject property is required.

²Legal Description must be typed on a separate sheet, if not easily described on the deed.

³School Board Concurrency application is required if the request represents an increase of more than one residential unit.

⁴Wetland Survey required on Commercial or Industrial property.

⁵CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

⁶Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.

⁷Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

⁸Survey must be submitted if requested by staff.

⁹Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

***Additional information may be requested by staff dependent upon the requested action. These include but are not limited to impact analysis studies:**

Traffic Impact Analysis (TIA): TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

Environmental Impact Analysis: The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and any other environmental concerns.

Water and Sewer Demand: Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.

ACCELA FEE SHEET

Fee Schedule: Zoning
Version: Version 1

| Payment Period | Priority | Subgroup | Fee Code | Fee Item | Quantity |
|----------------|----------|----------|----------|---------------------------------------|----------|
| FINAL | | | PZ300 | Zoning/Variance | 288.00 |
| FINAL | | | PZ310 | Comprehensive Plan | |
| FINAL | | | PZ320 | Waiver/Easement | |
| FINAL | | | PZ330 | Address Assignment | |
| FINAL | | | PZ340 | Natural Resources | 300.00 |
| FINAL | | | PZ350 | Miscellaneous | |
| FINAL | | | PZ360 | Tower Application / Consultant Fee | |
| FINAL | | | PZ370 | Land Development PUD Review | |

\$ 588.00

CALCULATION OF PUBLIC HEARING APPLICATION FEES -ZONING OFFICE

| PUBLIC HEARING APPLICATION FEES | BASE FEE | ACREAGE FEE | UNIT FEE | SUB-TOTAL |
|-----------------------------------------------------------------------------------|-----------|---------------|----------|----------------------------|
| REZONING | | | | |
| Environmental Area | 511.00 | | | |
| Residential Professional | 960.00 | | | |
| General Use and Agricultural Use | 849.00* | (-5) x 24** | | |
| Single-Family Residential | 849.00* | (-5) x 24** | | |
| Single-Family Mobile Home | 849.00* | (-5) x 24** | | |
| Commercial/Planned Commercial | 1,184.00 | () x 24 | | |
| Tourist Commercial | 1,855.00 | () x 45 | | |
| Industrial/Planned Industrial | 1,855.00 | () x 45 | | |
| Planned Unit Development | 5,661.00 | () x 45 | | |
| Single-Family Attached Residential | 960.00 | | () x 24 | |
| Multiple-Family Residential | 960.00 | | () x 24 | |
| Recreational Vehicle Park | 1,408.00 | | () x 24 | |
| Mobile Home Park/Mobile Home Co-op | 1,408.00 | | () x 24 | |
| CUP'S OR ROU APPLICATIONS | | | | |
| Fee per request (with rezoning) | 447.00 | | | |
| Fee per request (without rezoning) | 849.00 | | | |
| OTHER APPLICATION FEES | | | | |
| Consultant fee Retainer per Tower Application | 6,934.00 | | | |
| Transfer of Development Rights | 1,520.00 | | | |
| Comprehensive Plan Appeals (Vested Rights) | | | | |
| One (5.0 acres or less) Single-family residential | 433.00 | | | |
| All other Appeals | 1,733.00 | | | |
| Variance/Appeals of Administrative Interpretation | | | | |
| Base Fee | 598.00 | | | |
| Fee for each additional request | 182.00 | | | |
| Special Hearing Fee for P & Z / LPA | 3,692.00 | | | |
| Special Hearing Fee for BOA | 1,872.00 | | | |
| All Other Unlisted Zoning Applications | 849.00 | | | |
| Miscellaneous | | | | |
| COMPREHENSIVE PLAN AMENDMENTS | | | | |
| Small Scale Amendment | 919.00 | | | |
| Large Scale Amendment | 1,785.00 | \$43 per acre | | |
| Maximum Fee on a Single Application | 17,334.00 | | | |
| FEES COLLECTED FOR ADMINISTRATIVE ACTIONS | | | | SUB-TOTAL ****/**** |
| Office of Natural Resources zoning review (if applicable) | 300.00 | | | 300.00 |
| flag lot &/or easement review | 360.00 | | | |
| Land Development PUD review | 100.00 | | | |
| flag lot &/or easement review | 150.00 | | | |
| Address Assignment review of flag lot &/or easement | 100.00 | | | |
| Zoning fee | 277.00 | | | |
| BASE FEE ADJUSTMENTS | | | | |
| * If area for these requests have the potential for only one more lot, the fee is | 288.00 | | | 288.00 |
| ** Maximum acreage fees for these requests shall be | 2,240.00 | | | |
| *** Maximum Planned Unit Development Fee shall be | 13,432.00 | | | |
| **** Maximum fee for all other zoning requests shall be | 8,955.00 | | | |
| TOTAL | | | | 588.00 |



Planning & Development
Central Cashier
2725 Judge Fran Jamieson Way
Building A, Room 114
Melbourne, FL 32940

RECEIPT OF PAYMENT

Payment Date: 9/1/2020
Receipt #: 578341
Transaction Id# 542

| Payment Method | Payment Reference # | Amount Paid | Comments |
|----------------------------------------------------|---------------------|---------------|--------------------|
| Check | 542 | \$588.00 | |
| | | \$588.00 | Total |
| 1989 ARNOLD PALMER DR, TITUSVILLE, FL 32796 | | | |
| Zoning Rezoning | | \$588.00 | |
| 20Z00028 | | | |
| Fee | Invoice # | Amount | |
| NRMO | 680177 | \$300.00 | |
| Zoning/Variance | 680177 | \$288.00 | |
| | | | Grand Total |
| | | | \$588.00 |

Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.
To verify fees please visit the Brevard County Planning & Development Search.

www.brevardcounty.us/PlanningDev
P (321) 633-2068 F (321) 633-2052

Zoning Information Worksheet

Owner(s): Donald Minnick
(Does this match the warranty deed?)

Applicant(s): Same
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 21/34/24/25/D/1
(If more than one parcel, they must share a property line to be on the same application.)

Present Zoning: AH + EH-2 with BDP

Is there a BDP or a CUP on the property? Yes/No: Yes (If yes, attach BDP)
2-9537

Is this a non-conforming lot of record? Yes/No: No Why?

Non-Conforming to: _____

Is this a substandard lot? Yes/No: No

Why? _____

Requested Zoning/CUP: AH + EH-2 w/ BDP TO EH-2 + remove BDP

What is the FLU Designation of the property?: RES-15

- Is the requested zoning consistent with the FLU? Yes/No: Yes (See compatibility table)
- If no, what is the requested **small scale plan amendment**? (Must be 10 acres or less)

BDP Requested? Yes/No: No

If CUP Request, do you have a CUP worksheet filled out by the applicant? Yes/No

Previously Approved Zoning Actions: 2-9537

Most recent zoning change in same section? _____

If this is a CUP request, list all CUP's on adjacent properties: _____

Abutting property zoning: N BU-2 with BOP S PUD + AU E AH + EH W BU-2 + PUD

JPA/Special Board/Special Section? Yes/No (3) (Circle one and make a note on the application) PSJ, NMI, MIRA
ROCKLEDGE, MELBOURNE, PALM SHORES, TITUSVILLE, PALM BAY or within 500' of PALM BAY EXTENSION

Reason for Rezoning Request: Change zoning from AH + BU-2 w/ BOP to a 11
BU-2 + remove BOP to make usable lot

- If proposing single-family or multi-family how many units? 1
- If proposing a CUP for alcohol, how many seats? N/A Bar or Restaurant? N/A
 - Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
 - Do you have a site plan showing the layout and parking configuration? Yes/No
 - Do you have a CUP worksheet filled out by the applicant? Yes/No
- If the request is for commercial zoning, do you have a wetland survey that includes a legal description of the wetland? Yes/No (If no, NR must have checked no on the front of the application)

Existing structures/uses on the property? N/A

Describe the character of the area based upon Administration Policy 3 of FLUE (attached):

residential

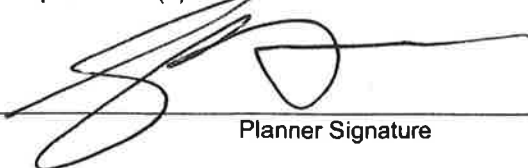
Concerns raised as part of request: N/A

Other options discussed with applicant: N/A

Did you print out the Property Appraiser's Map for this property? ✓

Did you mark the map? ✓

Did you stamp the deed(s)? ✓


Planner Signature

9/1/2020
Date

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 foresee ably 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 an 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.

Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

NOTES:

- ☐ If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- ☐ BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

Scott Minnick construction@gmail.com

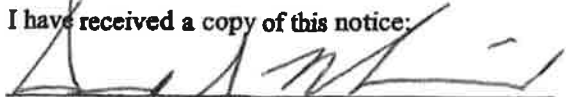
e-mail address

fax number

or U.S. Mail

Yes/No

I have received a copy of this notice:

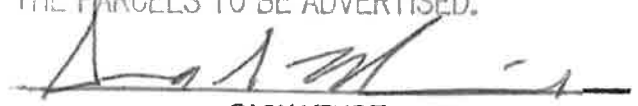


(APPLICANT SIGNATURE)

Prepared by:
Leanne Shufelt
TITLE SOLUTIONS OF FLORIDA, LLC MI
2235 N. Courtenay Pwky Ste G
Merritt Island, Florida 32953

File Number: TS20-0112

THIS INSTRUMENT CONTAINS THE OFFICIAL
RECORD BOOK AND PAGE NUMBERS DESCRIBING
THE PARCELS TO BE ADVERTISED.



SIGNATURE

General Warranty Deed

Made this February 7, 2020 A.D. By **HERBERT H. SHARPE, and SALLY-ANNE SHARPE, husband and wife**, whose address is: 7627 Lake Marsha Drive, Orland, Florida 32819, hereinafter called the grantor, to **DONALD MINNICK, single**, whose post office address is: 1968 Turpentine Rd, Mims, Florida 32754, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, viz:

LOT 1, BLOCK D, EAGLE POINTE SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGES 37 THROUGH 39, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

Parcel ID Number: 21-34-24-25-D-1

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, [user input prior year].

Prepared by:
 Leanne Sharfelt
 TITLE SOLUTIONS OF FLORIDA, LLC MI
 2235 N. Courtenay Pkwy Ste G
 Merritt Island, Florida 32953

File Number: TS20-0112

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

M. Medina
 Witness Printed Name M. Medina

Herbert H. Sharpe
 HERBERT H. SHARPE (Seal)
 Address:

Elizabeth Smythe
 Witness Printed Name Elizabeth Smythe

Sally-Anne Sharpe
 SALLY-ANNE SHARPE (Seal)
 Address:

State of [UserInput as State for acknowledgement]
 County of [UserInput as County for acknowledgement]

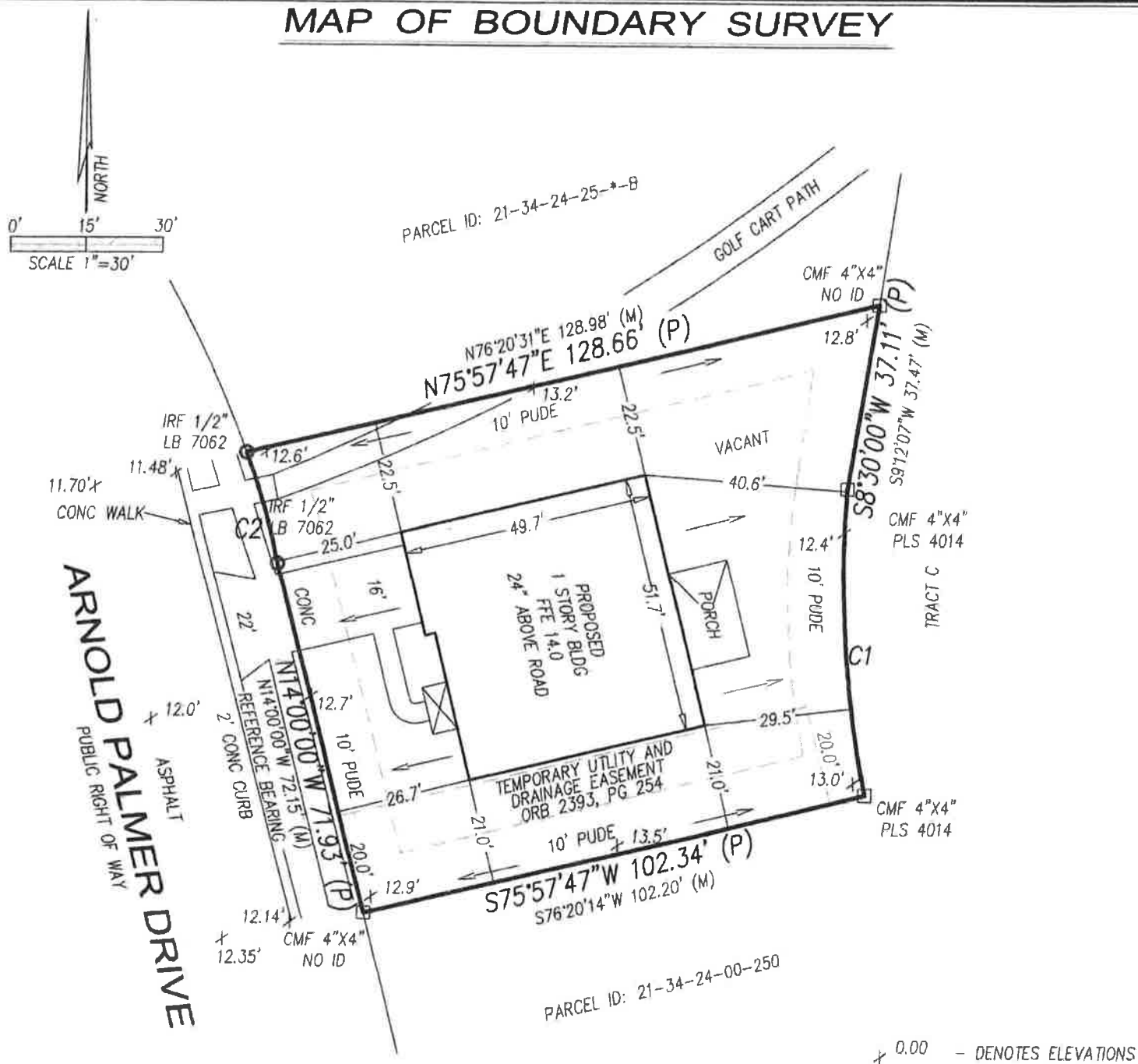
Florida

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this by means of ☒ physical presence or [] online notarization, this 7th day of February, 2020, by HERBERT H. SHARPE, and SALLY-ANNE SHARPE, husband and wife, who is/are personally known to me or who has produced DR. PR. LIC as identification.



M. Medina
 Notary Public
 Print Name: Miriam Medina
 My Commission Expires: 5-3-20

MAP OF BOUNDARY SURVEY



CURVE TABLE (P)

| CURVE | RADIUS | DELTA | LENGTH | CHORD | BEARING |
|-------|---------|-----------|--------|-------|---------|
| C1 | 145.00' | 24°28'27" | 61.94' | --- | --- |
| C2 | 225.00' | 5°49'22" | 22.87' | --- | --- |

CURVE TABLE (M)

| CURVE | RADIUS | DELTA | LENGTH | CHORD | BEARING |
|-------|---------|-----------|--------|--------|-------------|
| C1 | 225.00' | 15°43'31" | 61.75' | 61.56' | S3°31'08"E |
| C2 | 145.00' | 9°06'03" | 23.03' | 23.01' | N16°02'03"W |

LEGEND

C=CALCULATED C/L=CENTERLINE CLF=CHAIN LINK FENCE
 CMF=CONCRETE MONUMENT FOUND CONC=CONCRETE
 COR=CORNER (D)=DEED ESMT=EASEMENT
 FFE=FINISHED FLOOR ELEVATION FNC=FENCE FND=FOUND
 ID=IDENTIFICATION IPF=IRON PIPE FOUND
 IRF=IRON ROD FOUND
 IRS= 5/8" IRON ROD SET LB 7928

LB=LICENSED BUSINESS NUMBER (M)=MEASURED
 NAD 83=NORTH AMERICAN DATUM OF 1983
 NAVD=NORTH AMERICAN VERTICAL DATUM 1988
 NDF=NAIL & DISK FOUND NDS = NAIL & DISK SET LB 7928
 ORB=OFFICIAL RECORDS BOOK (P)=PLAT PB=PLAT BOOK
 TYP=TYPICAL WD=WOOD WIT-COR=WITNESS CORNER
 NDS=NAIL & DISK SET GAI LB 7928

PG=PAGE PCP=PERMANENT CONTROL POINT
 PC=POINT OF CURVATURE
 PLS=PROFESSIONAL LAND SURVEYOR
 POB=POINT OF BEGINNING
 POC=POINT OF COMMENCEMENT
 PUE=PUBLIC UTILITY ESMT
 PUDE=PUBLIC UTILITY&DRAINAGE ESMT

LEGAL DESCRIPTION:

LOT 1, BLOCK D, EAGLE POINTE SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGES 37 THROUGH 39, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

NOTES

1. BEARINGS BASED ON SAID PLAT (SEE MAP)
2. ELEVATIONS BASED ON NAVD 88
3. FLOOD ZONE "X", MAP NO. 12009C0115G COMMUNITY NO. 125092, MARCH 17, 2014
4. HORIZONTAL CLOSURE MEETS OR EXCEEDS THE ACCURACY FOR SUBURBAN LAND AS PER FLORIDA ADMINISTRATIVE CODE 5-1.7

RESOLUTION NO. Z-9537

On motion by Commissioner Scarborough, seconded by Commissioner Andreas, the following resolution was adopted by a unanimous vote:

WHEREAS, BENT OAK DEVELOPMENT COMPANY, a Florida Corporation
has/have applied for change of classification from AU to EU-2 on property described as SEE ATTACHED LEGAL DESCRIPTION

Section 24, Township 21S, Range 34E, and,

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Planning and Zoning Board recommended that the application be Denied and,

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be APPROVED subject to amendments to Binding Development Plan, as request by the homeowners, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested a change of classification from AU to EU-2 be **APPROVED** with Binding Development Plan recorded in ORB 3477 Pages 3615 through 3626, dated May 19, 1995, and that the zoning classification relating to the above described property be changed to EU-2 w/Binding Development Plan recorded in ORB 3477, Pages 3615 through 3626, dated May 19, 1995 and the Growth Management Director or Designee is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 19, 1995.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida
As Approved by the Board on September 30, 1992.

ATTEST:

by **NANCY N. HIGGS**

Chairman

SANDY CRAWFORD, CLERK

(SEAL)

(Hearing - August 3, 1992)

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

THIS INSTRUMENT PREPARED BY:
ROBERT L. CARSON
2138 KINGS CROSS
TITUSVILLE, FL 32796

Lundy Carson
Recorded and Verified
P.S. 12 of 3 Pages
Total Fee 6.50 Fee 49.00
Stamp Duty _____
Stamp Duty _____
Service Charge _____

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 16th day of May, 1995, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County"), and CARSON'S GROUP, INC., a Florida corporation and BIRDIE/EAGLE ENTERPRISES, INC., a Florida corporation, (hereinafter referred to as "Developer/Owner").

800208

RECITALS

WHEREAS, the 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 desires to develop the property described in Exhibit "A" as single family residential (EU-2) 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

95 MAY 19 PM 4:32

Z-09537

BK3477PG3615

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. A. Developer/Owner shall provide a natural buffer from the project commonly referred to as Sherwood Forest Townhomes. Developer/Owner agrees that the property described in Tract "A" in Exhibit "B" shall constitute the buffer. Construction of any structure on Tract A as shown on Exhibit "B" is hereby prohibited and Tract "A" shall remain undeveloped. The restrictions set forth in this agreement shall also be set forth on the plat of the property.

B. Developer/Owner agrees to provide for the maintenance of Tract "A". Prior to the platting of the proposed subdivision within Exhibit "A", Developer/Owner will add a line of trees on the property line between lot number 28 and Tract "A". The trees shall be no further than 10 feet apart.

C. Vehicle/equipment storage or staging is prohibited within Tract "A".

D. Developer/Owner agrees to increase existing retention pond approximately fifty percent (50%) into Tract "A" (lot number 29).

E. Developer/Owner agrees that the area identified as "Park" and described in Exhibit "C" shall be a Green Belt of trees and grass and absent of playground or similar equipment. The Park shall be maintained by the Developer/Owner or by a Homeowners

Association.

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.

4. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida. Prior to development of the real property described in Exhibit "A", this agreement provides no vested rights against change to Brevard County, Florida's comprehensive plan or land development regulations as they may apply to this property.

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 and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property.

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

ATTEST:


SANDY CRAWFORD, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 St. Johns Street
Melbourne, FL 32940


NANCY HIGGS, Chairman

As Approved by the Board on 9-30-92.

STATE OF FLORIDA
COUNTY OF BREVARD

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 16th day of May, 1995 by Nancy Higgs as Chairman of the Board of

This is to certify that the foregoing is a true and correct copy of Agreement

witness my hand
and official seal this 23rd day of

May 19 95

SANDY CRAWFORD

Clerk Circuit Court

BY F. M. [Signature]

3

Z-09537

EX347763617

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11

County Commissioners of Brevard County, Florida, on behalf of the Board of County Commissioners. She is personally known to me or produced a Florida Drivers license as identification.

Stamp



BERNADETTE S. TALBERT
MY COMMISSION # CC 192783 EXPIRES
May 10, 1998
BORNED THRU TROY FARM INSURANCE, INC.

Bernadette S. Talbert
Notary Public

Printed Notary Name

CARSON'S GROUP, INC.

By: *Robert L. Carson*
ROBERT L. CARSON, President

Witnesses:

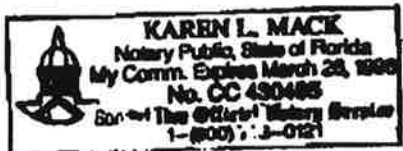
M. Carol Conkey
M. Carol Conkey
Printed Witness Name

Karen L. Mack
Karen L. Mack
Printed Witness Name

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 19th day of April, 1995 by ROBERT L. CARSON, as President of Carson's Group, Inc., on behalf of the corporation. He ~~is personally known to me or~~ produced a Florida Drivers license as identification.

Stamp



Karen L. Mack
Notary Public
Karen L. Mack
Printed Notary Name

Witnesses:

M. Carol Conkey
M. Carol Conkey
Printed Witness Name

Karen L. Mack
Karen L. Mack
Printed Witness Name

STATE OF FLORIDA
COUNTY OF BREVARD

BIRDIE/EAGLE ENTERPRISES, INC.

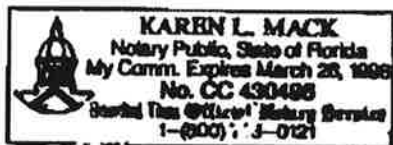
By: *Robert L. Carson*
ROBERT L. CARSON, President

The foregoing instrument was acknowledged before me this ^{19th} day of April, 1995 by ROBERT L. CARSON, as President of BIRDIE/EAGLE ENTERPRISES, INC., on behalf of the corporation. He ~~is personally known to me or~~ produced a Florida Drivers license as identification.

Stamp

Karen L. Mack
Notary Public
Karen L. Mack
Printed Notary Name

[devagrcarson4/7/95]



5

Z-09537

BK3477703619

42
255
12


Signature

LEGAL DESCRIPTION:

PARCEL NO. 3

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST; THENCE N.88°46'22"E., ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, A DISTANCE OF 364.95 FEET; THENCE S.02°21'27"E., 63.07 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED AND SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 50.00 FEET, AND TO WHICH POINT A RADIAL LINE BEARS N.32°21'27"W.; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°00'00", A DISTANCE OF 52.38 FEET TO THE POINT OF TANGENCY; THENCE S.02°21'27"E., 124.85 FEET; THENCE S.81°32'56"W., 48.84 FEET; THENCE S.13°25'19"W., 311.07 FEET; THENCE S.02°51'15"W., 471.47 FEET; THENCE S.02°06'07"E., 328.99 FEET; THENCE S.70°09'50"E., 88.03 FEET; THENCE S.51°07'17"E., 51.89 FEET; THENCE N.75°20'07"E., 52.24 FEET; THENCE S.86°08'54"E., 96.88 FEET; THENCE N.62°42'38"E., 46.01 FEET; THENCE N.89°26'31"E., 91.23 FEET; THENCE S.84°22'01"E., 43.54 FEET; THENCE N.85°17'13"E., 395.09 FEET; THENCE S.35°52'44"E., 73.91 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 125.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°33'55", A DISTANCE OF 112.50 FEET TO THE POINT OF TANGENCY; THENCE S.87°26'39"E., 61.54 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 72°53'43", A DISTANCE OF 31.81 FEET TO A POINT LYING ON THE WEST LINE OF TRACT C AS SHOWN ON THE PLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE AS RECORDED IN PLATBOOK 29, PAGE 40 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 145.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.75°27'04"W.; THENCE ALONG THE BOUNDARY OF SAID TRACT C, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE NORTHERLY, ALONG THE ARC OF THE AFORESAID CURVE, THROUGH A CENTRAL ANGLE 23°02'56", A DISTANCE OF 58.33 FEET TO THE POINT OF TANGENCY; THENCE N.08°30'00"E., 70.06 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 153.37 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°09'24", A DISTANCE OF 37.89 FEET TO A POINT LYING ON THE SOUTHEAST BOUNDARY OF THE REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT 'A' AS RECORDED IN PLAT BOOK 29, PAGE 46 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PLAT, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE S.51°03'10"W., 99.39 FEET; THENCE N.38°56'50"W., 275.00 FEET; THENCE N.29°10'05"E., 174.38 FEET; THENCE N.70°35'59"W., 405.67 FEET; THENCE N.56°06'42"W., 162.26 FEET; THENCE N.43°47'40"W., 98.88 FEET; THENCE N.02°46'21"W., 205.89 FEET; THENCE N.02°19'01"W., 303.85 FEET; THENCE S.81°32'56"W., 119.44 FEET; THENCE N.02°21'27"W., 48.80 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 70°31'44", A DISTANCE OF 30.77 FEET TO THE POINT OF REVERSE

CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY, NORTHWESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $190^{\circ}31'44''$, A DISTANCE OF 166.27 FEET TO THE POINT OF BEGINNING.
CONTAINING 14.945 ACRES MORE OR LESS.

Z-09537

LEGAL DESCRIPTION:

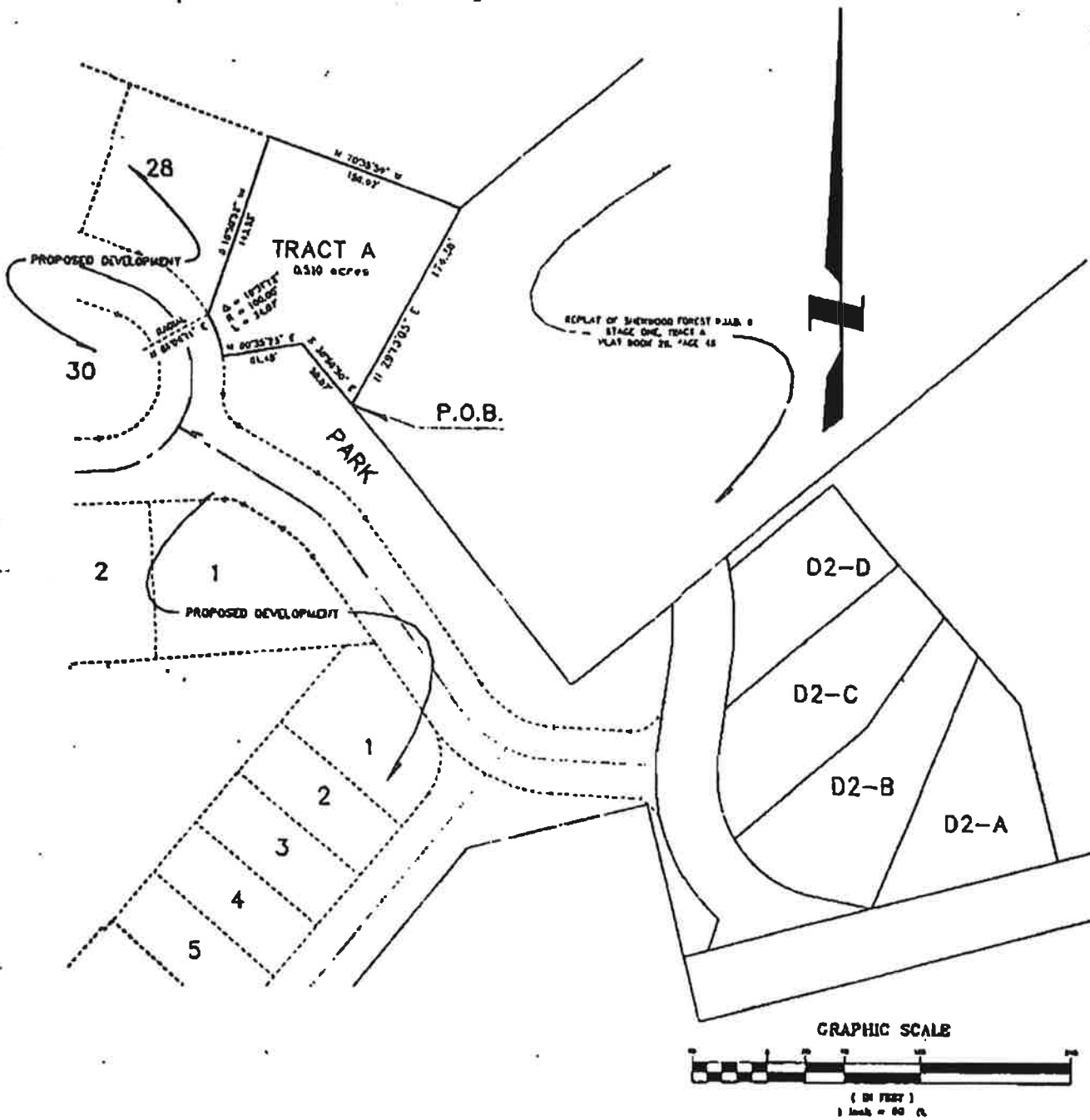
TRACT A

A PARCEL OF LAND, LYING IN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT 'A', AS RECORDED IN PLATBOOK 29, PAGE 46 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.29°10'05"E., ALONG THE NORTHWESTERLY BOUNDARY OF SAID PLAT, 174.38 FEET TO THE NEXT CORNER OF SAID BOUNDARY; THENCE N.70°35'59"W., 156.92 FEET; THENCE S.18°50'52"W., 143.55 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.61°04'11"E.; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°31'12", A DISTANCE OF 34.07 FEET; THENCE N.80°35'23"E., 61.45 FEET; THENCE S.38°56'50"E., 59.87 FEET TO THE POINT OF BEGINNING, CONTAINING 0.510 ACRES MORE OR LESS.

Z-09537

EXHIBIT "B"
Page 2 of 2



| DATE | ORDER NO. | F.S. NO. | REVISIONS |
|------|-----------|----------|-----------|
| | | | |
| | | | |
| | | | |



McFerrin/McCrone, Inc.
Engineers - Land Surveyors - Land Planners
200 South First Street - P.O. Box 8700 - St. Louis, MO 63108
(314) 241-1100 FAX (314) 241-1101

| |
|-----------------|
| DATE: 9-8 |
| ORDER NO. 1 |
| F.S. NO. - |
| SCALE: 1" = 60' |

Z-09537

BK 3477 PG 3623

EXHIBIT "C"

LEGAL DESCRIPTION:

TRACT B:

A PARCEL OF LAND LYING IN THE OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT C AS SHOWN ON THE PLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE AS RECORDED IN PLATBOOK 29, PAGE 40 AND SAID POINT LYING ON THE SOUTHEASTERLY BOUNDARY LINE OF THE REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT 'A' AS RECORDED IN PLATBOOK 29, PAGE 46 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID REPLAT, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE S.51°03'10"W., 99.39 FEET; THENCE N.38°56'50"W., 334.87 FEET TO A POINT LYING ON THE NORTHWESTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF THE AFORESAID REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT A; THENCE S.80°35'23"W., 61.45 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.80°35'23"E.; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°58'21", 29.62 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 66°25'19", 28.98 FEET TO THE POINT OF TANGENCY; THENCE S.58°51'34"E., 70.30 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 125.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°58'50", 50.14 FEET TO THE POINT OF TANGENCY; THENCE S.35°52'44"E., 155.76 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 75.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°33'55", 67.50 FEET TO THE POINT OF TANGENCY; THENCE S.87°26'39"E., 58.31 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 84°03'21", 36.68 FEET TO THE POINT OF TANGENCY AND SAID POINT LYING ON THE WESTERLY BOUNDARY OF TRACT C AS SHOWN ON THE AFOREMENTIONED PLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE; THENCE ALONG THE BOUNDARY OF SAID PLAT, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE N.08°30'00"E., 37.49 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 153.37 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°09'24", 37.89 FEET TO THE POINT OF BEGINNING. CONTAINING 0.57 ACRES MORE OR LESS.

Z-09537

BK3477 PG3624

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426C

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated January 13, 1995, given by ROBERT WALTER as mortgagee, recorded in Official Records Book 3454, Page 1101, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

Edward J. Bergin
Printed Witness Name

Willie R. Ralco
Printed Witness Name

MORTGAGEE:

Robert Walter
ROBERT WALTER
4320 West Kennedy Boulevard
Tampa, Florida 33609

STATE OF FLORIDA
COUNTY OF DeSoto

The foregoing instrument was acknowledged before me this 3 day of March 1995 by ROBERT WALTER. He is personally known to me ~~or produced a Florida Driver's License as identification~~ and that an oath was ✓ was not taken.

Stamp

Charlotte M. Fowler
Notary Public
Charlotte M. Fowler
Printed Notary Name

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JULY 26, 1995
BONDED THRU AGENT'S NOTARY SURETY

Z-09537

EX3477PG3625

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated February 2, 1995, given by Richard H. Mogg as mortgagee, recorded in Official Records Book 3452, Page 4592, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

Richard E. Stadler

RICHARD E. STADLER
Printed Witness Name

Peggy S. Caudill

PEGGY S. CAUDILL
Printed Witness Name

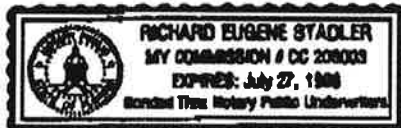
MORTGAGEE:

Richard H. Mogg
Richard H. Mogg
26933 Eckel Road
Perrysburg, Ohio 43551

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 27th day of March, 1995 by Richard H. Mogg. He is personally known to me or produced a Florida Drivers license as identification and that an oath was was not X taken.

Stamp



Richard E. Stadler
Notary Public

RICHARD EUGENE STADLER
Printed Notary Name

[joinder]

THIS INSTRUMENT PREPARED BY:
JOHN H. EVANS, ESQUIRE
1702 S. WASHINGTON AVENUE
TITUSVILLE, FLORIDA 32780

Z-09537

9K3477PG3626



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2112241
Owners Minnick, Donald
Mailing Address 1968 Turpentine Rd Mims FL 32754
Site Address 1989 Arnold Palmer Dr Titusville FL 32796
Parcel ID 21-34-24-25-D-1
Property Use 0010 - Vacant Residential Land (Single Family, Platted)
Exemptions None
Taxing District 1300 - Unincorp District 1
Total Acres 0.24
Subdivision Eagle Pointe Subdivision
Site Code 0001 - No Other Code Appl.
Plat Book/Page 0052/0037
Land Description Eagle Pointe Subdivision Lot 1 Block D

VALUE SUMMARY

| Category | 2020 | 2019 | 2018 |
|---------------------------|----------|----------|----------|
| Market Value | \$22,000 | \$22,000 | \$18,000 |
| Agricultural Land Value | \$0 | \$0 | \$0 |
| Assessed Value Non-School | \$22,000 | \$16,330 | \$14,850 |
| Assessed Value School | \$22,000 | \$22,000 | \$18,000 |
| Homestead Exemption | \$0 | \$0 | \$0 |
| Additional Homestead | \$0 | \$0 | \$0 |
| Other Exemptions | \$0 | \$0 | \$0 |
| Taxable Value Non-School | \$22,000 | \$16,330 | \$14,850 |
| Taxable Value School | \$22,000 | \$22,000 | \$18,000 |

SALES/TRANSFERS

| Date | Price | Type | Parcel | Deed |
|------------|-------------|------|----------|-----------|
| 02/07/2020 | \$36,000 | WD | Vacant | 8659/2603 |
| 05/24/2019 | \$9,800 | XD | Improved | 8448/1572 |
| 09/13/2006 | \$1,288,000 | WD | Vacant | 5698/1757 |
| 09/13/2006 | \$100,000 | WD | Vacant | 5698/5490 |
| 09/12/2005 | --- | WD | Vacant | 5531/5850 |
| 07/06/2005 | \$3,000,000 | WD | Vacant | 5495/1377 |

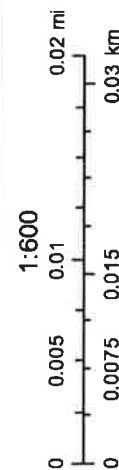
No Data Found

□

Zoning Easements

Address

Wah Ann Builder for Angels



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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

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

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

CONDITIONAL USE PERMITS (CUPs)

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

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
 - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

20Z00028

Donald Minnick

AU (Agricultural Residential Use) and EU-2 (Estate Use Residential) with BDP to all EU-2 with removal of BDP

Tax Account Number: 2112241
Parcel I.D.: 21-34-24-25-D-1
Location: 670 feet west of King Richards Drive on right side of London Town Road
(District 1)
Acreage: 0.24 acres

Planning and Zoning Board: 11/09/2020

Board of County Commissioners: 12/03/2020

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

| | CURRENT | PROPOSED |
|--------------------------------------------------------|-----------------------|------------------------|
| Zoning | AU & EU-2 with BDP | EU-2 |
| Potential* | 0 | One Single Family Unit |
| Can be Considered under the Future Land Use Map | YES Residential 15 | YES Residential 15 |

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential Use) and EU-2 (Estate Use Residential) with Binding Development Plan (BDP) to all EU-2 with removal of BDP for the purpose of building a single-family residence.

The parcel's split zoning fails to incorporate sufficient land area under either zoning classification to meet the required minimum lot area, lot width or lot depth of either zoning classification. To correct this issue, the applicant has opted to expand the EU-2 zoning to cover the entire lot. As the current BDP contains parameters not applicable to this lot, the applicant is also requesting to remove the BDP from this property. The BDP covered an area which later became the Eagle Pointe Subdivision recorded in Plat Book 52 Page 37. The subdivision identifies the subject property as Lot 1, Block D, which is separate from Tract A and B (park tracts) as identified in the BDP. The BDP parameters in Z-

9537 adopted on May 19, 1995 and recorded in ORB 3477, Pages 3615 through 3626, identify the following four (4) limitations/criteria:

1. Developer/owner shall provide a natural buffer from the project commonly referred to as Sherwood Forest Townhomes. Developer/owner agrees that the property described in Tract "A" in Exhibit "B" shall constitute the buffer. Construction of any structure on Tract A as shown on Exhibit "B" is hereby prohibited and Tract "A" shall remain undeveloped. The restrictions set forth in this agreement shall also be set forth on the plat of the property.
2. Developer/owner agrees to provide for the maintenance of Tract "A". Prior to the platting of the proposed subdivision within Exhibit "A", Developer/owner will add a line of trees on the property line between lot number 28 and Tract "A". The trees shall be no further than 10 feet apart.
3. Vehicle/equipment storage or staging is prohibited within Tract "A".
4. Developer/owner agrees that the area identified as "Park" and described in Exhibit "C" shall be a green belt of trees and grass and absent of playground or similar equipment. The park shall be maintained by the Developer/owner or by a homeowner's association.

The BDP conditions noted above, may still need to be enforced upon the remaining properties within the Eagle Pointe Subdivision recorded in PB 52 PG 37 with recording date of October 22, 2004.

The AU zoning is original to the lot adopted May 22, 1958. The lot was created under the Eagle Point Subdivision as Block D, Lot #1.

There appears to be a golf cart path which crosses the NW portion of this lot. An easement for this golf cart path has not been depicted in the recorded plat nor has it been identified within the recorded property deed. However, the golf cart path has been located upon the survey that the applicant provided and it appears to not interfere with the proposed location of the proposed single-family residence (12-feet separates the path from the edge of the proposed residential structure). The applicant should address this issue prior to obtaining approval of the active building permit currently under review (**20BC14689**). This permit is for the construction of a 2,036 square foot living area residence with attached garage and porches for a total size of 2,794 square feet.

Land Use

The subject property is currently designated Residential 15. Both the existing AU and EU-2 zoning classifications are consistent with this Future Land Use designation.

Environmental Constraints

The subject parcel contains mapped SJRWMD wetlands and hydric soils, indicators that wetlands may be present on the property. A wetland determination will be required prior to any plan design, land clearing activities, or building permit submittal. Per Section 62-3694(c)(1), 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). The applicant is

encouraged to contact NRM at 321-633-2016 prior to any planning or land clearing activities.

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Carpenter Road, between Dairy Road and SR 46, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 29.92% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.06%. The corridor is anticipated to continue to operate at 29.98% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

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

The parcel is not currently serviced by Brevard County's public water and sewer system. Public water is adjacent to the east and sewer to the west of this lot.

Applicable Land Use Policies

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

FLUE Policy 1.4 – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. This request may be considered to be consistent with the Residential 15 FLUM. The lot is a 0.24-acre site and is proposed for single-family usage. A second FLUM of RES 4 lies 750 feet to the west and 1,000 foot to the north of this lot. The proposed single-family residential use is compatible with the mix of single-family and multi-family uses in the area.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area is a mix of single family detached dwellings under the EU-2, RU-1-11 and RU-1-13 zoning classifications, townhouses under the PUD zoning designation and a condominium developed under the RU-2-30 zoning designation. The proposed removal of the BDP conditions from this parcel will have no impact upon those areas retaining the BDP. Site specific conditions of the BDP affected other portions of the Eagle Pointe development outside of this lot. The recorded Plat identified the subject property as a separate lot.

Surrounding Area

This lot abuts roadways on its east and west. To the north is an open space tract identified as Tract B of the Eagle Pointe Subdivision recorded in PB 52 PG 37. To the south is a vacant residential lot zoned PUD. Zoning classifications in the immediate area are: EU, EU-2 and PUD.

The EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

The EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

The Planned Unit Development (PUD) encourages and permits variation in development by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification. The purpose of a PUD is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses. Variance **V-1964** proposed development of this tract as a single-family tract .

There have been no zoning actions within a half-mile radius of the subject property within the last three years.

For Board Consideration

The applicant is requesting to remove the parcel's split zoning by rezoning the entire lot from AU and EU-2 to all EU-2. The applicant is also requesting to remove the existing BDP conditions which does not directly limit building on this lot. The current BDP parameters in **Z-9537** adopted on May 19, 1995 and recorded in ORB 3477, Pages 3615 through 3626, contain four (4) limitations:

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhood given that the EU-2 zoning classification offers a minimum living area of 1,500 square feet.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary**

Item # 20Z00028

Applicant: Scott Minnick

Zoning Request: AU & EU-2 w/ BDP to EU-2 and remove BDP

Note: Applicant wants to make lot useable to build a single-family residence.

P&Z Hearing Date: 11/09/20; **BCC Hearing Date:** 12/03/20

Tax ID No: 2112241

- 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
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped SJRWMD wetlands and hydric soils, indicators that wetlands may be present on the property. A wetland determination will be required prior to any plan design, land clearing activities, or building permit submittal. Per Section 62-3694(c)(1), 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). The applicant is encouraged to contact NRM at 321-633-2016 prior to any planning or land clearing activities.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped SJRWMD wetlands and hydric soils (Terra Ceia muck) as shown on the USDA Soil Conservation Service Soils Survey map, indicators that wetlands may be present on the property. Per Section 62-3694(c)(1), 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

Protected and Specimen Trees

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

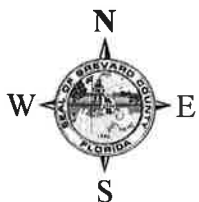
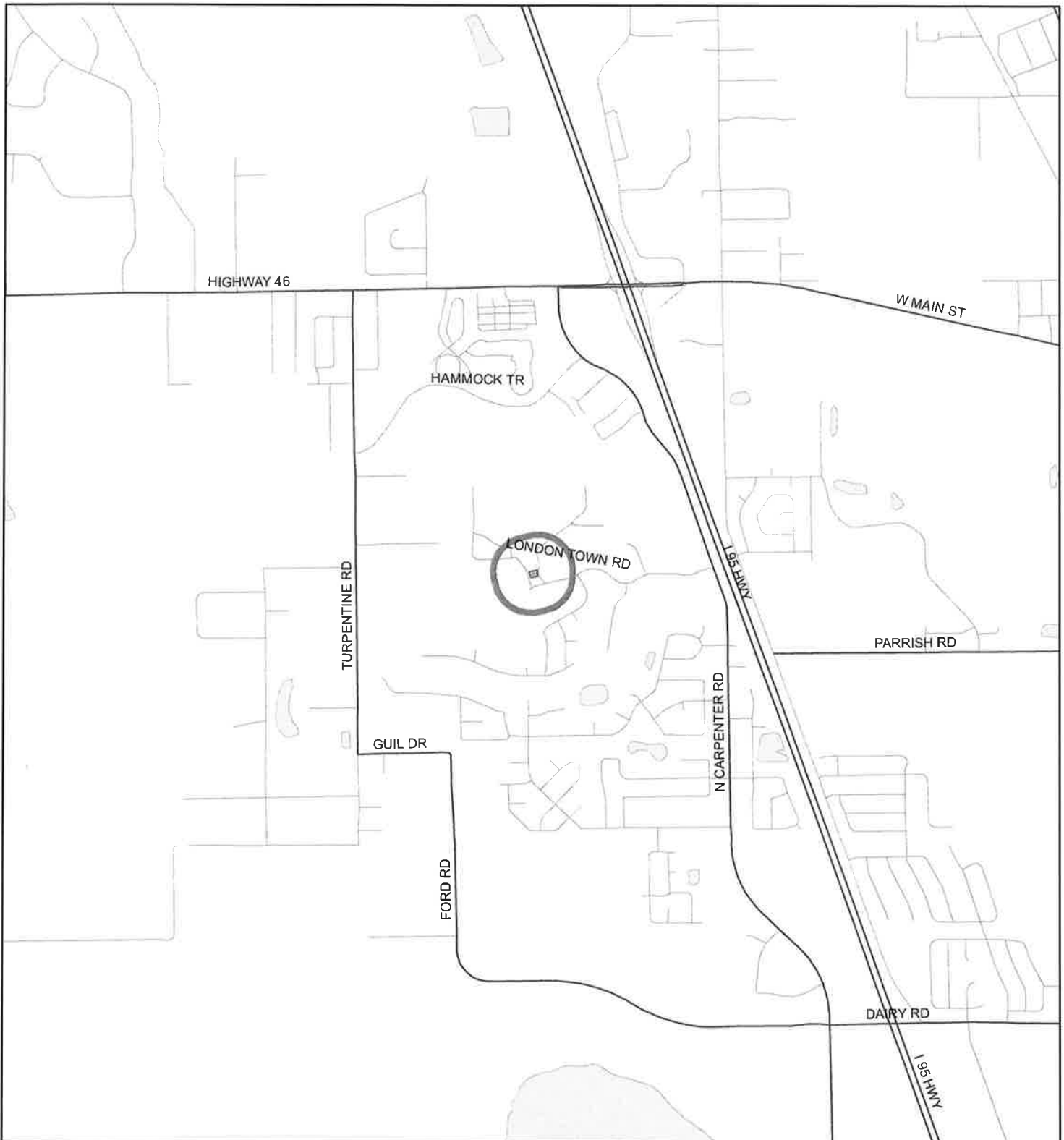
Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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.

LOCATION MAP

MINNICK, DONALD

20Z00028



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.

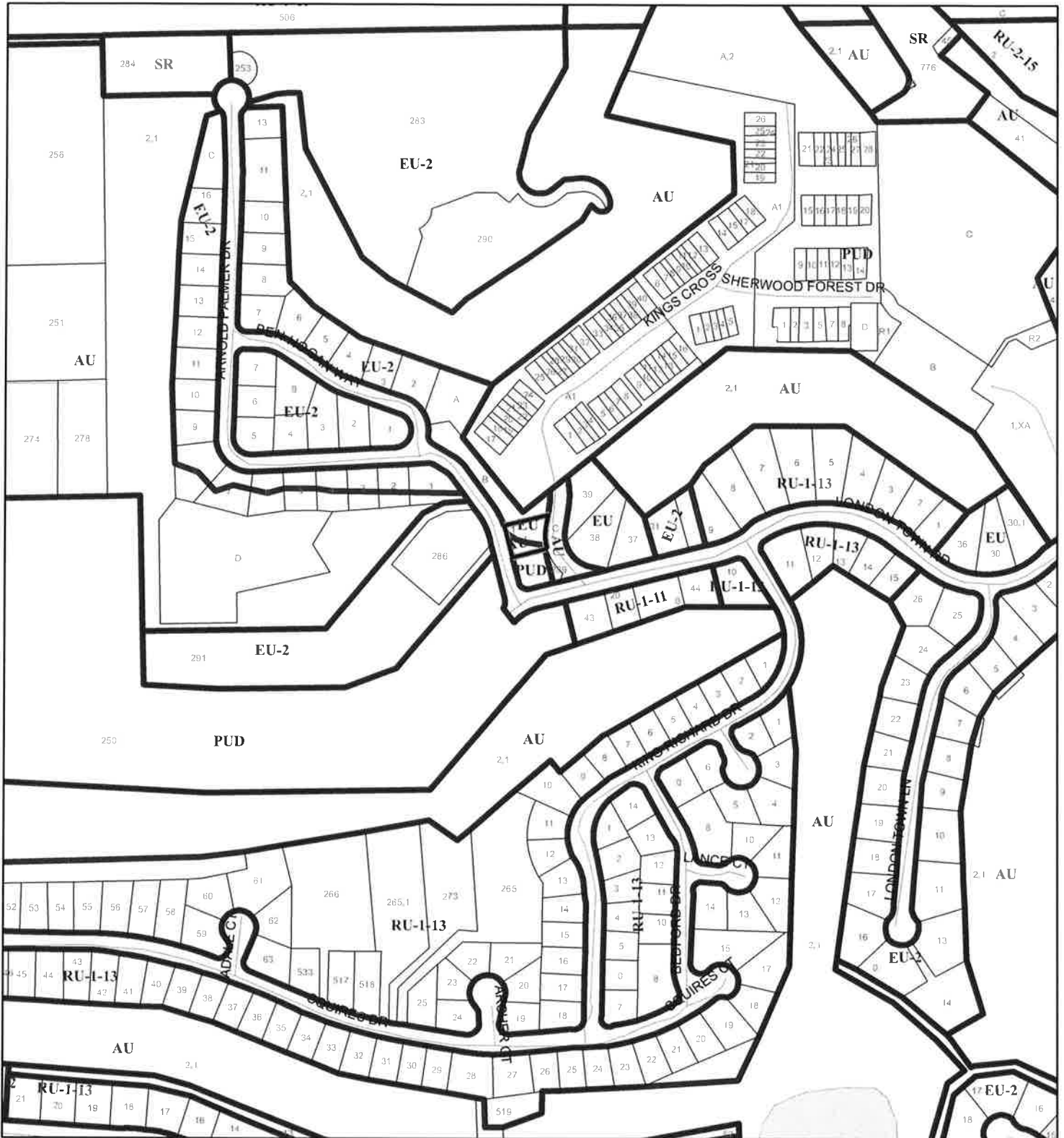
Produced by BoCC - GIS Date: 9/3/2020

— Buffer
■ Subject Property

ZONING MAP

MINNICK, DONALD

20Z00028



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

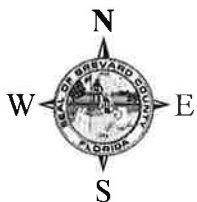
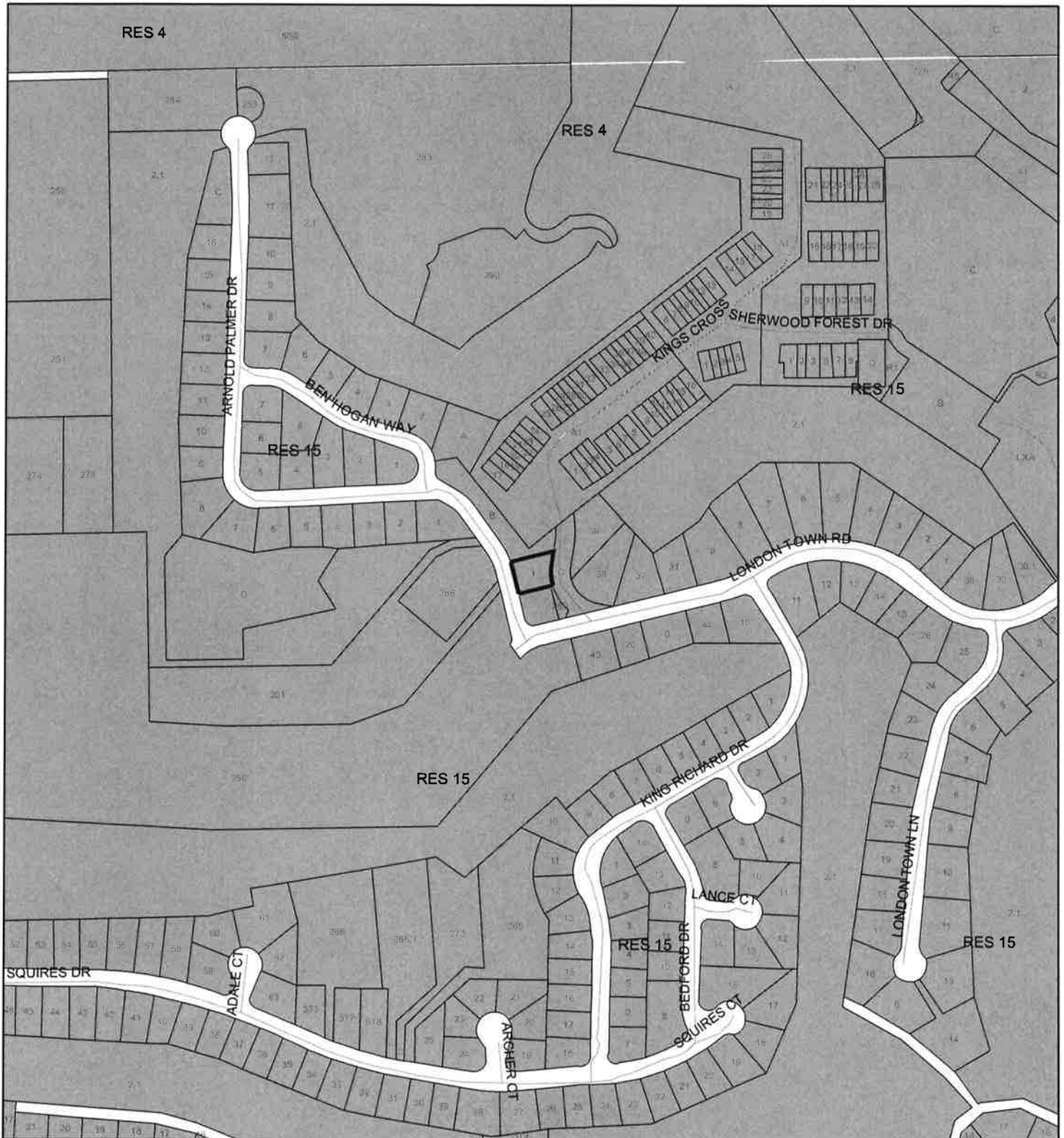
□ Parcels

□ Zoning


FUTURE LAND USE MAP

MINNICK, DONALD

20Z00028



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

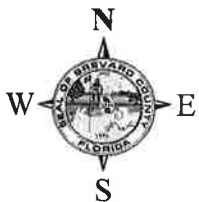
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/3/2020

AERIAL MAP

MINNICK, DONALD

20Z00028



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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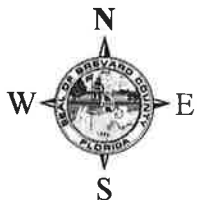
 Subject Property

 Parcels

NWI WETLANDS MAP

MINNICK, DONALD

20Z00028













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: 9/3/2020

National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

MINNICK, DONALD

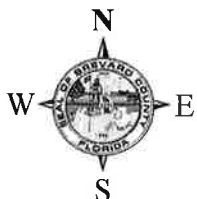
20Z00028



USDA SCSSS SOILS MAP

MINNICK, DONALD

20Z00028



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: 9/3/2020

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

Subject Property

Parcels

FEMA FLOOD ZONES MAP

MINNICK, DONALD

20Z00028



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: 9/3/2020

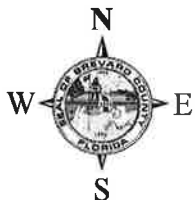
FEMA Flood Zones

| | | | | | |
|--|-------------------------------------------------------------|--|------------|--|----------------------|
| | A | | AO | | X |
| | AE | | Open Water | | X Protected By Levee |
| | AH | | VE | | |
| | 0.2 Percent Annual Chance Flood Hazard | | | | |
| | 0.2 Percent Annual Chance Flood Hazard Contained in Channel | | | | |
| | Subject Property | | Parcels | | |

COASTAL HIGH HAZARD AREA MAP

MINNICK, DONALD

20Z00028



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: 9/3/2020

 Subject Property

 Parcels

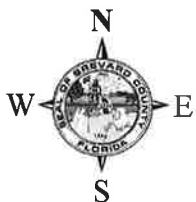
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MINNICK, DONALD

20Z00028



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: 9/3/2020

Subject Property

Parcels

Septic Overlay

40 Meters

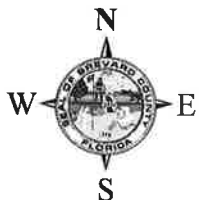
60 Meters

All Distances

EAGLE NESTS MAP

MINNICK, DONALD

20Z00028



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: 9/3/2020

 Subject Property

 Parcels

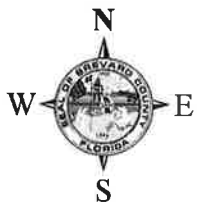


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

MINNICK, DONALD




20Z00028



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.

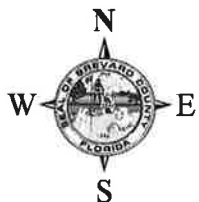
Produced by BoCC - GIS Date: 9/3/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MINNICK, DONALD

20Z00028



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.

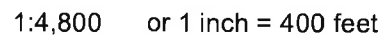
Produced by BoCC - GIS Date: 9/3/2020

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

20Z00028



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: 10/8/2020

 Parcels

THIS INSTRUMENT PREPARED BY:
ROBERT L. CARSON
2138 KINGS CROSS
TITUSVILLE, FL 32796

Lundy Crawford
Recorded and Verified Brevard County, FL
P.S. 12 3 Hours 3
Total Fee 6.50 Fee 49.00
Stamp Fee _____
Service Charge _____
Refund _____

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 16th day of May, 1995,
between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,
FLORIDA, a political subdivision of the State of Florida
(hereinafter referred to as "County"), and CARSON'S GROUP, INC.,
a Florida corporation and BIRDIE/EAGLE ENTERPRISES, INC., a Florida
corporation, (hereinafter referred to as "Developer/Owner").

R00208

RECITALS

WHEREAS, the 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 desires to develop the property
described in Exhibit "A" as single family residential (EU-2) 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

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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. A. Developer/Owner shall provide a natural buffer from the project commonly referred to as Sherwood Forest Townhomes. Developer/Owner agrees that the property described in Tract "A" in Exhibit "B" shall constitute the buffer. Construction of any structure on Tract A as shown on Exhibit "B" is hereby prohibited and Tract "A" shall remain undeveloped. The restrictions set forth in this agreement shall also be set forth on the plat of the property.

B. Developer/Owner agrees to provide for the maintenance of Tract "A". Prior to the platting of the proposed subdivision within Exhibit "A", Developer/Owner will add a line of trees on the property line between lot number 28 and Tract "A". The trees shall be no further than 10 feet apart.

C. Vehicle/equipment storage or staging is prohibited within Tract "A".

D. Developer/Owner agrees to increase existing retention pond approximately fifty percent (50%) into Tract "A" (lot number 29).

E. Developer/Owner agrees that the area identified as "Park" and described in Exhibit "C" shall be a Green Belt of trees and grass and absent of playground or similar equipment. The Park shall be maintained by the Developer/Owner or by a Homeowners

Association.

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.

4. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida. Prior to development of the real property described in Exhibit "A", this agreement provides no vested rights against change to Brevard County, Florida's comprehensive plan or land development regulations as they may apply to this property.

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 and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property.

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

ATTEST:


SANDY CRAWFORD, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 St. Johns Street
Melbourne, FL 32940


NANCY HIGGS, Chairman

As Approved by the Board on 9-30-92.

STATE OF FLORIDA
COUNTY OF BREVARD

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 16th day of May, 1995 by Nancy Higgs as Chairman of the Board of

This is to certify that the foregoing is a true and correct copy of Agreement

witness my hand and official seal this 23rd day of

May 19 95

SANDY CRAWFORD
Clerk Circuit Court

BY F. M. Brown

3

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IL

County Commissioners of Brevard County, Florida, on behalf of the Board of County Commissioners. She is personally known to me or produced a Florida Drivers license as identification.

Stamp



BERNADETTE S. TALBERT
MY COMMISSION # CC 192763 EXPIRES
May 10, 1996
BORNED TAPU THEY FARM INSURANCE, INC.

Bernadette S. Talbert
Notary Public

Printed Notary Name

CARSON'S GROUP, INC.

By: *Robert L. Carson*
ROBERT L. CARSON, President

Witnesses:

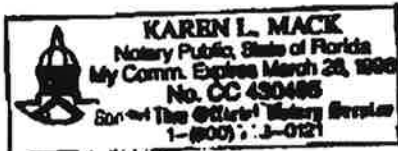
M. Carol Coxley
M. Carol Coxley
Printed Witness Name

Karen D. Mack
Karen h. Mack
Printed Witness Name

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 19th day of April, 1995 by ROBERT L. CARSON, as President of Carson's Group, Inc., on behalf of the corporation. He ~~is personally known to me or~~ produced a Florida Drivers license as identification.

Stamp



Karen L. Mack
Notary Public
Karen h. Mack
Printed Notary Name

Witnesses:

M. Carol Coxley
M. Carol Coxley
Printed Witness Name

Karen D. Mack
Karen h. Mack
Printed Witness Name

STATE OF FLORIDA
COUNTY OF BREVARD

BIRDIE/EAGLE ENTERPRISES, INC.

By: *Robert L. Carson*
ROBERT L. CARSON, President

The foregoing instrument was acknowledged before me this 17th
day of April, 1995 by ROBERT L. CARSON, as President of
BIRDIE/EAGLE ENTERPRISES, INC., on behalf of the corporation. He
~~is personally known to me or~~ produced a Florida Drivers license as
identification.

Stamp

Karen L. Mack
Notary Public
Karen L. Mack
Printed Notary Name

[devagrcarson4/7/95]



5

Z-09537

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42
296
112

LEGAL DESCRIPTION:

Signature

PARCEL NO. 3

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST; THENCE N.88°46'22"E., ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, A DISTANCE OF 384.95 FEET; THENCE S.02°21'27"E., 83.07 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED AND SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 50.00 FEET, AND TO WHICH POINT A RADIAL LINE BEARS N.32°21'27"W.; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°00'00", A DISTANCE OF 52.38 FEET TO THE POINT OF TANGENCY; THENCE S.02°21'27"E., 124.85 FEET; THENCE S.81°32'56"W., 48.84 FEET; THENCE S.13°25'19"W., 311.07 FEET; THENCE S.02°51'15"W., 471.47 FEET; THENCE S.02°06'07"E., 328.99 FEET; THENCE S.70°09'50"E., 88.03 FEET; THENCE S.51°07'17"E., 51.89 FEET; THENCE N.75°20'07"E., 52.24 FEET; THENCE S.86°08'54"E., 98.88 FEET; THENCE N.62°42'38"E., 46.01 FEET; THENCE N.89°26'31"E., 91.23 FEET; THENCE S.84°22'01"E., 43.54 FEET; THENCE N.85°17'13"E., 395.09 FEET; THENCE S.35°52'44"E., 73.91 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 125.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°33'55", A DISTANCE OF 112.50 FEET TO THE POINT OF TANGENCY; THENCE S.87°26'39"E., 61.54 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 72°53'43", A DISTANCE OF 31.81 FEET TO A POINT LYING ON THE WEST LINE OF TRACT C AS SHOWN ON THE PLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE AS RECORDED IN PLATBOOK 29, PAGE 40 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 145.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.75°27'04"W.; THENCE ALONG THE BOUNDARY OF SAID TRACT C, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE NORTHERLY, ALONG THE ARC OF THE AFORESAID CURVE, THROUGH A CENTRAL ANGLE 23°02'56", A DISTANCE OF 58.33 FEET TO THE POINT OF TANGENCY; THENCE N.08°30'00"E., 70.06 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 153.37 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°09'24", A DISTANCE OF 37.89 FEET TO A POINT LYING ON THE SOUTHEAST BOUNDARY OF THE REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT 'A' AS RECORDED IN PLAT BOOK 29, PAGE 46 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PLAT, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE S.51°03'10"W., 99.39 FEET; THENCE N.38°56'50"W., 275.00 FEET; THENCE N.29°10'05"E., 174.38 FEET; THENCE N.70°35'59"W., 405.67 FEET; THENCE N.56°06'42"W., 162.26 FEET; THENCE N.43°47'40"W., 98.88 FEET; THENCE N.02°46'21"W., 205.89 FEET; THENCE N.02°19'01"W., 303.85 FEET; THENCE S.81°32'56"W., 119.44 FEET; THENCE N.02°21'27"W., 48.80 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 70°31'44", A DISTANCE OF 30.77 FEET TO THE POINT OF REVERSE

CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY, NORTHWESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $190^{\circ}31'44''$, A DISTANCE OF 166.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 14.945 ACRES MORE OR LESS.

Z-09537

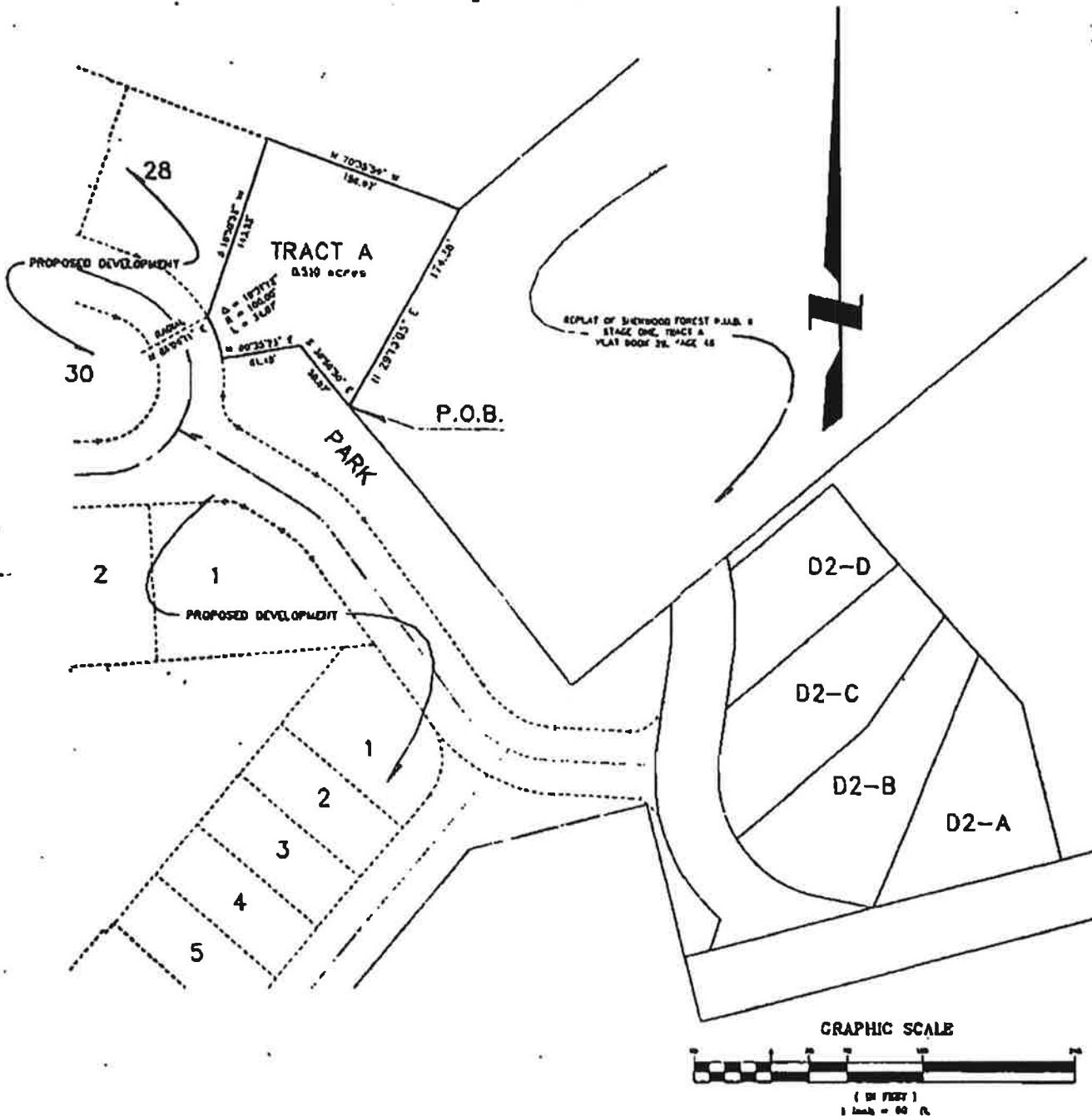
LEGAL DESCRIPTION:

TRACT A

A PARCEL OF LAND, LYING IN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE MOST WESTERLY CORNER OF REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT 'A', AS RECORDED IN PLATBOOK 29, PAGE 46 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.29°10'05"E., ALONG THE NORTHWESTERLY BOUNDARY OF SAID PLAT, 174.38 FEET TO THE NEXT CORNER OF SAID BOUNDARY; THENCE N.70°35'59"W., 156.92 FEET; THENCE S.18°50'52"W., 143.55 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.61°04'11"E.; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°31'12", A DISTANCE OF 34.07 FEET; THENCE N.80°35'23"E., 61.45 FEET; THENCE S.38°56'50"E., 59.87 FEET TO THE POINT OF BEGINNING, CONTAINING 0.510 ACRES MORE OR LESS.

Z-09537

EXHIBIT "B"
Page 2 of 2



| DATE | ORDER NO. | F.B. NO. | REVISIONS |
|------|-----------|----------|-----------|
| | | | |
| | | | |
| | | | |



McFerrin/McCrone, Inc.
Engineers - Land Surveyors - Land Planners
200 South First Avenue - P.O. Box 1070-0 - St. Louis, MO 63103
Phone 314.241.1111 Fax 314.241.1112

| | |
|-----------|----------|
| DATE | 9-9 |
| ORDER NO. | |
| F.B. NO. | |
| SCALE | 1" = 60' |

Z-09537

BK 3477 PG 3623

EXHIBIT "C"

LEGAL DESCRIPTION:

TRACT B:

A PARCEL OF LAND LYING IN THE OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT C AS SHOWN ON THE PLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE AS RECORDED IN PLATBOOK 29, PAGE 40 AND SAID POINT LYING ON THE SOUTHEASTERLY BOUNDARY LINE OF THE REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT 'A' AS RECORDED IN PLATBOOK 29, PAGE 46 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID REPLAT, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE S.51°03'10"W., 99.39 FEET; THENCE N.38°56'50"W., 334.87 FEET TO A POINT LYING ON THE NORTHWESTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF THE AFORESAID REPLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE, TRACT A; THENCE S.80°35'23"W., 61.45 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.80°35'23"E.; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°58'21", 29.62 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 66°25'19", 28.98 FEET TO THE POINT OF TANGENCY; THENCE S.58°51'34"E., 70.30 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 125.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°58'50", 50.14 FEET TO THE POINT OF TANGENCY; THENCE S.35°52'44"E., 155.76 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 75.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°33'55", 67.50 FEET TO THE POINT OF TANGENCY; THENCE S.87°26'39"E., 58.31 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 84°03'21", 36.68 FEET TO THE POINT OF TANGENCY AND SAID POINT LYING ON THE WESTERLY BOUNDARY OF TRACT C AS SHOWN ON THE AFOREMENTIONED PLAT OF SHERWOOD FOREST P.U.D. II STAGE ONE; THENCE ALONG THE BOUNDARY OF SAID PLAT, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE N.08°30'00"E., 37.49 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 153.37 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°09'24", 37.89 FEET TO THE POINT OF BEGINNING. CONTAINING 0.57 ACRES MORE OR LESS.

Z-09537

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4301

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated January 13, 1995, given by ROBERT WALTER as mortgagee, recorded in Official Records Book 3454, Page 1101, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

Edward J. Bergen
Printed Witness Name

Willie Baker
Printed Witness Name

MORTGAGEE:

Robert Walter
ROBERT WALTER
4320 West Kennedy Boulevard
Tampa, Florida 33609

STATE OF FLORIDA
COUNTY OF DeSoto

The foregoing instrument was acknowledged before me this 3 day of March 1995 by ROBERT WALTER. He is personally known to me ~~or produced a Florida Driver's License as identification~~ and that an oath was ✓ was not taken.

Stamp

Charlotte M. Fowler
Notary Public

Charlotte M. Fowler
Printed Notary Name

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JULY 26, 1998
BONDED THRU AGENT'S NOTARY BROKERAGE

Z-09537

3K3477PG3625

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated February 2, 1995, given by Richard H. Mogg as mortgagee, recorded in Official Records Book 3452, Page 4592, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

Richard E. Stadler

RICHARD E. STADLER
Printed Witness Name

Peggy S. Caudill

PEGGY S. CAUDILL
Printed Witness Name

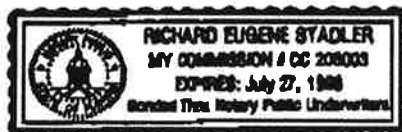
MORTGAGEE:

Richard H. Mogg
Richard H. Mogg
26933 Eckel Road
Perrysburg, Ohio 43551

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 27th day of March, 1995 by Richard H. Mogg. He is personally known to me or produced a Florida Drivers license as identification and that an oath was ____ was not X taken.

Stamp



[joinder]

Richard E. Stadler
Notary Public

RICHARD EUGENE STADLER
Printed Notary Name

THIS INSTRUMENT PREPARED BY:
JOHN H. EVANS, ESQUIRE
1702 S. WASHINGTON AVENUE
TITUSVILLE, FLORIDA 32780

Z-09537

8K3477PG3626

303
121

Owner's Name: Donald 'Scott' Minnick
Hearing Date: November 9, 2020

20200028

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

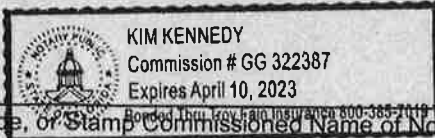
STATE OF FLORIDA
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, Brian Lock,
to me well known and known to me to be the person described in and who executed the foregoing
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

B. Lock
Signature

Sworn and Subscribed before me, this 19 day of OCTOBER 2020.



(Print, Type, or Stamp Commissioned Name of Notary Public)

K. Kennedy
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: _____

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

PHOTOGRAPHS



BREVARD COUNTY CODE ENFORCEMENT



| Mo./Day/Year | Address | Zng App.# |
|--------------|------------------------------------|-----------|
| 10/16/2020 | 1989 Arnold Palmer Dr., Titusville | 20Z00028 |




Brian Lock

COUNTY EXHIBIT

Composite A – Photos

Dated: _____ to _____

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 9, 2020, 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: Ron Bartcher; Harry Carswell; Ben Glover; Mark Wadsworth, Chair; Ron McLellan; Joe Buchanan; and Peter Filiberto.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Donald Minnick

A change of zoning classification from AU (Agricultural Residential) and EU-2 (Estate Use Residential) with a BDP (Binding Development Plan) to all EU-2 and removal of BDP. The property is 0.24 acres, located on the east side of Arnold Palmer Dr., approx. 120 ft. north of London Town Rd. (1989 Arnold Palmer Dr., Titusville) (20Z00028) (Tax Account 2112241) (District 1)

Donald Minnick, 1968 Turpentine Rd., Mims, stated he would like to rezone his property in order to make it buildable.

No public comment.

Jeffrey Ball noted changing the zoning does not make a lot buildable; there are other regulations that would have to be met in order for the lot to be buildable. If approved, the zoning change would correct the split zoning currently on the property.

Ron McLellan asked about the BDP on the property. Mr. Ball explained the BDP contains stipulations about the open space for the nearby townhome development, and for some reason the subject property was platted as a separate lot, but the BDP does not pertain to the subject property.

Ron Bartcher asked if other properties with the golf cart path on them have easements. Mr. Ball replied the golf cart easement is a private matter, but he would not be able to place a structure in the easement.

Motion by Joe Buchanan, seconded by Ben Glover, to approve the change of zoning classification from AU and EU-2. The motion passed unanimously.