

RESOLUTION NO. 15PZ00005
(corrected)

On motion by Commissioner Anderson, seconded by Commissioner Smith, the following resolution was adopted by a 3:1 vote, with Commissioner Infantini voting nay; and,

WHEREAS, BREVARD COUNTY – requests a Small Scale Plan Amendment (15S.01) to change the Future Land Use from Residential 2, to CC (Community Commercial), and a change of classification from GML (Government Managed Land) to BU-1 (General Retail Commercial) on 0.51 acres, on property described as: Lot 11.02, Lund Gardens Subdivision, as recorded in Plat Book 16, Page 3, and ORB 3065, Pages 3254 – 3255, of the Public Records of Brevard County, Florida. **Section 24, Township 28, Range 36.** (0.51 acres) Located on the northwest corner of Minton Rd., and Hield Rd. (4090 Minton Rd., Melbourne)

Section 24, Township 28 S, Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning & 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 & Zoning Board recommended that the application be approved (*) with a BDP (Binding Development Plan) limiting the use to a thrift store; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & 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 for the specific use of a thrift store only; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (15S.01) to change the Future Land Use from Residential 2 to CC (Community Commercial), and change of classification from GML to BU-1 on 0.51 acres, be APPROVED, for the specific use of a thrift store only, and the Planning & Zoning 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 7, 2015.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Robin Fisher, Chairman
Brevard County Commission

As approved by Brevard County Commission on May 7, 2015.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – April 6, 2015)

(*) LPA Recommendation – Approved Small Scale Plan Amendment

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD 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.

**RESOLUTION NO. 15PZ00003
(Correction)**

On motion by Commissioner Anderson, seconded by Commissioner Smith, the following resolution was adopted by a unanimous vote; and,

WHEREAS, FMKT MEL OWNER, LLC – requests a Small Scale Plan Amendment (15S.02) to change the Future Land Use from PLNIP (Planned Industrial Park) to CC (Community Commercial), and a change of classification from PIP (Planned Industrial Park) to BU-1 (General Retail Commercial) on 7.444 acres; and a change of classification from PIP to BU-2 (Retail, Warehousing, and Wholesale Commercial) on 9.957 acres on property described as: SEE ATTACHED LEGAL DESCRIPTION

Section 13, 18, & 24,

Township 26 S,

Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning & 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 & Zoning Board recommended that the application be approved (*); and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & 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; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (15S.02) to change the Future Land Use from PLNIP (Planned Industrial Park) to CC (Community Commercial), and a change of classification from PIP (Planned Industrial Park) to BU-1 (General Retail Commercial) on 7.444 acres; and a change of classification from PIP to BU-2 (Retail, Warehousing, and Wholesale Commercial) on 9.957 acres, be APPROVED, and the Planning & Zoning 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 7, 2015.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Robin Fisher, Chairman
Brevard County Commission
As approved by Brevard County Commission on May 7, 2015.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – April 6, 2015)

(*) LPA Recommendation – Approved Small Scale Plan Amendment

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD 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.

(15PZ00003) – FMKT MEL OWNER, LLC – (Troy Cox) – requests a Small Scale Plan Amendment (15S.02) to change the Future Land Use from PLNIP (Planned Industrial Park) to CC (Community Commercial), and a change of classification from PIP (Planned Industrial Park) to BU-1 (General Retail Commercial) on property described as a parcel of land being a portion of **Sections 13 and 24, Township 26 S, Range 36 E**, Brevard County, Florida, described as follows: Commence at the SE corner of Section 13, Township 26S, Range 36E, Brevard County, Florida; thence run S88deg53'28"W, along the south line of said Section 13, a distance of 56.86 ft. for the point of beginning, thence run S53deg54'42"W, a distance of 207.50 ft. to a point on the easterly right-of-way line of Wickham Rd.; thence run N36deg05'18"W along said easterly right-of-way line, a distance of 153.67 ft.; thence run N53deg54'42"E, a distance of 10 ft.; thence run N36deg05'18"W, a distance of 168.96 ft.; thence run N08deg54'42"E, a distance of 22.63 ft.; thence run N36deg05'18"W, a distance of 25.16 ft.; thence run S53deg54'42"W, a distance of 12 ft.; thence run N36deg05'18"W, a distance of 104.30 ft.; thence run N81deg05'18"W, a distance of 19.80 ft.; thence run N36deg05'18"W along said easterly right-of-way line, a distance of 103.90 ft.; thence run N53deg54'42"E, a distance of 10 ft.; thence run N36deg05'18"W, a distance of 226.78 ft.; thence run S53deg54'42"W, a distance of 10 ft., thence run N36deg05'18"W along said easterly right-of-way line, a distance of 353.29 ft. to the beginning of a curve, concave to the NE, having a radius of 1,382.40 ft.; thence continue northwesterly along the arc of said curve and easterly right-of-way line through a central angle of 01deg11'36", an arc distance of 28.79 ft.; thence run N80deg32'04"E along the south line of those lands described in ORB 6772, Pages 146 through 162, Public Records of Brevard County, Florida, a distance of 534.35 ft.; thence run S36deg05'18"E, a distance of 155.39 ft.; thence run S53deg54'42"W, a distance of 229 ft.; thence run S36deg05'18"E, a distance of 800 ft.; thence run S53deg54'42"W, a distance of 41.50 ft. to the point of beginning. (7.444 acres); and a change of classification from PIP (Planned Industrial Park) to BU-2 (Retail, Warehousing, and Wholesale Commercial) on property described as a parcel of land being a portion of Section 13, Township 26 South, Range 36 East, and a portion of **Section 18, Township 26 South, Range 37 East**, Brevard County, Florida, described as follows: Commence at the SE corner of Section 13, Township 26S, Range 36E, Brevard County, Florida, thence run S88deg53'28"W along the south line of said Section 13, a distance of 56.86 ft.; thence run N53deg54'42"E, a distance of 41.50 ft. for the point of beginning; thence run N36deg05'18"W, a distance of 800 ft.; thence run N53deg54'42"E, a distance of 229 ft.; thence run N36deg05'18"W, a distance of 155.39 ft.; thence run N80deg32'04"E along the south line of those lands described in ORB 6772, Pages 146 through 162, Public Records of Brevard County, Florida, a distance of 443.50 ft. to a point on the westerly right-of-way line of the FECRR, a 100 ft. wide right-of-way; thence run S18deg50'32"E along said westerly right-of-way line, a distance of 792.27 ft.; thence run S53deg54'42"W, a distance of 390.59 ft. to the point of beginning. (9.957 acres) Located on the east side of N. Wickham Rd., approx. 0.20 mile south of Pineda Court. (No assigned address. In the Melbourne area.)

On motion by Commissioner Anderson, seconded by Commissioner Smith, the following resolution was adopted by a 3:1 vote, with Commissioner Infantini voting nay; and,

WHEREAS, BREVARD COUNTY – requests a Small Scale Plan Amendment (15S.01) to change the Future Land Use from Residential 2, to CC (Community Commercial), and a change of classification from GML (Government Managed Land) to BU-1 (General Retail Commercial) on 0.51 acres, on property described as: Lot 11.02, Lund Gardens Subdivision, as recorded in Plat Book 16, Page 3, and ORB 3065, Pages 3254 – 3255, of the Public Records of Brevard County, Florida. **Section 24, Township 28, Range 36.** (0.51 acres) Located on the northwest corner of Minton Rd., and Hield Rd. (4090 Minton Rd., Melbourne)

Section 24, Township 28 S, Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning & 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 & Zoning Board recommended that the application be approved (*) with a BDP (Binding Development Plan) limiting the use to a thrift store; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & 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 for the specific use of a thrift store only; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (15S.01) to change the Future Land Use from Residential 1 to CC (Community Commercial), and change of classification from GML to BU-1 on 0.51 acres, be APPROVED, for the specific use of a thrift store only, and the Planning & Zoning 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 7, 2015.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

by Robin Fisher, Chairman
Brevard County Commission
As approved by Brevard County Commission on May 7, 2015.

ATTEST:

SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – April 6, 2015)
(*) LPA Recommendation – Approved Small Scale Plan Amendment

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD 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.

15PZ00016 Legal Description:

(15PZ00016) – PENCE LAND MATERIALS II, INC. – (Bill Alcock) – requests a Small Scale Plan Amendment (15S.04) to change the Future Land Use Map from Residential 1 to CC (Community Commercial), and a CUP (Conditional Use Permit) for Land Alteration on property described as a portion of land lying in the W ½ of the NW ¼ of **Section 15, Township 30S, Range 37E**, Brevard County, Florida, being ore particularly described as follows:
Commencing at a concrete monument found at the NW corner of Section 15, Township 30S, Range 37E; thence run S89deg38'45"E along the N line of the NW ¼ of said Section 15 a distance of 1,330.60 ft. to a concrete monument at the east line of the W ½ of the NW ¼ of said Section 15; thence run S00deg02'43"W along said E line a distance of 1,271.52 ft. to the point of beginning of the herein described parcel; thence continue S00deg02'43"W along said E line a distance of 819.81 ft.; thence run N89deg57'19"W a distance of 50 ft.; thence run N00deg02'35'E a distance of 108.04 ft.; thence run N89deg57'17"W a distance of 193.99 ft.; thence run N68deg31'34"W a distance of 203.84 ft.; thence run N54deg06'13"W a distance of 417.49 ft.; thence run N16deg30'22"E a distance of 190.63 ft.; thence run N51deg51'36"E a distance of 218.32 ft.; thence run N72deg04'14"E a distance of 126.71 ft.; thence run N80deg32'51"E a distance of 217.49 ft.; thence run S89deg57'17"E a distance of 211.48 ft. to the point of beginning. (9.87 acres +/-). Located on the northeast corner of SE Babcock St. and Micco Rd. (No assigned address. In the Palm Bay area.)

On motion by Commissioner Infantini, seconded by Commissioner Anderson, the following resolution was adopted by a unanimous vote; and,

WHEREAS, PENCE LAND MATERIALS II, INC. – requests a Small Scale Plan Amendment (15S.04) to change the Future Land Use from Residential 1 to CC (Community Commercial), and a CUP (Conditional Use Permit) for Land Alteration on property described as: SEE ATTACHED LEGAL DESCRIPTION

Section 15, Township 30 S, Range 37 E, and,

WHEREAS, a public hearing of the Brevard County Planning & 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 & Zoning Board recommended that the application be approved (*) with the condition that the use be limited to a borrow pit; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & 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; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment (15S.04) to change the Future Land Use from Residential 1 to CC (Community Commercial), and a CUP (Conditional Use Permit) for Land Alteration, be APPROVED with the condition that the use be limited to a borrow pit, and the Planning & Zoning 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 8, 2015.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

by Robin Fisher, Chairman
Brevard County Commission

As approved by Brevard County Commission on May 8, 2015.

ATTEST:

SCOTT ELLIS, CLERK
(SEAL)



(P&Z Hearing – April 6, 2015)

(*) LPA Recommendation – Approved Small Scale Plan Amendment

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

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On motion by Commissioner Anderson, seconded by Commissioner Smith, the following resolution was adopted by a unanimous vote; and,

WHEREAS, FMKT MEL OWNER, LLC – requests a Small Scale Plan Amendment (15S.02) to change the Future Land Use from PLNIP (Planned Industrial Park) to CC (Community Commercial), and a change of classification from PIP (Planned Industrial Park) to BU-1 (General Retail Commercial) on 7.444 acres; and a change of classification from PIP to BU-2 (Retail, Warehousing, and Wholesale Commercial) on 9.957 acres on property described as: SEE ATTACHED LEGAL DESCRIPTION

Section 13, 18, & 24,

Township 26 S,

Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning & 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 & Zoning Board recommended that the application be approved (*); and,

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(15PZ00003) – FMKT MEL OWNER, LLC – (Troy Cox) – requests a Small Scale Plan Amendment (15S.02) to change the Future Land Use from PLNIP (Planned Industrial Park) to CC (Community Commercial), and a change of classification from PIP (Planned Industrial Park) to BU-1 (General Retail Commercial) on property described as a parcel of land being a portion of **Sections 13 and 24, Township 26 S, Range 36 E**, Brevard County, Florida, described as follows: Commence at the SE corner of Section 13, Township 26S, Range 36E, Brevard County, Florida; thence run S88deg53'28"W, along the south line of said Section 13, a distance of 56.86 ft. for the point of beginning, thence run S53deg54'42"W, a distance of 207.50 ft. to a point on the easterly right-of-way line of Wickham Rd.; thence run N36deg05'18"W along said easterly right-of-way line, a distance of 153.67 ft.; thence run N53deg54'42"E, a distance of 10 ft.; thence run N36deg05'18"W, a distance of 168.96 ft.; thence run N08deg54'42"E, a distance of 22.63 ft.; thence run N36deg05'18"W, a distance of 25.16 ft.; thence run S53deg54'42"W, a distance of 12 ft.; thence run N36deg05'18"W, a distance of 104.30 ft.; thence run N81deg05'18"W, a distance of 19.80 ft.; thence run N36deg05'18"W along said easterly right-of-way line, a distance of 103.90 ft.; thence run N53deg54'42"E, a distance of 10 ft.; thence run N36deg05'18"W, a distance of 226.78 ft.; thence run S53deg54'42"W, a distance of 10 ft., thence run N36deg05'18"W along said easterly right-of-way line, a distance of 353.29 ft. to the beginning of a curve, concave to the NE, having a radius of 1,382.40 ft.; thence continue northwesterly along the arc of said curve and easterly right-of-way line through a central angle of 01deg11'36", an arc distance of 28.79 ft.; thence run N80deg32'04"E along the south line of those lands described in ORB 6772, Pages 146 through 162, Public Records of Brevard County, Florida, a distance of 534.35 ft.; thence run S36deg05'18"E, a distance of 155.39 ft.; thence run S53deg54'42"W, a distance of 229 ft.; thence run S36deg05'18"E, a distance of 800 ft.; thence run S53deg54'42"W, a distance of 41.50 ft. to the point of beginning. (7.444 acres); and a change of classification from PIP (Planned Industrial Park) to BU-2 (Retail, Warehousing, and Wholesale Commercial) on property described as a parcel of land being a portion of Section 13, Township 26 South, Range 36 East, and a portion of **Section 18, Township 26 South, Range 37 East**, Brevard County, Florida, described as follows: Commence at the SE corner of Section 13, Township 26S, Range 36E, Brevard County, Florida, thence run S88deg53'28"W along the south line of said Section 13, a distance of 56.86 ft.; thence run N53deg54'42"E, a distance of 41.50 ft. for the point of beginning; thence run N36deg05'18"W, a distance of 800 ft.; thence run N53deg54'42"E, a distance of 229 ft.; thence run N36deg05'18"W, a distance of 155.39 ft.; thence run N80deg32'04"E along the south line of those lands described in ORB 6772, Pages 146 through 162, Public Records of Brevard County, Florida, a distance of 443.50 ft. to a point on the westerly right-of-way line of the FECRR, a 100 ft. wide right-of-way; thence run S18deg50'32"E along said westerly right-of-way line, a distance of 792.27 ft.; thence run S53deg54'42"W, a distance of 390.59 ft. to the point of beginning. (9.957 acres) Located on the east side of N. Wickham Rd., approx. 0.20 mile south of Pineda Court. (No assigned address. In the Melbourne area.)