



22 S Orange St Fellsmere, Florida 32948
Telephone: (772) 646-6322 Fax: (772) 646-6359

AGENDA

PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY MEETING WEDNESDAY MARCH 6, 2024 – 5:05 P.M.

<https://meet.goto.com/152957533>

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC HEARING:

- a) **RESOLUTION NO. 2024-26** A RESOLUTION OF THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO. 2024-14 AMENDING CHAPTER 1 FUTURE LAND USE ELEMENT, GOAL FLUE B, FUTURE LAND USE MAP OBJECTIVE FLUE B-4 FELLSMERE 392 AND AMENDING THE COMPREHENSIVE FUTURE LAND USE MAPS TO CHANGE THE LAND USE CLASSIFICATION FROM REGIONAL EMPLOYMENT ACTIVITY CENTER (REAC) TO LOW DENSITY MIXED USE NEIGHBORHOOD (LDMXN) FOR 2.68 ACRES, MORE OR LESS, WITHIN THE DEVELOPMENT KNOWS AS “FELLSMERE PRESERVE”. / **PUBLIC HEARING**

5. PUBLIC COMMENTS:

6. NEXT MEETING: March 20, 2024

7. ADJOURNMENT:

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public can listen to and, if applicable, participate in the public meeting at 22 S. Orange St., Fellsmere, FL in the Council Chambers, in person, online or by phone.

Courtesy Access to Meeting

As a courtesy to the public, the city will attempt to provide coverage of the meeting by internet or telephonic means. Due to unforeseen technical or other difficulties access to the meeting may be interrupted or may not be possible at all via internet or by telephonic means, which will result in your inability to participate in the meeting. Should such technical difficulties occur, the meeting will continue without interruption and without your participation. To be assured of participation in the proceedings you must attend the meeting in person. For your information participation by internet or telephone does not constitute "presence" at the meeting under Florida law.

To join meeting from your computer, tablet, or smartphone:

<https://meet.goto.com/152957533>

To join meeting using your phone call+1 (646)749-3122 Access Code: 152-957-533

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that: If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26 Florida Statutes, any person who may need special accommodations or translators for this meeting must contact the City Clerk's Office at (772) 646-6301 or the TDD Line 772-783-6109 at least 48 hours in advance of the meeting.

Copies of the proposed Ordinance and Resolution are available for review in the Office of the City Clerk, 22 S. Orange Street, Fellsmere FL between the hours of 8:30 a.m. and 12 noon and 1:00 p.m. and 5:00 p.m., Monday through Friday. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinance and Resolution. The City Clerk must receive written comments at least 3 days prior to the Council meetings.

De conformidad con la Sección 286.0105 de los Estatutos de la Florida, la Ciudad informa al público de que: Si una persona decide apelar una decisión tomada por la junta, agencia o comisión con respecto a cualquier asunto considerado en dicha reunión o audiencia, necesitará un registro de los procedimientos, y que, para tal fin, él o ella puede necesitar asegurarse de que se realice un registro literal de los procedimientos, registro que incluya el testimonio y la evidencia sobre la cual se basará la apelación.

De acuerdo con la Ley de Estadounidenses con Discapacidades y la Sección 286.26 de los Estatutos de la Florida, las personas con discapacidades que necesiten adaptaciones especiales para participar en esta reunión deben comunicarse con la secretaria municipal al (772) 646-6301 o comunicarse con la Línea TDD 772-783-6109, al menos 48 Horas antes de la reunión.

Copias de las propuestas Ordenanzas y / o Resoluciones están disponibles para su revisión en la Oficina de la secretaria municipal de la ciudad, 22 S. Orange Street, Fellsmere FL entre las 8:30 a.m. y 12 mediodía y 1:00 p.m. y 5:00 p.m. de lunes a viernes. Las personas interesadas pueden asistir a la reunión y ser escuchadas con respecto a las propuestas de las Ordenanzas y Resoluciones. La secretaria municipal debe recibir comentarios por escrito al menos tres (3) días antes de las reuniones del Consejo.

P&Z03062024AGENDA.DOC

**PLANNING COMMISSION/LOCAL PLANNING AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS**

MEETING DATES **PZ:** March 6, 2024 **COUNCIL:** March 7, 2024

REQUEST: Comprehensive Plan Text and Future Land Use Amendment for Fellsmere 392 (Fellsmere Preserve).

REASON FOR REQUEST: In support of Planned Development.

DESCRIPTION: Developers of a 392-acre parcel on the north side of CR512 east Interstate 95 (I95) are requesting a future land use and text amendment to the Comprehensive Plan. The future land use amendment is to adjust the line between REAC and LDMXN future land use designations on the property to align the proposed parcel lines of the commercial plat. The text amendment adjusts certain of their site specific policies. The Applicant is also requesting an amendment to the Annexation Agreement for the same reasons. The Annexation Agreement amendment will be under a separate item after the Comprehensive Plan amendment is approved by the State..

Pursuant to our land development code, the zoning will be Planned Development District given the size of the parcel. The Planned Development will be under a separate item after the Comprehensive Plan amendment is approved by the State.

CONCURRENCY ISSUES: For the amendments, there are no concurrency issues since the proposed changes are de minimus in terms of impact to concurrency elements. Concurrency will be re-evaluated at time of development.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed changes are consistent with the Comprehensive Plan.

STAFF RECOMMENDATION: Conduct Public Hearing and Approve PZ Resolution 2024-26

RECOMMENDED PZ/LPA MOTION/ACTION: Approve PZ Resolution 2024-26.

ENCLOSED DOCUMENTS:

PZ Resolution 2024-26
CC Ordinance 2024-14

RESOLUTION NO. 2024-26

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO. 2024-14 AMENDING CHAPTER 1 FUTURE LAND USE ELEMENT, GOAL FLUE B, FUTURE LAND USE MAP OBJECTIVE FLUE B-4 FELLSMERE 392 AND AMENDING THE COMPREHENSIVE FUTURE LAND USE MAPS TO CHANGE THE LAND USE CLASSIFICATION FROM REGIONAL EMPLOYMENT ACTIVITY CENTER (REAC) TO LOW DENSITY MIXED USE NEIGHBORHOOD (LDMXN) FOR 2.68 ACRES, MORE OR LESS, WITHIN THE DEVELOPMENT KNOWN AS “FELLSMERE PRESERVE”.

WHEREAS, the Planning and Zoning Commission/Local Planning Agency held an advertised public hearing on _____, 2024 to consider the adoption of amendments to the Comprehensive Plan Chapter 1 Future Land Use Element, Goal FLUE B, Future Land Use Map Objective FLUE B-4 Fellsmere 392 and amending the Comprehensive Plan Future Land Use Maps to change the land use classification from REAC to LDMXN for 2.68 acres, more or less, as more fully provided in Ordinance No. 2024-14; and

WHEREAS, the Planning and Zoning Commission/ Local Planning Agency has determined that the proposed amendments to the Comprehensive Plan as set forth in Ordinance No. 2024-14 are consistent with the Comprehensive Plan and are necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission/ Local Planning Agency for the City of Fellsmere, as follows:

SECTION 1. The Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere, Florida, in accordance with Section 163.3174 Florida Statutes 2023, held a public hearing and heard comments from the public on _____, 2024.

SECTION 2. The Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere, Florida, recommends to the City Council that they adopt Ordinance No. 2024-14 amending the Chapter 1 Future Land Use Element, Goal FLUE B, Future Land Use Map Objective FLUE B-4 Fellsmere 392 and Future Land Use Maps Series for 2.68 acres of the Comprehensive Plan.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was moved for adoption by Commission Member _____ . The motion was seconded by Commission Member _____ and, upon being put to a vote, the vote was as follows:

Chairman, Revis “Buddy” Akers	_____
Commission Member Michael Barone	_____
Commission Member Jose Cardozo	_____
Commission Member Michael T. Rhueman	_____
Commission Member Claudia Luna	_____
Alternate Commission Member Dominic Foti	_____
Alternate Commission Member Eric Boissat	_____

The Chairman thereupon declared this Resolution fully passed and adopted this
_____ day of _____, 2024.

PLANNING & ZONING
COMMISSION/LOCAL
PLANNING AGENCY
CITY OF FELLSMERE, FLORIDA

Revis "Buddy" Akers, Chairman

ATTEST:

Dulce Villasenor, Commission/Agency Secretary

**ORDINANCE
NO. 2024-14**

AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE TEXT OF THE COMPREHENSIVE PLAN AMENDING CHAPTER 1. FUTURE LAND USE ELEMENT GOAL FLUE B. FUTURE LAND USE MAP, OBJECTIVE FLUE B-4 FELLSMERE 392 AND AMENDING THE COMPREHENSIVE FUTURE LAND USE MAPS TO CHANGE THE LAND USE CLASSIFICATION FROM REGIONAL EMPLOYMENT ACTIVITY CENTER (REAC) TO LOW DENSITY MIXED USE NEIGHBORHOOD (LDMXN) FOR 2.68 ACRES, MORE OR LESS; LOCATED IMMEDIATELY EAST OF INTERSTATE 95 AND NORTH OF COUNTY ROAD 512 WITHIN THE DEVELOPMENT KNOWN AS “FELLSMERE PRESERVE”; PROVIDING FOR RATIFICATION; AUTHORITY; COMPREHENSIVE PLAN TEXT AMENDMENT; MAP DESIGNATION; TRANSMITTAL PHASE; ADOPTION PHASE; TRANSMITTAL OF DRAFT PLAN AMENDMENT AND FINAL ADOPTION DOCUMENTS; COMPILATION; SEVERABILITY; CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapters 163 and 166, Florida Statutes, provides authority for the City of Fellsmere to prepare and enforce Comprehensive Plans for the development of the City; and

WHEREAS, Section 163.3161 et. seq. Florida Statutes (2023), established the Community Planning Act, which mandates the preparation of comprehensive plans and unified land development regulations for all units of local government; and

WHEREAS, the Florida Legislature has reconfirmed that Sections 163.3161 through 163.3217, Florida Statutes (2023), provides the necessary statutory direction and basis for city officials to carry out their comprehensive planning and land development regulations powers, duties and responsibilities; and

WHEREAS, the Comprehensive Plan has been found to be in compliance by the Department of Economic Opportunity; and

WHEREAS, Sections 163.3184 and 163.3187 Florida Statutes (2023), provide authority to adopt this Ordinance amending the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission acting as the Local Planning Agency has reviewed the proposed changes to the Comprehensive Plan and held an advertised public hearing on _____, 2024 and recommended to the City Council the adoption of the amendments to the Comprehensive Plan; and

WHEREAS, based upon public hearings and due consideration, the City Council believes that the health, safety, welfare, environmental and general conditions of the citizens of the City are furthered by the amendments to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, adopted and incorporated herein as legislative findings of the City Council.

SECTION 2. AUTHORITY. This Ordinance is being adopted pursuant to Article VIII, Section 2, Constitution of the State of Florida; Chapter 166, Part I, Florida Statutes (2023), and Chapter 163, Part II, Florida Statutes (2023).

SECTION 3. COMPREHENSIVE PLAN TEXT AMENDMENT. The Comprehensive Plan Chapter 1. Future Land Use Element Goal FLUE B. Future Land Use Map Objective FLUE B-4 Fellsmere 392 to read as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

SECTION 4. MAP DESIGNATION. Subject to the conditions set forth in Chapter 1 Future Land Use Element Goal FLUE B. Future Land Use Map Objective FLUE B-4 Fellsmere Preserve, LLC the Comprehensive Plan Future Land Use Maps shall be amended to include the following described land and designate the same in accordance with the requirements of Florida Law as follows:

LOW DENSITY MIXED USE NEIGHBORHOOD (LDMXN)
Legal Description and Sketch.

See Exhibit "B" attached hereto and by this reference made a part hereof.

SECTION 5. TRANSMITTAL PHASE. The Comprehensive Plan amendment to Chapter 1. Future Land Use Element Goal FLUE B. Future Land Use Map Objective FLUE B-4 Fellsmere 392 as set forth in Exhibit "A" and amendment to the Future Land Use Maps as set forth in Exhibit "B" are approved for transmittal to the review agencies and the State Land Planning Agency (Florida Department of Commerce) as provided in Section 163.3184 Florida Statutes 2023, within ten (10) working days after the initial public hearing.

SECTION 6. ADOPTION PHASE. The State land planning agency (Florida Department of Commerce) and reviewing agencies have reviewed the amendments as contained herein and had no comments related to important state resources and facilities that would be adversely affected by the amendments. Therefore, the text amendment to Chapter 1. Future Land Use Element Goal FLUE B. Future Land Use Map Objective FLUE B-4 Fellsmere 392 as set forth in Exhibit "A" and the Future Land Use Map amendment as set forth in Exhibit "B" are adopted as of the effective date of this Ordinance.

SECTION 7. TRANSMITTAL OF DRAFT PLAN AMENDMENT AND FINAL ADOPTION DOCUMENTS. The City Manager is directed to transmit a certified copy of this Ordinance and the Comprehensive Plan amendments and appropriate supporting data and analyses to reviewing agencies designated under Section 163.3184 (3) Florida Statutes 2023 within ten (10)

working days after the initial public hearing and proceed in accordance with the provisions of Chapter 163, Part II, Florida Statutes 2023. The adopted Comprehensive Plan amendments, along with all supporting data and analysis shall be transmitted within ten (10) working days after the second public hearing to the State land planning agency (Florida Department of Commerce) and any other agency or government that provided timely comments. See Section 163.3184(3) (b) 1 and (c) 2, Florida Statutes (2023).

SECTION 8. COMPILATION. The provisions of this Ordinance may be incorporated into the City of Fellsmere, Florida Comprehensive Plan and the word “ordinance” may be changed to “section”, “article”, “chapter”, or other appropriate word, and the sections of this Ordinance may be re-titled, re-numbered or re-lettered, to accomplish such condition.

SECTION 9. SEVERABILITY. If any section, part of a sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part.

SECTION 10. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of conflict.

SECTION 11. EFFECTIVE DATE. As set forth in Section 163.3184 Florida Statutes 2023, the effective date of this Comprehensive Plan amendment, if the amendment is not timely challenged, shall be as set forth in the Notice of Intent issued by the Florida Department of Commerce notifying the City that the Comprehensive Plan amendment is complete. If timely challenged, this amendment shall become effective on the date the Florida Department of Commerce, or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

PASSAGE UPON FIRST READING

The foregoing Ordinance was moved for passage upon first reading this ____ day of _____, 2024 by Council Member _____. The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Mayor Joel Tyson	_____
Council Member Fernando R. Herrera	_____
Council Member Inocencia Hernandez	_____
Council Member Gerry Renick	_____
Council Member Jessica Salgado	_____

ATTEST:

Maria Suarez-Sanchez, City Clerk

ADOPTION

The foregoing Ordinance was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Mayor Joel Tyson	_____
Council Member Fernando R. Herrera	_____
Council Member Inocencia Hernandez	_____
Council Member Gerry Renick	_____
Council Member Jessica Salgado	_____

The Mayor thereupon declared this Ordinance fully passed and adopted this _____ day of _____, 2024.

CITY OF FELLSMERE, FLORIDA

Joel Tyson, Mayor

ATTEST:

Maria Suarez-Sanchez, City Clerk

I HEREBY CERTIFY that Notice of the public hearings on this Ordinance was published in the Press Journal, as required by State Statute, that the foregoing Ordinance was duly passed and adopted on the ____ day of _____, 2024, and the first reading was held on the ____ day of _____, 2024, and that the first public hearing was held on the ____ day of _____, 2024, and that the second and final reading and public hearing was held on the ____ day of _____, 2024.

Maria Suarez-Sanchez, City Clerk

EXHIBIT "A"
TO
ORDINANCE NO. 2024-14

Comprehensive Plan Text Amendment

12.18.22

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**OBJECTIVE FLUE B-4. FELLSMERE PRESERVE, LLC
ORDINANCE NO. 07-07, (AMENDED BY
ORDINANCE NO. 2024-01, ADOPTED ON
_____, 2024)**

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The amendment to the Comprehensive Plan Future Land Use Maps as requested by Fellsmere Preserve LLC is subject to compliance with the following conditions and requirements, which shall run with the land.

1. The density of the residential development on the above-described land shall not exceed 1.857 dwelling units per acre and such development shall be limited to the lands designated as Low Density Mixed Use Neighborhood (LDMXN) on the Future Land Use maps. All density may be transferred from lands placed in conservation easements in support of St. Johns River Water Management district permitting to other LDMXN portions of the site described in Exhibit "A" attached hereto. The commercial activity shall be limited to the land described in Exhibit "C" attached hereto.

2. Upon receipt of all environmental permits from the St. John's River Water Management District, Corps of Engineers, Fish and Wildlife Commission, and Department of Environmental Protection, the lands determined by those agencies to be under jurisdictional governance shall automatically be placed under a conservation easement as defined within the City's Comprehensive Plan.

3. A 100-foot buffer shall separate the Indian River County Gun Range from any publicly used or accessible areas and be no less than 1000' from any habitable structure.

4. Existing vegetation shall be left to provide a natural noise buffer between the project and gun range.

5. Enhanced buffers shall be used when placing development near the Indian River County Industrial lands to the East, which may include additional space or additional vegetative materials. This shall be at the discretion of the City when reviewing development plans based upon the topography and other environmental features.

6. The development will incorporate Green Building (LEED) buildings and site standards. The developer will, to the extent feasible and as determined by the developer, incorporate Green Building (LEED) buildings and site standards. However, the incorporation of Green Building (LEED) buildings and Site Standards shall not be a requirement of the development to the extent feasible.

7. The owner/developer shall demonstrate prior to site plan approval that all concurrency provisions have been addressed or met including but not limited to: sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation facilities, including mass transit, where applicable.

12.18.22

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8. The development shall work with Indian River County and the City to provide a location for a transit stop; shall include internal pedestrian and bicycle paths; and provide connectivity between the residential and commercial portions of the development.

9. To the extent approved by the State, the development shall be accessible to the St. Sebastian River Preserve State Park.

10. The City and the owner/developer will work closely with the County's Economic Development personnel to recruit commercial or other development desired by Indian River County.

11. Architectural and site design standards shall provide for a uniform theme or character of the development, with a mix of styles and range of prices to assure access by various income groups.

12. Deed restrictions shall include disclosure of the St. Sebastian River Preserve State Park's conduct of proscribed burns and the existence of the gun range to the East.

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EXHIBIT "B"
TO
ORDINANCE NO. 2024-14

Comprehensive Plan Future Land Use Maps Amendment


LEGAL DESCRIPTION:
(BY SURVEYOR)

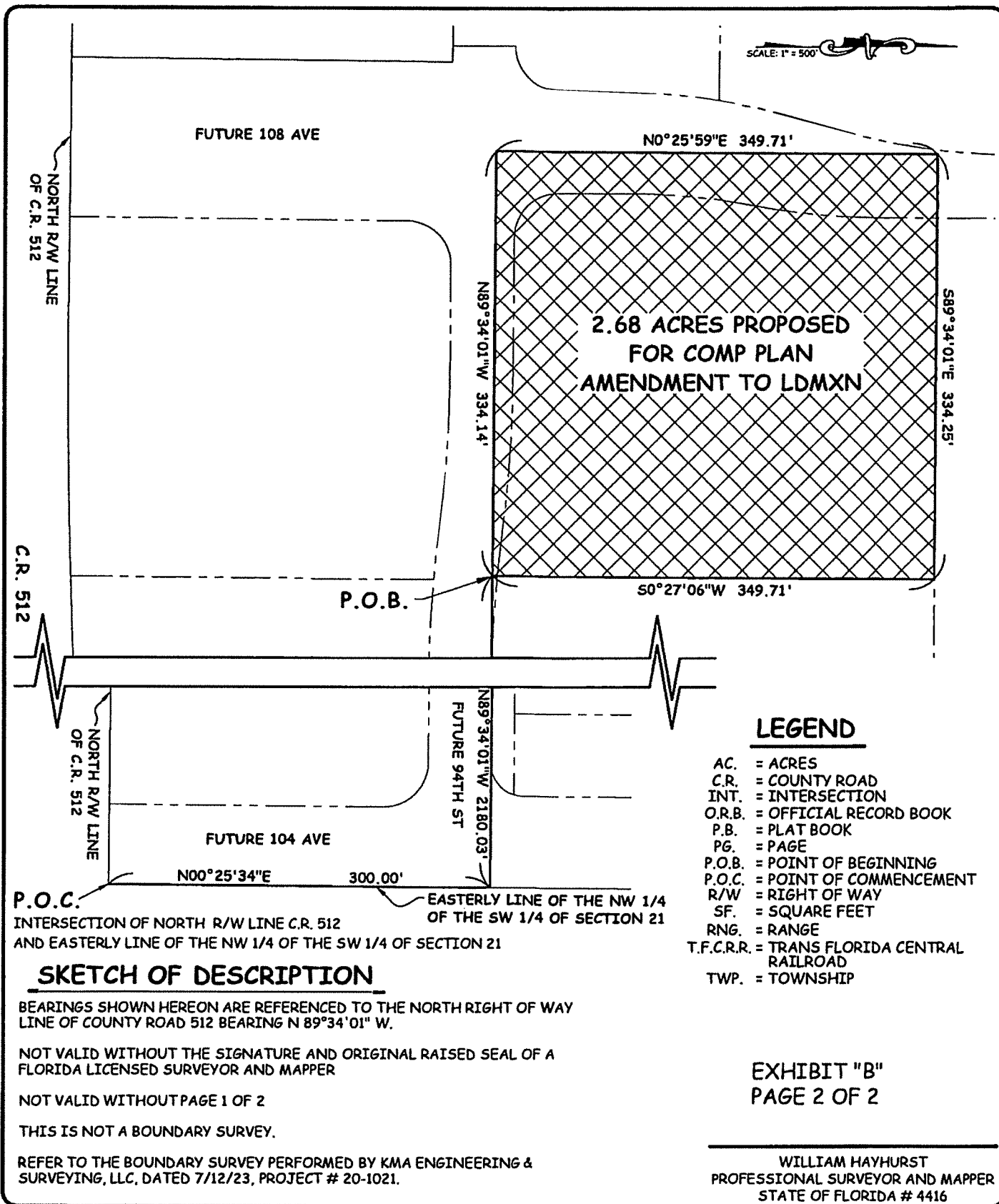
A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 31 SOUTH, RANGE 38 EAST. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 512 AND THE EASTERLY LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 21; THENCE ALONG SAID EASTERLY LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21 BEARING NORTH 00°25'34" EAST A DISTANCE OF 300.00 FEET; THENCE LEAVING SAID EASTERLY LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21 THENCE NORTH 89°34'01" WEST A DISTANCE OF 2180.03 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 89°34'01" WEST A DISTANCE OF 334.14 FEET; THENCE NORTH 00°25'59" EAST A DISTANCE OF 349.71 FEET; THENCE SOUTH 89°34'01" EAST A DISTANCE OF 334.25 FEET; THENCE SOUTH 00°27'06" WEST A DISTANCE OF 349.71 FEET TO THE **POINT OF BEGINNING**.

SAID PROPERTY CONTAINING WITHIN SAID BOUNDS 116,871 SQUARE FEET (2.68 ACRES) MORE OR LESS.

EXHIBIT "B"
PAGE 1 OF 2

JOB No.: 20-2095	DRAWN BY: PS/CW	CH	1/19/24	UPDATED LEGAL DESCRIPTION	SKETCH AND LEGAL DESCRIPTION PROPOSED ZONING MODIFICATION CITY OF FELLSMERE		ENGINEERING & SURVEYING, LLC. 3001 Industrial Ave 2 Fort Pierce, FL 34946 PHONE: (772) 569-5505 FBPE C.O.A. # 33705
	APPROVED BY: R. KEMERSON						
SHEET: 1 OF 2	SCALE: 1" = 500'						
	DATE: 02/10/2023						
	FIELD BOOK/PAGES N/A						
		DATE:		REVISIONS			




JOB No.: 20-2095	DRAWN BY: PS/CW
	APPROVED BY: R. KEMERSON
SHEET: 2 OF 2	SCALE: 1"=500'
	DATE: 02/10/2023
FIELD BOOK/PAGES N/A	

CW	1/19/24	REDUCED SCALE, ADDED LOTS & R/W LINES, UPDATED REFERENCED SURVEY & UPDATED LEGAL DESCRIPTION
CW	1/29/24	REDUCED SCALE
DATE:	REVISIONS	

SKETCH AND LEGAL DESCRIPTION

PROPOSED ZONING MODIFICATION

CITY OF FELLSMERE



KMA

ENGINEERING & SURVEYING, LLC.

3001 Industrial Ave 2
Fort Pierce, FL 34948
PHONE: (772) 568-5505
FBPE C.O.A. # 33705