



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting 2023-09
September 5, 2023 - 6:00 PM

City Hall Council Chambers, 120 Malabar Road SE

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. **Regular Meeting 2023-08, August 2, 2023**

ANNOUNCEMENTS:

OLD/UNFINISHED BUSINESS:

1. **CP23-00014 - Eldron Storage - KEW, LLC, Michael Erdman (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial. Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE**

NEW BUSINESS:

1. ****CU23-00003 – Emerson Plaza - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.) - A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances. A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW**
2. ****FD23-00007 - Chaparral Amenity Center - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) – A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development. A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW**

3. ****V23-00006 – CONTINUED TO 10/04 P&Z - River's Edge Mixed Use – Florida Institute of Technology, Robert King, President (David Bassford, P.E., MBV Engineering, Inc., Rep.) – A Variance to allow three proposed parking garage buildings to encroach 20 feet into the 20-foot front-yard setback for accessory structures, as established by Section 185.058(F)(8)(e) of the Palm Bay Code of Ordinances. A portion of Lots 6 and 10, Hopson's Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 6.92 acres. Located west of and adjacent to Dixie Highway NE, in the vicinity of Anglers Drive NE, specifically at 4400 Dixie Highway NE**
4. ****FS23-00007 – Timbers at Everlands Phase 1C - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C. A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW**
5. ****FS23-00008 – Timbers at Everlands Phase 2 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2. A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW**
6. **T23-00023 – Fences and Walls - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance**

OTHER BUSINESS:

ADJOURNMENT:

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the city clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (Section 59.03, Palm Bay Code of Ordinances)

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Land Development Division at (321) 733-3042 or Florida Relay System at 711.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

****Quasi-Judicial Proceeding.**



MEMORANDUM

DATE: September 5, 2023

SUBJECT: Regular Meeting 2023-08, August 2, 2023

ATTACHMENTS:

Description

- ▣ **P&Z/LPA Minutes - Regular Meeting 2023-08; August 2, 2023**

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2023-08

Held on Wednesday, August 2, 2023, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Robert Good led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
VICE CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Robert Good	Present
MEMBER:	Jeffrey McLeod	Absent (Excused)
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent (Excused)

Mr. McLeod's absence was excused.

CITY STAFF: Present were Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Ms. Alexandra Bernard, Principal Planner; Mr. Stephen White, Senior Planner; Ms. Tania Ramos, Senior Planner; Ms. Kimberly Haigler, GIS Planner; Ms. Chandra Powell, Recording Secretary; Ms. Patricia Smith, City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-07; July 5, 2023.

Motion to approve the minutes as presented.

Motion by Mr. Weinberg, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

ANNOUNCEMENTS:

1. Ms. Jordan informed the audience that Old/Unfinished Business Item 1, Case CU23-00008, had been withdrawn. Board action was not required to withdraw the case.

OLD/UNFINISHED BUSINESS:

1. ****CU23-00008 - WITHDRAWN - Car Wash - Royal Wash PSL, LLC (Chelsea Anderson, Esq., Mangrove Title & Legal, PLLC, Rep.) - A Conditional Use to allow a retail Car Wash in a GC-General Commercial District, in accordance with Section 185.054(D)(9) of the Palm Bay Code of Ordinances. Lots 1 through 6, Block 2211, Port Malabar Unit 38, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.15 acres. Specifically located at 1300 Malabar Road SE**

Case CU23-00008 was discussed under Announcements, Item 1.

NEW BUSINESS:

By board consensus, Ms. Jordan announced that New Business Item 16, Case T23-00020, would be heard at this time.

16. **T23-00020 - Construction Codes and Regulations - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay**

Mr. White presented the staff report for Case T23-00020. Staff recommended Case T23-00020 for approval.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether the proposed amendment would remove the Planning and Zoning Board review of regulations. He stressed that public input and questions, as well as solutions, occurred during the Planning and Zoning Board meetings.

The floor was closed for public comment, and there was no correspondence in the file.

In response to the comments from the audience, Mr. White stated that the subject request was regarding the Building Code and requirements, which were outside the purview of the planning agency. He noted that development standards for projects were not being changed.

Motion to submit Case T23-00020 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Good. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

Ms. Jordan addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to the City Council.

The board resumed consideration of items in the order that was set by the agenda.

1. ****CU23-00001 – EquipmentShare - Equipmentsshare.com, Inc. (Samantha Bischoff, Kimley-Horn and Associates, Inc., Rep.) - A Conditional Use to allow for automotive fuel, propane, and natural gas dispensaries and refueling stations subject to the following provisions: in the LI-Light Industrial and Warehousing District in accordance with Section 185.045(D)(1). Lots 7 through 9, Bay Commercial Center, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 4.86 acres. Generally located in the vicinity east of Robert J. Conlan Boulevard NE, and east of and adjacent to Transom Circle NE**

Mr. White presented the staff report for Case CU23-00001. Staff recommended Case CU23-00001 for approval, subject to the staff comments contained in the staff report and completion of the lot combination prior to site plan approval.

Ms. Samantha Bischoff, Kimley-Horn and Associates, Inc. (representative for the applicant) explained that EquipmentShare was a construction equipment rental company for contractors. The conditional use request was to permit two 500-gallon above-ground fueling tanks to refuel equipment.

Mr. Good commented on the refueling for just the company and not for public resale. Ms. Bischoff confirmed that this was correct.

Mr. Olszewski asked about the type of fuel to be dispensed. Ms. Bischoff believed that both the tanks would contain diesel fuel.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He stated that the site was good for the proposed use, but the use would not be appropriate at all LI sites.

The floor was closed for public comment, and there was no correspondence in the file.

Mr. Weinberg agreed that the request was appropriate for the location and noted that the fuel would not be for the public. Mr. Warner concurred and supported that new tank would be installed.

Motion to submit Case CU23-00001 to City Council for approval, subject to the staff comments contained in the staff report and completion of the lot combination prior to site plan approval.

Motion by Mr. Weinberg, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

2. **CP23-00008 – Hiawatha Gardens - Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial. Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE**

Mr. White presented the staff report for Case CP23-00008. Staff recommended Case CP23-00008 for approval.

Ms. Kelly Hyvonen, AICP, Land Development Strategies (representative for the applicant) stated that there was a companion textual amendment request for brew pubs on the agenda. She explained the unique brew pub concept planned for the subject site, which would include an onsite microbrewery/drinking establishment and a permanent area for rotating food trucks. No comments had been forthcoming from the two Citizen Participation Plan meetings that were held. She noted that the property already had an HC, Highway Commercial zoning designation.

Mr. Ronald Chabot (applicant) was also present to answer questions.

The floor was opened and closed for public comment; there were no comments from the audience and there was no correspondence in the file.

Motion to submit Case CP23-00008 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Good. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

By board consensus, Ms. Jordan announced that New Business Item 14, Case T23-00015, would be heard at this time.

14. **T23-00015 - Brew Pubs in HC District - Kelly Hyvonen, AICP, Land Development Strategies) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section**

185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District

Mr. White presented the staff report for Case T23-00015. Staff recommended Case T23-00015 for approval.

Ms. Kelly Hyvonen, AICP, Land Development Strategies (representative for the applicant) stated that the subject request for brew pubs met the intent of the HC, Highway Commercial District.

Mr. Ronald Chabot (owner of property at 1191 River Drive NE) addressed board questions regarding his specific site that had initiated the textual amendment. Mr. Anderson reminded the board that only the textual amendment was under consideration at this time.

Ms. Hyvonen and Mr. Chabot responded to questions from the board regarding the River Drive property that was owned by Mr. Chabot. Mr. Olszewski remarked that the discussion should be germane to the textual amendment request.

The floor was opened and closed for public comments; there were no comments from the audience and there was no correspondence in the file.

Motion to submit Case T23-00015 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

The board resumed consideration of items in the order that was set by the agenda.

3. ****Z23-00012 - Greenacre - Lawrence Kramer - A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District. Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE**

Ms. Ramos presented the staff report for Case Z23-00012. Staff recommended Case Z23-00012 for approval.

Mr. Lawrence Kramer (applicant) stated that the subject request made sense.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He commented on how the site had not been developed under the current IU designation, and office space would be beneficial in bringing business revenue to Malabar Road. A coffee shop, however, would cause a massive influx of morning traffic.

Mr. Michael Scott (resident at Waterman Lane SE) spoke against the request. The applicant did not have a plan or a developer that was ready to build, so there was no need for a change.

Mr. Lynn Deffenbaugh (resident at Waterman Lane SE) spoke against the request. There was no clear or immediate reason to rezone the parcel. Rezoning the subject site would leave the south adjacent property as an isolated Institutional Use site. He noted how there was undeveloped commercial land and vacant commercial buildings along Malabar Road, whereas IU sites were not as prevalent. IU provisions were of more value to the overall development and a support to the citizens of Palm Bay.

In response to the comments from the audience, Mr. Kramer stated that the property had been for sale for years without any interest, and the zoning change to commercial would make the property more relevant for potential buyers.

The floor was closed for public comments, and there was no correspondence in the file.

Mr. Weinberg commented that the land use for the property was already commercial, Malabar Road was a commercial corridor, no interest was shown in developing the site under the existing IU designation, and the proposed zoning conformed with the existing commercial land use.

Motion to submit Case Z23-00012 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Boerema. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Olszewski, Warner.

Nay: Good.

Mr. Good supported the opinion that there was not a present need to change the zoning.

4. ****Z23-00011 - The Essence Palm Bay - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.) - A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District. Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE**

Ms. Bernard presented the staff report for Case Z23-00011. Staff recommended Case Z23-00011 for approval.

Ms. Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law (representative for the applicant) stated that the former Crystal River Palace Assisted Living Facility on the subject site had closed in August of 2020. She described by PowerPoint the affordable and workforce housing facility called the Essence at Palm Bay that was planned for the derelict property. Remodeling of the existing facility and the new building construction would be done in two phases. Facilities could open in 12 months with project completion within three years. She noted that the Citizen Participation Plan Meeting was not attended by any residents.

The floor was closed for public comments, and there was no correspondence in the file.

Mr. Weinberg remarked on how the site had been a vacant eyesore for years and would now meet the need for affordable housing.

Motion to submit Case Z23-00011 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Boerema. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

5. **CP23-00014 - REQUEST TO CONTINUE TO 09/05 P&Z - Eldron Storage - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial. A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE**

Ms. Jordan announced the request to continue Case CP23-00014 to the September 5, 2023 Planning and Zoning Board meeting. Board action was required.

Motion to continue Case CP23-00014 to the September 5, 2023 Planning and Zoning Board meeting.

Motion by Mr. Weinberg, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

City Council will hear Case CP23-00014 on September 21, 2023.

6. ****FS23-00006 - Commercial at Heritage Square - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square. Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW**

Ms. Ramos presented the staff report for Case FS23-00006. Staff recommended Case FS23-00006 for approval.

Mr. Olszewski asked if each of the four subject lots would have an onsite building. Ms. Ramos confirmed that the four lots would be developed separately.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant) informed the board that there was an approved set of construction plans for the development.

Mr. Olszewski inquired whether the project would be involved with the intersection widening. Ms. Saunders stated that the project would not be involved with any intersection related work, but there would be turn lanes constructed off St. Johns Heritage Parkway NW for the subject property. The project would also have two access points off Malabar Road NW.

Mr. Weinberg commented that the commercial development was a long time coming and badly needed in the area.

Motion to submit Case FS23-00006 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

7. **PS23-00006 - Bayside Landing - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.) - A Preliminary Subdivision Plan to allow for a proposed development of 88 townhome units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE**

Ms. Ramos presented the staff report for Case PS23-00006. Staff recommended Case PS23-00006 for approval.

Mr. David W. Bassford, P.E., MBV Engineering, Inc. (representative for the applicant) was present to answer questions.

Mr. Weinberg asked if the prior concessions the applicant had made to the area residents would still be in effect. Mr. Bassford confirmed that the previous concessions were being addressed in accordance with what had been agreed to.

Mr. Weinberg wanted to know why the project was back before the board. Mr. Anderson stated that the project had previously received a final development plan approval. The subject request was for a preliminary plat approval.

The floor was open for public comment.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He supported the concessions the applicant had previously made to the area residents. He wanted to know when Osmosis Drive SE would connect to De Groodt Boulevard SW to alleviate traffic, and if the developer would be responsible for any of the costs.

Mr. Alan Jurison (resident at Dillard Drive SE) spoke in favor of the request. He wanted the green area of existing vegetation, trees, and drainage that the applicant had agreed to leave untouched to be shown on the lead sheet of the plat plan.

Mr. Robert Stise (resident at Windbrook Drive SE) spoke against the request. He commented on how there was a lack of infrastructure and emergency services in place to support all the developments that were being allowed into the area. The quality of life for existing residents was being affected by suburban gridlock.

Mr. Gary Chaney (resident at Abernathy Circle SE) spoke against the request. He was concerned about an increase in traffic and crime because of more residential development that was not needed in Bayside Lakes. He would prefer more churches, nature, and wildlife for the area.

Mr. John Magee (resident at Thornwood Drive SE) spoke against the request. He believed that the City was trying to leverage into the Bayside area multiple-family townhomes with no thought to the impact on current residents. There was one fire station and no police stations currently serving the entire area. Multiple-family

housing was being plugged into open land just to fill space, and after the developers were gone, the City would receive the tax base, but residents would be left with the problems created by the overcrowding.

Mr. Anderson reminded the board that the area had already received final development plan approval and its entitlements. The board was to determine whether the preliminary plat was in accordance with the approved final development plan.

In response to the comments from the audience, Mr. Bassford stated that all applicable criteria had been met for the project. He noted that the townhomes had been included in the development at the request of the City. A traffic study had been redone to include a traffic signal warrant analysis.

The floor was closed for public comments.

Mr. Olszewski was pleased that the applicant had tried to finesse the property to accommodate the residents.

Mr. Weinberg commented that all entitlements had been met.

Motion to submit Case PS23-00006 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Boerema. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

8. **CP23-00015 - Thrifty Produce Malabar at Green Acres - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE**

Ms. Bernard presented the staff report for Case CP23-00015. Staff recommended Case CP23-00015 for approval.

Mr. John Newton, Newton Real Estate and Development (representative for the applicant) stated that he was a real estate developer and the project manager for the potential buyer of the subject land. The intent was to have a shopping center with Thrifty Produce and Meats as the anchor store. Thrifty would be the owner and primary occupant of the site with 8,000 square feet of additional rental space to attract compatible, family-oriented tenants.

Mr. Weinberg asked about the intended use of the flag lot area. Mr. Newton stated that the southern end of the property was planned for stormwater retention. He assured the board that the pole section of the property would remain undeveloped and there would be no driveway access into the adjacent residential subdivision.

Mr. Good asked if Thrifty was relocating from their Palm Bay Road NE location. Mr. Newton stated that the requested site would be an additional location.

Mr. Olszewski asked about the full-service store that was planned for the property, the proposed unit sizes, and he wanted to know what was considered compatible partner uses for the location. Mr. Newton stated that the size and floor plan was for a full grocery store like the Thrifty store in Rockledge. Thrifty would occupy 30,000 square feet of space, but there were no set plans or uses proposed at this time for the additional 8,000 square feet. However, larger truck deliveries would be fewer because of the distribution warehouse on Palm Bay Road. He commented on how the Malabar Road property where Thrifty had attempted to locate four or five years ago had been too far west for the business. He said that a hardware store would be a compatible use at the site.

Mr. Olszewski wanted to be sure that the itemized list of commercial uses feared by the area residents were not permitted uses for the property. Ms. Bernard confirmed that this was correct.

The floor was opened for public comments, and there was one item of correspondence in the file in opposition to the request as well as correspondence from the applicant in response to an itemized list of area concerns.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He said that commercial business made sense for the area. He noticed that the exit points were placed before the entrance for the establishment, which would create a crisscross in traffic. Morning traffic would also be a problem as the grocery store driveway would be too close to the coffee shop entrance that was planned to the east.

Mr. Lynn Deffenbaugh (resident at Waterman Lane SE) spoke against the request. A gopher tortoise study should be done for the property as there was a gopher tortoise and habitat present on the site.

In response to the comments from the audience, Mr. Newton advised the board that the project was at the beginning stage of the development process. Design and environmental studies would be forthcoming in future stages.

The floor was closed for public comment.

Motion to submit Case CP23-00015 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Good. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

9. ****CPZ23-00008 - Thrifty Produce Malabar at Green Acres - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.) - A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Located at Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE**

Ms. Bernard presented the staff report for Case CPZ23-00008. Staff recommended Case CPZ23-00008 for approval.

Mr. John Newton, Newton Real Estate and Development (representative for the applicant) stated the subject request was to obtain the proper zoning to allow for the Thrifty Produce and Meats grocery store.

Mr. Olszewski wanted to know what could be done to restrict development from occurring in the southern section of the property adjacent to Waterman Lane SE. Mr. Anderson discussed an extended setback; however, the retention pond planned in that area would already accomplish the intent of the setback. Mr. Newton was concerned with how an extended setback would impact the retention pond. The strip of land might also be needed in the future to help alleviate existing drainage problems in the neighborhood. Mr. Anderson explained that a building setback would not influence the stormwater pond, and that the size of the strip would need to be known for a restriction. He noted that the design of the property would not allow access through the area.

Ms. Jordan suggested a condition to prevent access onto Waterman Lane NE instead of a setback to simplify the matter. Mr. Anderson stated that this would be allowed.

The floor was opened for public comments, and there was one item of correspondence in the file in opposition to the request as well as correspondence from the applicant in response to an itemized list of area concerns.

Mr. Lynn Deffenbaugh (resident at Waterman Lane SE) spoke against the request. He stated how rezoning over six acres of land deeply extended into a residential neighborhood should not be taken lightly. More than half the site abutted residential communities on the east, west, and south sides. He wanted a condition placed on the request to allow the site to revert back to its Public/Semi-Public Use and Institutional Use zoning and land use designations if the grocery store failed to occur in a reasonable timeframe. Thrifty had failed to develop their Malabar Road site after receiving commercial designations that impacted the surrounding neighborhoods. He mentioned Coral Key as an example of a development that had to have an approved site plan or revert to its original zoning designation.

Mr. Anderson clarified for the board that Coral Key had been assigned a tentative zoning designation during its development plan approval process. The subject request, however, was for a regular zoning change.

Ms. Melanie Carter (resident at Waterman Lane SE) spoke against the request. She noted that the subject site and project would be about three times larger than Thrifty's Palm Bay Road location. The project would generate more vehicles, foot traffic, clientele, and truck deliveries, especially with the additional rental spaces. Noise, privacy, and safety issues were being forced upon the surrounding homes to the west, east and south. Exiting Greenacre Drive SE onto Malabar Road SE was already a problem, and the additional traffic would add to the challenge. She suggested a limited use of the site to the front three acres closest to Malabar Road in line with the other established businesses to prevent a direct intrusion into the residential neighborhood.

Mr. Roger Carter (resident at Waterman Lane SE) spoke against the request. The subject site did not meet the definition of a transitioning property as the location extended deeply into a well-established residential area.

In response to the comments from the audience, Mr. Newton stated that concerns had been addressed during the public meetings and in comments to staff. He understood the neighborhood concerns but ventured that the commercial land had existed prior to any homes being built. He assured the board that the only access would be off Malabar Road, noise would be minimized, cameras would not face residential yards, and walls at an adequate height would be installed where necessary to protect the residents to the left and right of the building.

The floor was closed for public comments.

Mr. Weinberg remarked on how Malabar Road was clearly a commercial corridor.

Motion to submit Case CPZ23-00008.

Motion by Mr. Weinberg, seconded by Mr. Good.

Mr. Olszewski asked for a restriction to prohibit access onto Waterman Lane NE.

Motion amended to submit Case CPZ23-00008 to City Council for approval subject to the condition that no ingress/egress be allowed on Waterman Lane SE.

Motion by Mr. Weinberg, seconded by Mr. Good. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

10. ****CU23-00010 – Malabar Mini Storage - Ansl & Sons, LLC (Jake Wise, P.E., Construction Engineering Group LLC, Rep.) - A Conditional Use to amend an existing resolution to allow for a proposed three-story self-storage facility subject to the following provisions: in the Community Commercial District in accordance with Section 185.043(D)(9). Tax Parcels 20 and 7, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 4.93 acres. Generally located in the vicinity south of Malabar Road SE and west of Valor Drive SE, specifically at 920 Malabar Road SE**

Ms. Haigler presented the staff report for Case CU23-00010. Staff recommended Case CU23-00010 for approval, subject to the staff comments contained in the staff report and completion of the lot combination prior to site plan approval.

Mr. Weinberg questioned if only 12 units were being added with the additional stories and the 32,000 square foot increase. He asked if more parking spaces would be required. Ms. Haigler stated that the applicant had originally estimated 600 units and was now committing to 612 units. Additional parking would not be required.

Mr. Olszewski asked if the building was presently being built to three-story specifications. Mr. Anderson explained that a stop work order was in place for the third story construction, and the City had allowed the third floor to be fortified to avoid a public hazard or nuisance. He commented on how site development was still allowed for the approved 64,000 square foot, two-story building, but an overreach by previous staff had allowed a revision that should have come back for conditional use approval. He explained that the building was allowed three stories, but the storage use would be limited to two stories without the conditional use.

Mr. Olszewski asked the City Attorney about the burden of consideration due to the situation. Ms. Smith advised the board that consideration of the subject request should be handled like any conditional use, which was based on conditional use standards in the code. How the request came about was not relevant to the board's decision.

Mr. Warner asked if the existing building was currently three stories. Mr. Anderson stated that the third story was not fully complete, but a roof was in place to keep the structure secure.

Mr. David Tom, Construction Engineering Group LLC (representative for the applicant) stated that he was the engineer of record for the project. The subject request was to determine whether the third floor could be used for storage. A request by a rear resident at the Citizen Participation Plan meeting to switch one oak tree with a red cedar tree would be done. Stormwater layout was also discussed with residents. He commented on how storage facilities were low traffic generators and good neighbors. He informed the board that the property owner was also in attendance to answer questions.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He indicated how the problem with the subject request was a perfect example of what happened when plans were not known before modifications were allowed. The stop order was a financial cost to the builder and a severe embarrassment to the City. He recommended approval of the request as it was not the applicant's mistake.

The floor was closed for public comments, and there was no correspondence in the file.

Mr. Weinberg commented that the three-story building was currently allowed, and it was just the storage use for the third floor that was under consideration. There was only 12 units being added, and the footprint of the structure would not change.

Motion by Mr. Weinberg to submit Case CU23-00010 to City Council for approval subject to the staff comments contained in the staff report.

Mr. Warner commented that the third floor was already in place, and the structure should not be left to become a derelict eyesore.

Motion by Mr. Weinberg, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Warner.

Nay: Olszewski.

11. **T23-00017 - Billboard and Interchange Signs - All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes**

Ms. Bernard presented the staff report for Case T23-00017. Staff recommended Case T23-00017 for approval.

Mr. Olszewski wanted to know what was referred to as an interchange sign. Ms. Bernard stated that the code was currently silent regarding interchange signs. The intent of the subject request was to align the distance requirement for interchange signs with the distance requirement for billboard signs.

Ms. Jordan inquired about the City's ability to place announcements on interstate and billboard signs. Ms. Bernard stated that the City's Communications Division could partner with the community to broadcast announcements like storm events.

Mr. Matthew Ashley (representative for the applicant) indicated that an interstate sign was considered the same as a digital billboard sign. He said that the proposed amendment would bring the City code up to state statute.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether the City's current billboard signs met the new criteria.

Mr. Anderson clarified that the City code distinguished a minor difference in billboard and interstate signage. However, the subject request was concerning the distance between billboards, which would result in less billboards within a given area.

Mr. Olszewski asked about the motivation for the request, if there was a project waiting to move forward. Mr. Anderson stated that less billboards would allow for a better skyline view and more visibility of each sign. There was no project aspect for the proposed request.

The floor was closed for public comments.

Motion to submit Case T23-00017 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Boerema. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

12. **T23-00013 - Commercial Vehicles In Residential District - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts**

Mr. White presented the staff report for Case T23-00013. Staff recommended Case T23-00013 for approval.

Mr. Olszewski inquired about vehicles that would not be considered large vehicles, and he asked about untagged and inoperable vehicles. Mr. White explained how the City code considered some company trucks that were taken home to be commercial vehicles. By state statute, however, a commercial vehicle at a residence would only require a commercial driver's license. Work vehicles could now be brought home when the gross vehicle weight was not above 15,000 pounds. He stated how vehicles that were damaged or in need of repair would have to be parked in an enclosed structure. Mr. Anderson added that inoperable vehicles were allowed within the bounds of a six-foot high fenced side or rear yard area.

Mr. White gave further details and definitions regarding the code.

Mr. Olszewski did not like that the provisions for commercial and work vehicles were mixed in with the provisions for residential vehicles. He was also opposed to removing parameters for parking recreational vehicles in residential yards. Mr. White explained that the code was outlined as the authorized parking within the residential district, which encompassed the types of commercial vehicles that were allowed. Mr. Anderson clarified that the proposal did not remove the ability to appropriately park recreational vehicles within residential yards.

Mr. Olszewski asked if the same residential parking rules applied to the RR, Rural Residential District. Mr. White noted that parking guidelines outlined in each zoning district had not been changed.

Mr. Good questioned where the parking guidelines for recreation boats were relocated in the code. Mr. White stated that based on state statute, boats were now considered motorized vehicles.

Mr. Warner asked if the code would affect a residence with four operable vehicles. Mr. White stated that it would not.

Mr. Warner preferred the separation of the commercial and residential parking aspects for better clarity. Mr. White reiterated that the proposal was not about commercial parking, the amendment was about parking commercial vehicles in residentially zoned districts, so the types of commercial vehicles had to be defined. Mr. Anderson added that the inclusion or exclusion of residential, commercial, and recreational vehicles had to be addressed by the amendment.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) asked if the change would require him to file another agricultural affidavit. Mr. Anderson indicated that a refiling would not be necessary.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case T23-00013 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Good. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

13. **T23-00014 - Lot Split and Lot Reconfiguration - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay**

Mr. White presented the staff report for Case T23-00014. Staff recommended Case T23-00014 for approval.

Mr. White questioned how the proposed amendment would prevent the problems that occurred with different land uses on a site. Mr. White explained that tracking dual zonings or land uses would avoid the creation of non-conforming lots. It would allow the sites to go through platting instead of consistently being split before staff was aware of the problem. Mr. Anderson added that the amendment allowed for a more updated and consistent GIS mapping capability, and staff would be able to suggest appropriate processes and land designations prior to any illegal lot splits. He noted that the board would now review site specific areas instead of entire parcels.

Ms. Jordan asked if the process would be handled administratively. Mr. Anderson stated that the process would be done administratively for a nominal to be determined fee.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) asked about the process to notify the Brevard County Property Appraiser for taxing purposes.

Mr. Anderson stated that the subject procedures would not subjugate nor nullify the County process. The procedures would be in addition to the County process and a

caveat to contact the Brevard County Property Appraiser could be included on the form. Mr. White added that the Property Appraiser's checklist for lot combinations or splits directed applicants to their local municipalities for the zoning. At this point, staff would now ensure legal lot conformity prior to any action with the County.

Mr. Olszewski suggested that staff inform the Property Appraiser about the new procedure. He stated that the new system would set property owners up for success. Mr. Anderson agreed to notify the County.

Motion to submit Case T23-00014 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Olszewski. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

14. **T23-00015 - Brew Pubs in HC District - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District**

Case T23-00015 was discussed under New Business, following Item 2.

15. **T23-00019 - Subdivision Building Permit Issuance - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes**

Ms. Haigler presented the staff report for Case T23-00019. Staff recommended Case T23-00019 for approval.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case T23-00019 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Boerema. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

16. **T23-00020 - Construction Codes and Regulations - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay**

Case T23-00020 was discussed under New Business as the first item.

OTHER BUSINESS:

1. **Rescheduled September Planning and Zoning Board Meeting.**

The board was reminded that the September Planning and Zoning Board meeting was rescheduled to 6:00 p.m., Tuesday, September 5, 2023.

ADJOURNMENT:

The meeting was adjourned at approximately 8:43 p.m.

Leeta Jordan, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

****Quasi-Judicial Proceeding**



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Kimberly Haigler, GIS Planner

DATE: September 5, 2023

SUBJECT: CP23-00014 - Eldron Storage - KEW, LLC, Michael Erdman (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial. Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE

ATTACHMENTS:

Description

- ▣ CP23-00014 - Staff Report
- ▣ CP23-00014 - Site Sketch
- ▣ CP23-00014 - Citizen Participation Meeting Report
- ▣ CP23-00014 - Application
- ▣ CP23-00014 - Letter of Authorization
- ▣ CP23-00014 - Legal Acknowledgement
- ▣ CP23-00014 - Legal Ad
- ▣ CP23-00014 - Correspondence



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Kimberly Haigler, GIS Planner

CASE NUMBER

CP23-00014

PLANNING & ZONING BOARD HEARING DATE

September 5, 2023

PROPERTY OWNER & APPLICANT

Michael Erdman, Managing Member,
KEW LLC (Kim Rezanka and Lacey
Lyons Rezanka, Rep.)

PROPERTY LOCATION/ADDRESS

Tract I-3, Block 13, Bayside Lakes Commercial Center
Phase 2, Section 19, Township 29, Range 37, Brevard
County, Florida; Located west of Eldron Blvd. SE, north
of the intersection of Eldron Blvd. SE and Bayside
Lakes Blvd. SE, southwest of Odyssey Charter School;
Tax Account 2962315

SUMMARY OF REQUEST

The applicant is requesting a Small-Scale Comprehensive Plan
Future Land Use Map Amendment for approximately 7.43 acres of
split Commercial and Low Density Residential to Commercial.

Existing Zoning

PUD - Planned Unit Development

Existing Land Use

LDR - Low Density Residential

Site Improvements

Undeveloped

Site Acreage

7.43 acres

SURROUNDING FUTURE LAND USE & USE OF LAND

North

LDR - Low Density Residential & ROS - Recreation & Open Space

East

LDR - Low Density Residential & ROS - Recreation & Open Space

South

COM – Commercial & ROS - Recreation & Open Space

West

ROS - Recreation & Open Space

BACKGROUND:

The subject parcel is located west of Eldron Blvd. SE, north of the intersection of Eldron Blvd. SE and Bayside Lakes Blvd. SE, and southwest of Odyssey Charter School. Only the western portion of the parcel, approximately 3.94 acres is included in this request. The eastern 3.49 acres of the parcel was granted a Future Land Use of Commercial in 2005 (O-2005-82) and has since remained undeveloped.

The applicant intends to construct an indoor self-storage business on the parcel, which requires that the parcel have a unified Commercial Future Land Use.

The applicant has demonstrated compliance with the Citizen Participation Plan as outlined in section 169.0005 of the Land Development Code and the community meeting was held on March 30, 2023.

ANALYSIS:

Per Chapter 183: Comprehensive Plan Regulations, Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

1. FUTURE LAND USE ELEMENT

The Comprehensive Plan (Plan) FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

Objective FLU-1.4 Provide and maintain FLUCs and zoning districts that would accommodate a diverse range of nonresidential activities of varying types and sizes.

The subject property is located within Bayside Lakes Commercial Center Phase 2, along the northern border of a commercially developed center at the intersection of Eldron Blvd SE and Bayside Lakes Blvd SE.

The request to change the Future Land Use from Low Density Residential and Commercial to Commercial is in alignment with the objective FLU-1.4 of the Comprehensive Plan, as it will allow the opportunity for expanded commercial development in an already established major commercial intersection. Although this property does abut an established neighborhood, the plat for this parcel requires a 50-foot wide “preservation buffer”, which will provide a compatible transition between the established neighborhood and established commercial corridor.

2. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

No protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.6A.

Coastal Management: The subject property is not located within the Coastal Management Area.

3. HOUSING ELEMENT

The goal HSG -1 of the Housing element in the Comprehensive Plan is to cultivate a diverse, safe and affordable housing stock which meets the needs of all current and future residents of Palm Bay.

The proposed FLU amendment will not have a significant impact the supply and variety of safe, decent, attractive, and affordable housing within the City as the request is for a commercial land use.

4. INFRASTRUCTURE ELEMENTS

The City evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure to support development.

Utilities: The proposed FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for utilities. Water and sewer lines run to this site and will be connected to.

Drainage: If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the City during the site plan review process.

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment to Commercial will not add the potential of any additional housing units. As such, a School Concurrency application is not required per the Interlocal Agreement with Brevard Public Schools.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment to Commercial will have a De minimis impact on the demand for recreation services.

7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that adequately serves the needs of all residents and visitors of Palm Bay. If the site is developed, a traffic impact analysis may be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the site plan review/approval process.

8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

This proposed land-use change does not appear to infringe upon the property rights of the applicant.

STAFF FINDINGS:

Staff recommends Case CP23-00014 for approval.



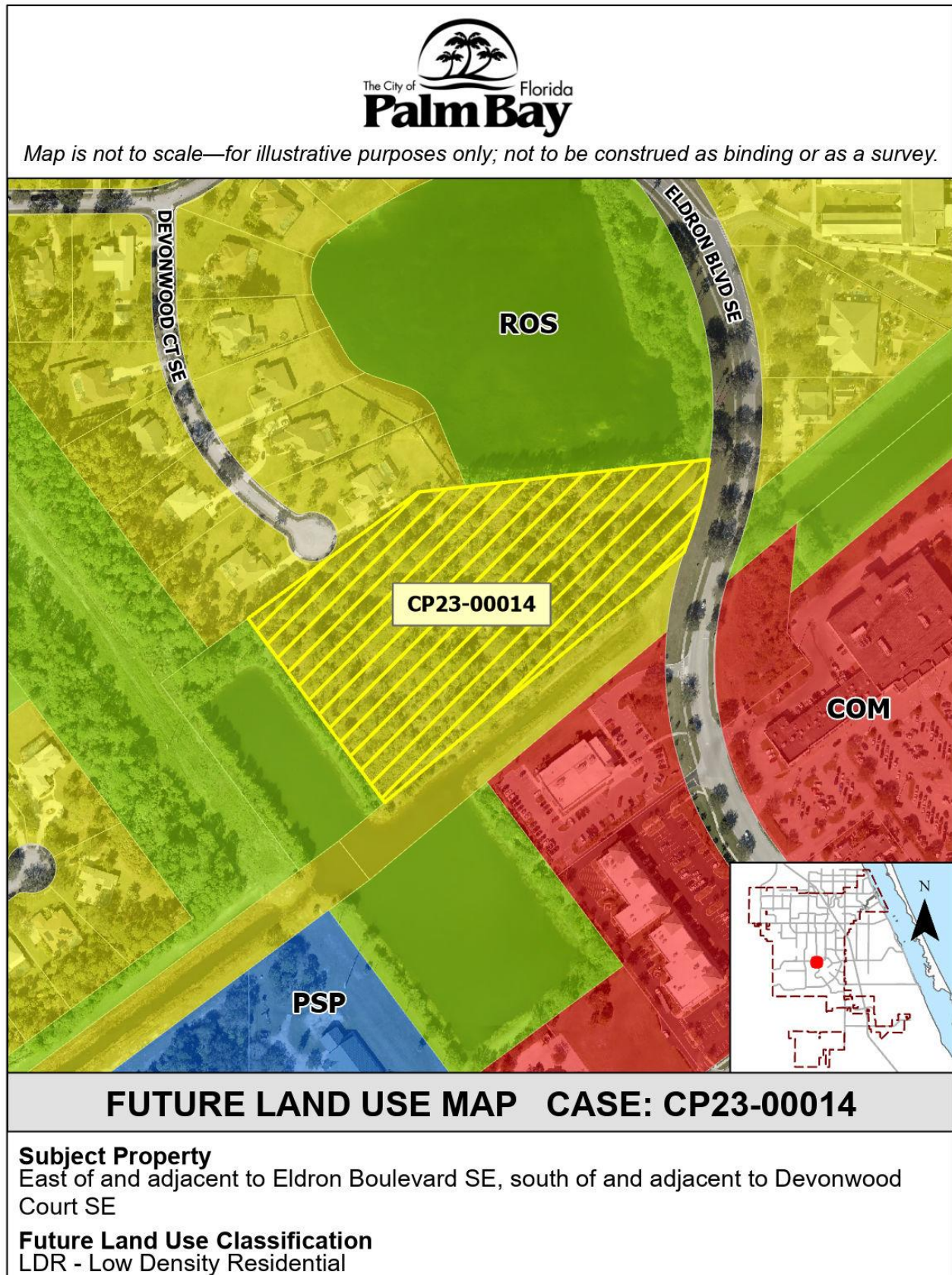
Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



AERIAL LOCATION MAP CASE: CP23-00014

Subject Property

East of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



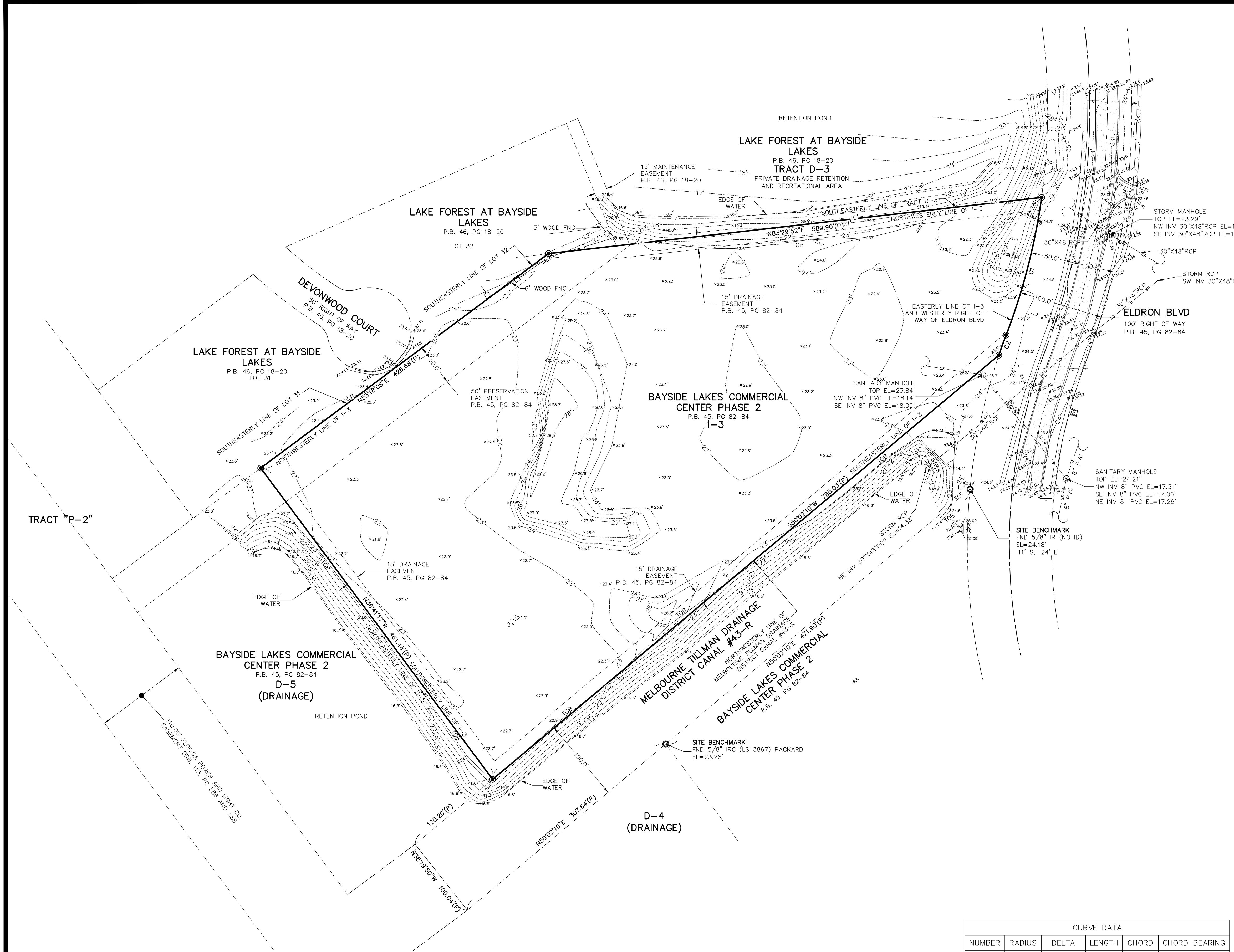
ZONING MAP CASE: CP23-00014

Subject Property

East of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE

Current Zoning Classification

PUD - Planned Unit Development



CURVE DATA					
NUMBER	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1(C)	750.00'	12°56'32"	169.41'	169.05'	S14°26'48"W
C1(P)	750.00'	12°56'27"	169.40'	169.04'	N14°26'50"E
C2(C)	700.00'	02°04'49"	25.42'	25.41'	S19°52'40"W
C2(P)	700.00'	02°04'57"	25.44'	25.44'	N19°52'36"E

LEGEND	
	ASPHALT SURFACE
	CONCRETE SURFACE
	FOUND MONUMENT AS NOTED
	FOUND CM AS NOTED
	SET 1/2" IRON ROD & CAP
	LB#593
	CURB STORM INLET
	ELECTRIC BOX
	LIGHT POLE
	STORM MANHOLE
	BACK FLOW PREVENTER
	FIRE HYDRANT
	FIBER OPTIC BOX
	SANITARY MANHOLE
	WATER METER
	WATER VALVE
	PULL BOX
	SIGN
	CM CONCRETE MONUMENT
	IRC IRON ROD & CAP
	ORB OFFICIAL RECORDS BOOK
	PB PLAT BOOK
	POB POINT OF BEGINNING
	POC POINT OF COMMENCEMENT
	PG PAGE(S)
	SQ.FT. SQUARE FEET
	(P) PLATED DATA
	RCP REINFORCED CONCRETE PIPE
	INV INVERT
	EL ELEVATION
	PG PAGE(S)
	FOUND
	TOB TOP OF BANK
	WOOD FENCE
	SS SANITARY SEWER LINE
	SS STORM SEWER LINE
	CL CENTERLINE
	ADJACENT PROPERTY
	RIGHT OF WAY LINE

DESCRIPTION

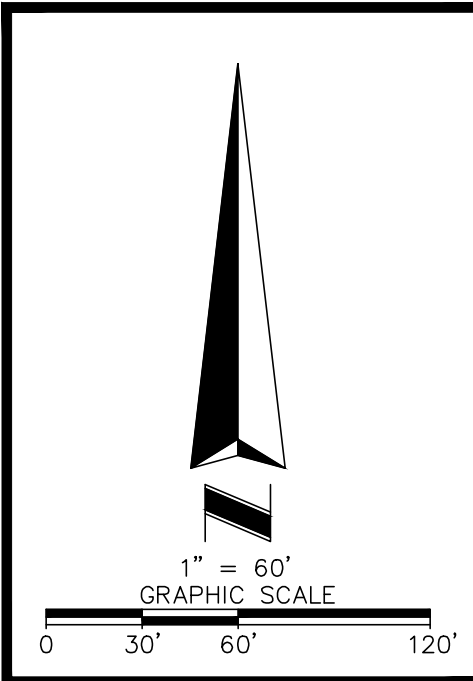
TRACT I-3 OF THE PLAT OF BAYSIDE LAKES COMMERCIAL CENTER PHASE 2 AS RECORDED IN PLAT BOOK 45, PAGE 82-84, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SURVEYOR'S NOTES

- BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHEASTERLY LINE OF I-3 OF THE PLAT OF BAYSIDE LAKES COMMERCIAL CENTER PHASE 2, WHICH BEARS S50°02'10"W, PER PLAT BOOK 45, PAGE 82-84.
- ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS ARE BASED SOLELY ON INSPECTION AND LOCATION OF ABOVE-GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
- BUILDING TIES SHOULD NOT BE USED TO RE-ESTABLISH BOUNDARY LINES.
- THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT-OF-WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF LAND, NOR WAS ANY TITLE WORK PROVIDED TO THIS SURVEYOR BY THE CLIENT.
- NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER PER F.S. 472.025 OR THE CERTIFIED ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER PER F.A.C. 5J-17.062(2) AND 5J17.062(3).
- NO REVISIONS MAY BE MADE TO THIS BOUNDARY WITHOUT THE WRITTEN, EXPRESSED CONSENT OF THE SIGNING SURVEYOR.
- ALL RECORDING INFORMATION SHOWN HEREON REFERS TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- VERTICAL INFORMATION BASED ON: BENCHMARK 99-19-652-0 HAVING A PUBLISHED ELEVATION OF 23.668' (NAVD 88) DESCRIBED AS: 4"x4" PRECAST MONUMENT WITH ALUMINUM DISC.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE "X", AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 120404 0660 G (MAP NO. 1209060600), WHICH BEARS AN EFFECTIVE DATE OF 03/17/2014, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE. ZONE "X" DENOTES AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.



SHEET 1
OF 1

HEREBY CERTIFY THAT THIS SURVEY, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON, WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL SURVEYOR AND MAPPER IN CHAPTER 5J-17, FLORIDA STATUTES, AND I AM NOT PROVIDING ANY INFORMATION TO SECTION 472.027, FLORIDA STATUTES.

FOR THE FIRM
E. GLENN TURNER PSM #5643
DATE

TECH

REVISIONS

DATE

BOUNDARY & TOPOGRAPHIC SURVEY OF
ELDRON BLVD BAYSIDE LAKES

SECTION 19, TOWNSHIP 29 SOUTH, RANGE 37 EAST

BREVARD COUNTY
PALM BAY, FLORIDA

230457

SCALE: 1"=60'

FIELD DATE: 05/22/2023

FIELD BY: JW

DRAWN BY: SW

APPROVED BY: EGT

DRAWING FILE #

230457-ELDRON BLVD BAYSIDE LAKES-BNDY-TOPO-TREE.DWG

AMERICAN SURVEYING & MAPPING, INC.

221 Citrus Drive, Kissimmee, FL 33763 Phone: 407-426-7078

info@asm-surveying.com



CITIZEN PARTICIPATION REPORT

Applicant should follow established Citizen Participation Plan as specified in § 169.005 CITIZEN PARTICIPATION PLANS.

CASE DETAILS

Applicant Name	KEW, LLC
Project Name	Eldron Storage
Case Type	Small Scale Comprehensive Plan Amendment
Case Description	Change of FLU from SFR to Commercial
Intended Month of Submission	April, 2023

INFORMATION ON THE CITIZEN PARTICIPATION MEETING

Notice to the Public (Date)	3/17/2023
Date of CPP	3/30/2023
Location of the Meeting	Franklin T. DeGroodt Memorial Library – Large meeting room
Number of Attendees	12



LIST OF ATTENDEES

Number	Name of attendee	Number	Name of attendee
1.	Miller	2.	Lisa A. Cherland
3.	Larry Douglas	4.	Carol Douglas
5.	Ed Sadosky	6.	Greg Golden
7.	Darlene Golden	8.	Chris Baptist
9.	Unknown attendee	10.	Sharon Harrell - representative
11.	Vaheed Teimouri - representative	12.	Kimberly Rezanka - representative
13.		14.	
15.		16.	
17.		18.	
19.		20.	
21.		22.	
23.		24.	
25.		26.	
27.		28.	
29.		30.	
31.		32.	
33.		34.	
35.		36.	



DENOTE ANY ADVERSE COMMENTS/COMPLAINTS/ CONCERNS/ ISSUES RECEIVED AND DESCRIBE RESOLUTION OR PROVIDE JUSTIFICATION IF THE APPLICANT IS UNABLE OR UNWILLING TO ADDRESS THE ISSUE:

	Comments	Resolution	Justification if the applicant is unable or unwilling to address the issue
	Wonderful!		
	Is there sufficient stormwater retention	Yes, per engineer Vaheed Teimouri	
	Would like additional landscaping adjacent to the residential homes	Will do so.	
	Will there be a footpath along lake	Will investigate	
	Please email concept plan and final plan submitted to City	Initial concept plan emailed, will send final	
	External lighting on north side	Will not impact neighbors	
	When will construction start	One year to permit, eight months to construct	
	Storage facility is a better neighbor than other uses		
	How much traffic will be generated	Very little, but will have numbers for public hearings	



ADDITIONAL DOCUMENTS REQUIRED WITH CITIZEN PARTICIPATION PLAN REPORT SUBMISSION

1. Copy of notice sent (separate attachment)
2. Material distributed or presented at the meeting (separate attachment)
 - All the property owners within a 500-foot radius of the subject parcel shall be informed about the meeting date, time and location.

I hereby certify that information provided as part of this report is correct.

Kimberly B. Rezanka
Signature,

Kimberly B. Rezanka, Representative 6/26/23
Typed Name and Title: Date :



Stephen J. Lacey
Managing Member

Aaron D. Lyons
Managing Member

Kimberly B. Rezanka
Partner

Robyn W. Hattaway
Partner

Ethan B. Babb
Partner

Jennifer D. Cockcroft
Senior Associate Attorney

Amanda R. Wilhelm
Associate Attorney

Caitlin A. Lewis
Associate Attorney

March 17, 2023

Via First Class Mail

RE: Notice of Citizen Informational Meeting on March 30, 2023

Applicant:	KEW, LLC
Project:	Eldron Storage
Location:	Taxing District 34U0 - PALM BAY
Application Request:	Change of FLU from SFR to Commercial
Tax Parcel ID:	29-37-19-RX-I3 (2962315)

Dear Neighbor:

KEW, LLC will be submitting a Comprehensive Plan Amendment Application to the City of Palm Bay, requesting a Small Scale Amendment for Property on Eldron Blvd SE. The property in question is approximately 7.43 acres. A copy of the Survey of the Property is enclosed.

On behalf of KEW, LLC, we are inviting you to an informational meeting to discuss the request, answer any questions you may have, and accept feedback you may offer. We will present the results of the meeting to the City of Palm Bay.

If you have any questions you wish to submit in advance of the meeting, we would appreciate the opportunity to review them ahead of time to be sure that we bring appropriate information to answer your questions or address your concerns at the meeting.

DATE: March 30, 2023
TIME: 6:00 P.M. – 7:00 P.M.
PLACE: Franklin T. DeGroodt Memorial Library – Large meeting room
6475 Minton Rd SW.
Palm Bay, FL 32908

We hope to see you there. Questions or comments can be submitted to me via email at KRezanka@LLR.Law.

Best Regards,


Kimberly B. Rezanka

1290 U.S. Highway 1 | Suite 103 | Rockledge, FL 32955
Office: 321.608.0892 | Fax: 321.608.0891

BAYSIDE LAKES COMMERCIAL CENTER PROPERTY OWNERS ASSOCIATION INC C/O JAMES KENNEY 1331 BEDFORD DR #103 MELBOURNE, FL 32940	REAL SUB LLC PO BOX 32018 LAKELAND, FL 33802	LAKE FOREST AT BAYSIDE LAKES HO. ASSOCIATION INC 1331 BEDFORD DRIVE STE 103 MELBOURNE, FL 32940
BAYSIDE CROSSING PLAZA LLC 3249 STATE ROAD 60 E LAKE WALES, FL 33898	BAPTIST, CHRISTOPHER BAPTIST, DINAH 1791 DEVONWOOD CT SE PALM BAY, FL 32909	BISHOP, ROBERT L BISHOP, RACHAEL R 1711 DEVONWOOD CT SE PALM BAY, FL 32909
DUNN, JAMES M DUNN, MONIKA 1883 AMBERWOOD DR SE PALM BAY, FL 32909	BERRIER, TRAVIS BERRIER, CHRISTIE ANNE 1750 DEVONWOOD CT SE PALM BAY, FL 32909	
HEALTH FIRST INC 6450 US HIGHWAY 1 ROCKLEDGE, FL 32955	PINEAPPLE COVE REAL ESTATE LLC 1795 ELDRON BLVD SE PALM BAY, FL 32909	
		ODYSSEY CHARTER SCHOOL INC 1755 ELDRON BLVD SE PALM BAY, FL 32909
JOHNSON, JESSE 1239 VALLEYBROOK RD SE PALM BAY, FL 32909	MANN, JAMES R MANN, KIMBERLEY K 1771 DEVONWOOD CT SE PALM BAY, FL 32909	MELBOURNE-TILLMAN WATER CONTROL DISTRICT 5900 MINTON ROAD NW PALM BAY, FL 32907
	MACHELL, JUSTIN MACHELL, BRIA 1730 DEVONWOOD CT SE PALM BAY, FL 32909	CHERLAND, JAY R CHERLAND, LISA ANN 1884 AMBERWOOD SE DR SE PALM BAY, FL 32909
GOLDEN, GREGORY D GOLDEN, DARLENE R 1790 DEVONWOOD CT SE PALM BAY, FL 32909	BLUMENSTOCK, DANNY D LIFESTATE BLUMENSTOCK, JACQUELINE D LIFESTATE 1751 DEVONWOOD SE CT SE PALM BAY, FL 32909	GRACE BIBLE CHURCH OF PALM BAY FL INC 3620 BAYSIDE LAKES BLVD PALM BAY, FL 32909
KEW LLC PO BOX 541682 MERRITT ISLAND, FL 32954	CAMPBELL, MICHAEL A CAMPBELL, KAYDIAN 1731 DEVONWOOD CT SE PALM BAY, FL 32909	
SIEFERT FAMILY REVOCABLE LIVING TRUST 1770 DEVONWOOD CT SE PALM BAY, FL 32909		

Eldron Storage Community Meeting Sign-In Sheet

Meeting Date: March 30th, 2023

[illegible]

Eldron Storage Community Meeting Sign-In Sheet

Meeting Date: March 30th, 2023

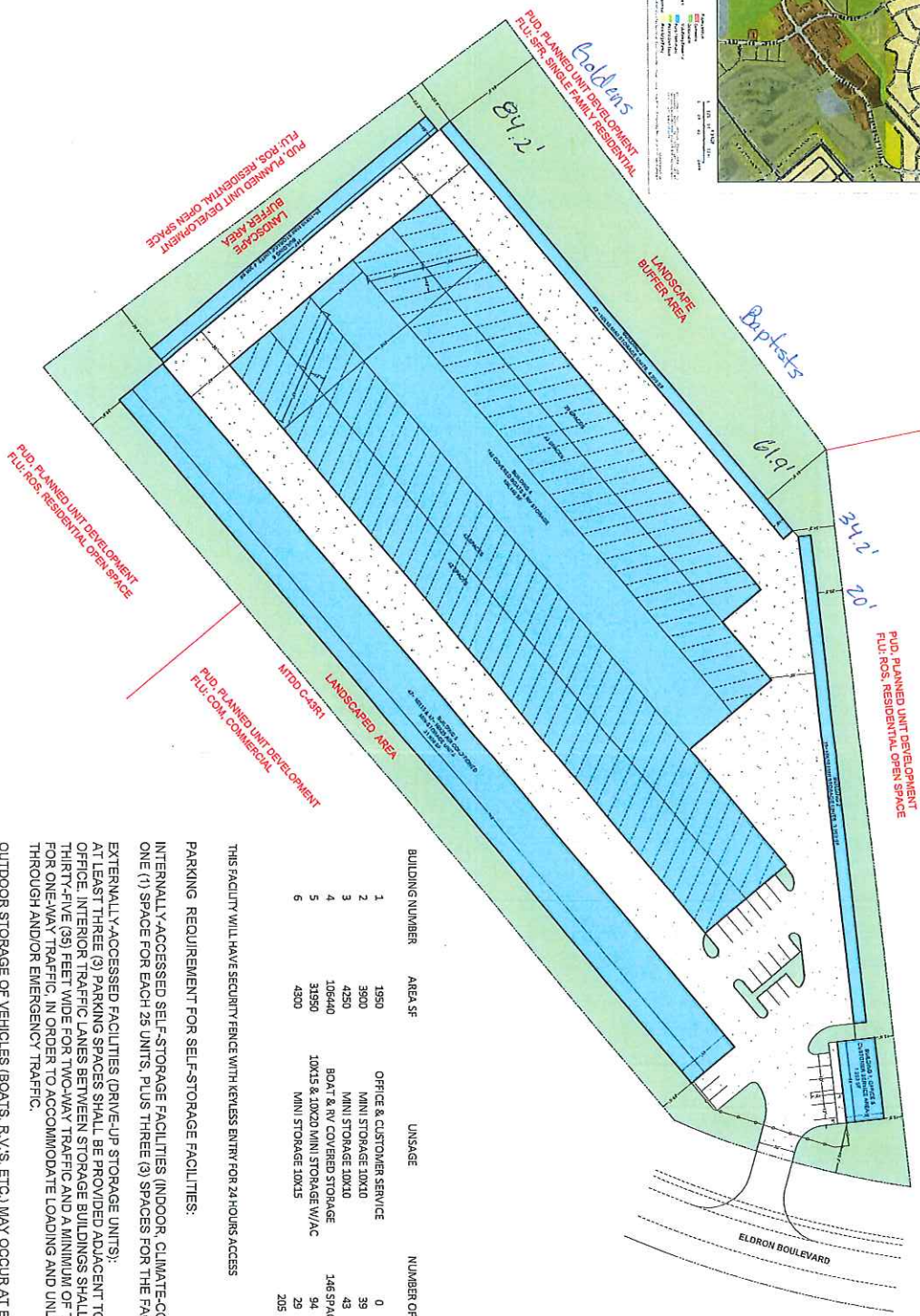
[illegible]



Bayside Lakes Blvd SE
N 27.81648
W 81.78171
318 BAYSIDE LAKES BLVD SE, PALM BAY, FL
32909

Directions to this location from:

<https://www.google.com/maps/search/318+BAYSIDE+LAKES+BLVD+SE+UNIT+B0037+PALM+BAY+FL+32909/@27.8524493,-81.7813327,900m/data=!3m1!1e3?hl=en-US>



SCALE: 1" = 40'

THIS FACILITY WILL HAVE SECURITY FENCE WITH KEYLESS ENTRY FOR 24 HOURS ACCESS

23 SPACES PROVIDED

PARKING REQUIREMENT FOR SELF-STORAGE FACILITIES:

INTERNALLY-ACCESSED SELF-STORAGE FACILITIES (INDOOR, CLIMATE-CONTROLLED):

ONE (1) SPACE FOR EACH 25 UNITS, PLUS THREE (3) SPACES FOR THE FACILITY'S LEASE OFFICE.

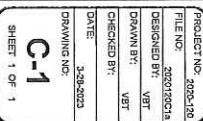
EXTERNALLY-ACCESSED FACILITIES (OPEN-UP STORAGE UNITS):

AT LEAST THREE (3) PARKING SPACES SHALL BE PROVIDED ADJACENT TO THE FACILITY'S LEASE OFFICE. INTERIOR TRAFFIC LANES BETWEEN STORAGE BUILDINGS SHALL BE A MINIMUM OF THIRTY-FIVE (35) FEET WIDE FOR TWO-WAY TRAFFIC AND A MINIMUM OF TWENTY-FIVE (25) FEET FOR ONE-WAY TRAFFIC. IN ORDER TO ACCOMMODATE LOADING AND UNLOADING, AS WELL AS THROUGH AND/OR EMERGENCY TRAFFIC.

OUTDOOR STORAGE OF VEHICLES (BOATS, R.V.'S, ETC.) MAY OCCUR AT EITHER OF THE ABOVE FACILITY, ON PAVED OR STABILIZED SURFACES AS APPROVED BY THE CITY ENGINEER. THE OUTDOOR STORAGE AREA MUST BE SCREENED FROM ANY PUBLIC RIGHTS-OF-WAY OR ADJACENT RESIDENTIALLY ZONED PROPERTY BY AN 8' TALL COMPLETELY OPaque WOOD OR PVC FENCE, OR MASONRY WALL THAT HAS A FINISHED APPEARANCE ON BOTH SIDES OF THE WALL.

BUILDING NUMBER	AREA SF	UNUSAGE	NUMBER OF UNITS
1	1950	OFFICE & CUSTOMER SERVICE	0
2	3800	MINI STORAGE 10X10	39
3	4250	MINI STORAGE 10X10	43
4	106440	BOAT & RV COVERED STORAGE	146 SPACES
5	31550	10X15 & 10X20 MINI STORAGE W/AC	94
6	4500	MINI STORAGE 10X15	29
			205

4 SPACES REQUIRED
3 SPACES REQUIRED
7 SPACES REQUIRED
23 SPACES PROVIDED

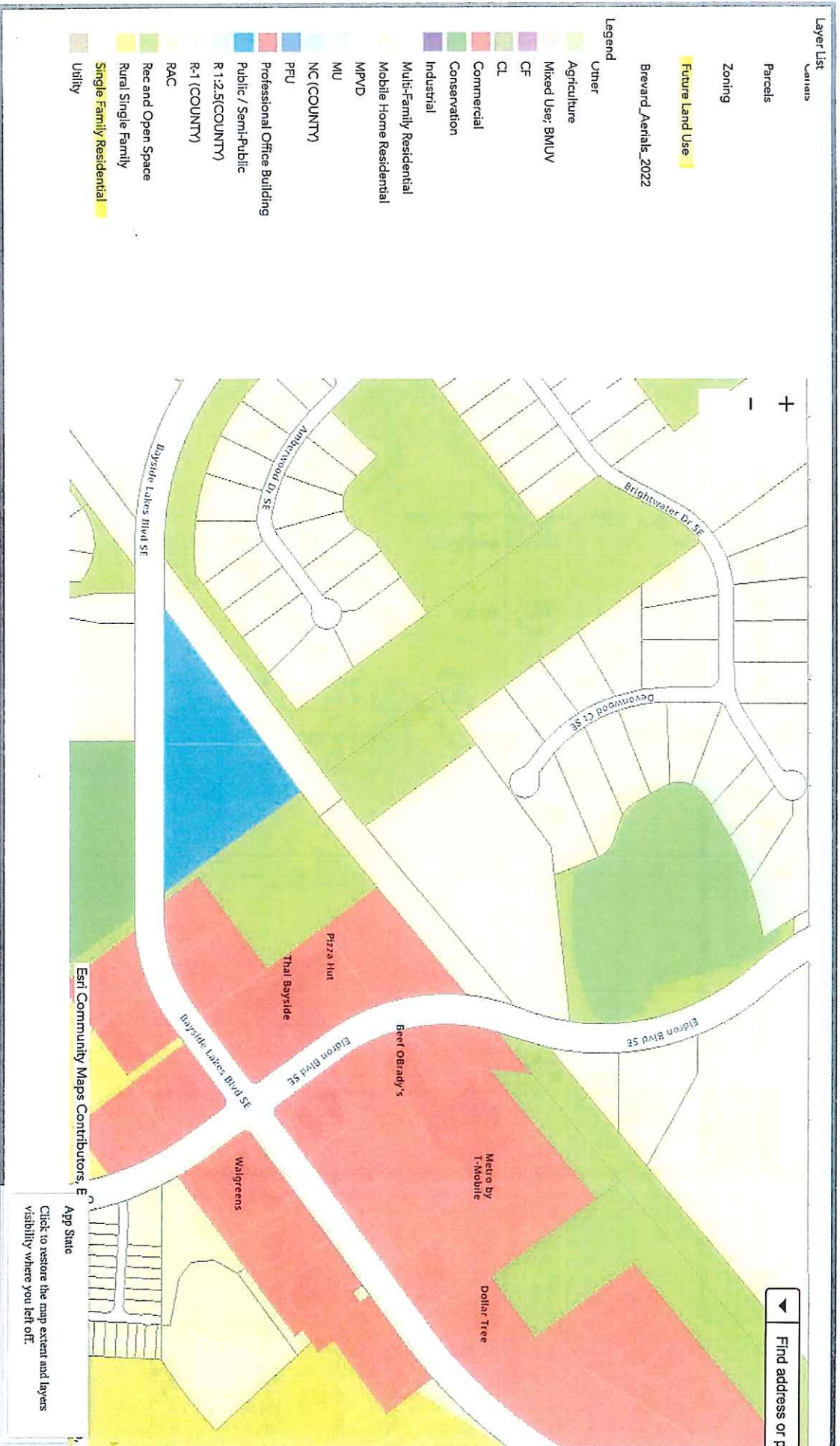


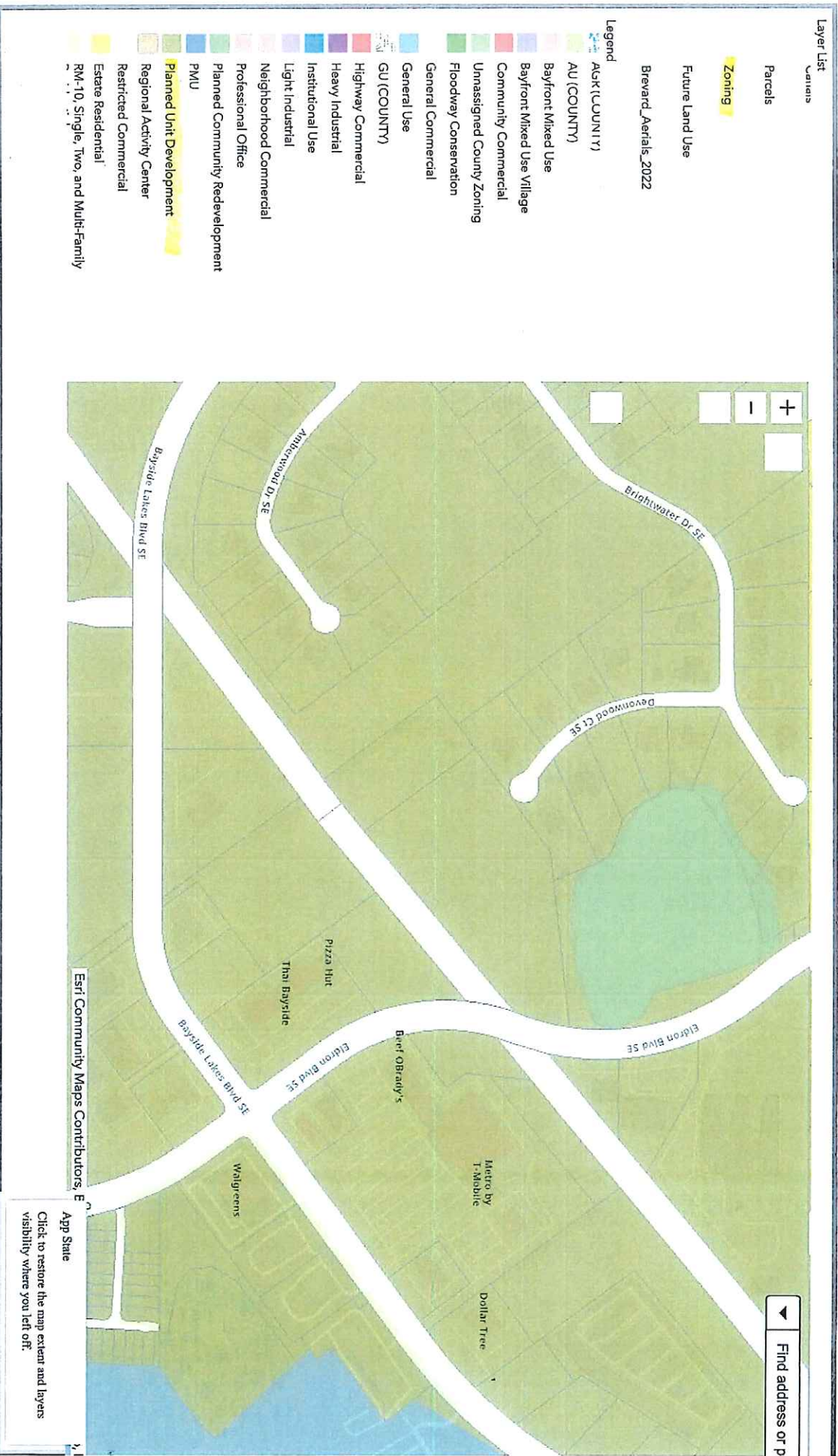
KEW MINI STORAGE WITH
BOAT & RV STORAGE
SITE DEVELOPMENT PLAN

PREPARED FOR:
NEW, LLC
P.O. BOX 541652 MERITT ISLAND FL 32954



TEIMOURI & Associates, Inc.
Consulting Engineers
 32 East New Haven Avenue
 Melbourne, Florida 32901
 Email: valued@teimouri.com
 Q 321-729-8392 C 321-508-5422 CERTIFICATE
 OF AUTHORIZATION # 32293

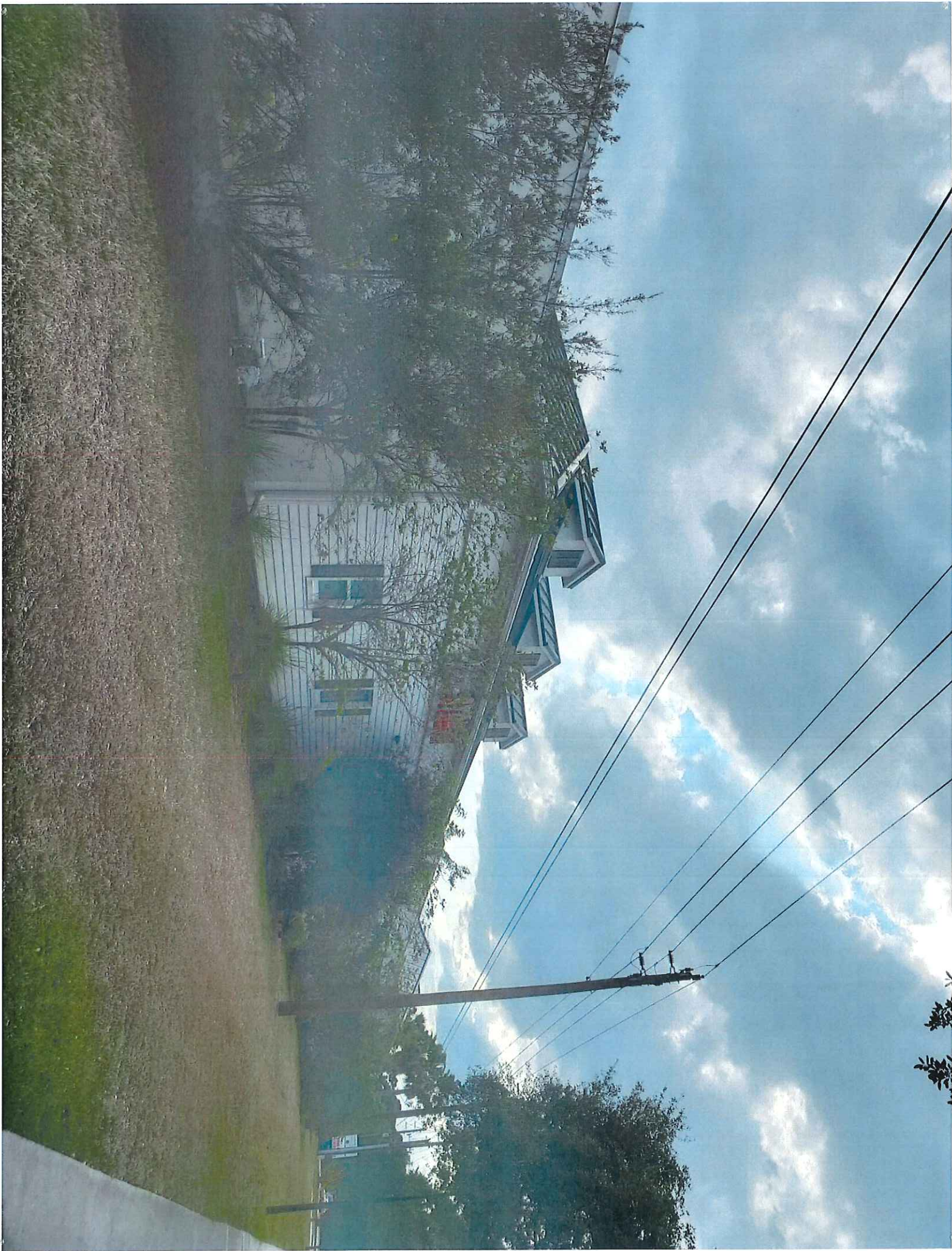








322







Kim Rezanka

From: Kim Rezanka
Sent: Friday, March 31, 2023 2:36 PM
To: darlenegolden@centurylink.net; cbaptist1@yahoo.com; larrydoug1@yahoo.com; lisaacherland@gmail.com
Subject: Eldron Storage Concept Plan (Mr. Stor It)
Attachments: Site development plan 3-28-23.pdf

Thank you all for attending the Community Meeting last night. We appreciate your input.

Attached is the concept plan we displayed and discussed last night, which will further refined into a Final Development Plan. As discussed, the access will only be from 6-10 by keypad access, not 24 hour access.

Additionally, the middle building will likely be changed to include more boat and RV parking.

When the Final Development Plan is submitted, with the Future Land Use Amendment application, we will send you that Final Plan.

If you have any questions or further comments, please contact me at your convenience.

Thank you again for your participation in the Community Meeting.

Sincerely,
Kim Rezanka



Kimberly Bonder Rezanka
Partner
321-608-0892
KRezanka@LLR.Law
1290 U.S. Highway 1, Suite 103
Rockledge, FL 32955
<https://www.LLR.Law>



IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

Project Details: CP23-00014

Project Type: Comprehensive Plan Future Land Use Map

Project Location: UNKNOWN # 2700 ANNELEIGH CIR Palm Bay, FL

Milestone: Submitted

Created: 6/26/2023

Description: Eldron Storage

Assigned Planner:

Contacts

Contact	Information
Owner/Applicant	KEW LLC PO BOX 541682 MERRITT ISLAND, FL 32954 (321) 271-1154 sharrell@mikeerdmanmotors.com
Legal Representative	Kimberly B. Rezanka 1290 U.S. Hwy 1 Rockledge, FL 32955 (321) 608-0892 krezanka@llr.law
Assigned Planner	
Submitter	Kimberly B. Rezanka 1290 U.S. Hwy 1 Rockledge, FL 32955 Krezanka@llr.law

Fields

Field Label	Value
Block	I3
Lot	
Section Township Range	19-29-37
Subdivision	RX
Year Built	
Use Code	7000
Use Code Desc	VACANT LAND - INSTITUTIONAL

Project Details: CP23-00014

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2962315
Flu Description	Single Family Residential
Flu Code	SFR
Zoning Description	Planned Unit Development
Zoning Code	PUD
Is Submitter the Representative?	False
Parcel Number(s)	29-37-19-RX-13
Tax Account Number(s)	2962315
Present Use of Property	Vacant
Project Scale	Small Scale (50 acres or less)
Specific Use Intended for Property	Self Storage
Development Submitted?	False
Rezoning Submitted?	False
List Structures	
Structures On Property?	False
Proposed Land Use Classification	Commercial
Present Land Use Classification	Single Family Residential
Justification for Change	Property is located in a PUD and designated for commercial use. The Future Land Use of SFR (a/k/a LDR) is inconsistent with any commercial use. The FLU amendment will allow the property to be developed.
Total Acreage	
Ordinance Number	

July 10, 2023

Re: Letter of Authorization

As the property owner of the site legally described as:

BAYSIDE LAKES COMMERCIAL CENTER PHASE 2 TRACT I-3 (INSTITUTIONAL TRACT)

I, Owner Name: Michael Erdman, Managing Member, KEW, LLC

Address: 500 Cone Road, Merritt Island, FL 32952

Telephone: 321-453-1313

Email: sharrell@mikeerdmanmotors.com

hereby authorize:

Representative: Kimberly B. Rezanka; Lacey Lyons Rezanka

Address: 1290 U.S. Hwy 1, Suite 103, Rockledge, FL 32955

Telephone: (321) 608-0892

Email: Krezanka@LLR.Law; Drezanka@LLR.Law; Tgaspar@LLR.Law

to represent the request(s) for:

Future Land Use Map Amendment

(Property Owner Signature)

STATE OF

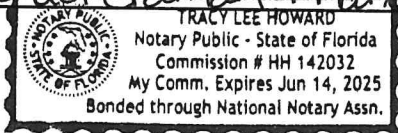
Florida

COUNTY OF

Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10th day of July, 2023 by

Michael Erdman, Managing Member, KEW, LLC, property owner.



, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

Acknowledgement Log

Header:

Legal Acknowledgement

Text:

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Accepted By:

Kimberly B. Rezanka

On:

6/27/2023 3:23:00 PM

☒ CP23-00014

Select Language ▼



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

Customer: CITY OF PALM BAY

Ad No.: 0005808218

Address: SUITE 201
PALM BAY FL 32907
USA

Pymt Method Invoice
Order Amount 261.59

Run Times: 1

No. of Affidavits: 0

Run Dates: 08/25/23

Text of Ad:

Ad#5807 08/25/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING
Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on September 5, 2023, and by the City Council on September 19, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):
1. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE
2. **FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW
3. **CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW
4. **FS23-00007 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)
A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW
5. **FS23-00008 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)
A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

b. 123-00023 – City of Palm Bay
(Growth Management Department)
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance
**Indicates quasi-judicial request(s).
If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.
Chandra Powell
Planning Specialist

From: [Jesse Anderson](#)
To: [Chandra Powell](#); [Carol Gerundo](#)
Cc: [Kimberly Haigler](#)
Subject: FW: Rezoning Eldron Property that backs up to Lake Forest Development.
Date: Tuesday, August 22, 2023 3:40:59 PM
Attachments: [image001.png](#)

Good afternoon,

Please add this to the case file for the Eldron Comp plan case.

Thank you!

Best,



[Participate in the Palm Bay Comprehensive Plan Update Here!](#)

From: Rob Medina <Rob.Medina@palmbayflorida.org>
Sent: Friday, August 18, 2023 5:29 PM
To: ibediving@aol.com; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>
Subject: Re: Rezoning Eldron Property that backs up to Lake Forest Development.

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Management Team to this email to be passed on to our P&Z Board and record keeping purposes.

Respectfully,

Rob Medina
Mayor

From: ibediving@aol.com <ibediving@aol.com>
Sent: Thursday, August 17, 2023 3:51:10 PM
To: Rob Medina <Rob.Medina@palmbayflorida.org>
Subject: Rezoning Eldron Property that backs up to Lake Forest Development.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr Mayor Rob Medina

Please notify the planning commission and council members of our concerns.

I was notified that there is an attempt to rezone the property on Eldron that backs up to Lake Forest development so another storage unit can be built. It is reported that it will be brought up at the September 05 planning commission meeting.

I am sending out this call for help.

A similar note went out to Lake Forest HOA as well as the POA to spread the word to Lake Forest homeowners as well as all of Bayside lakes so they can be notified so they can get involved.

They were asked to start by writing you and the councilman person and attending the meetings to try and stop any rezoning of the property.

To air your concerns please contact: [Mayor / City Council | City of Palm Bay, FL](#)

First off we already have two storage facilities in the neighborhood that do not back up within feet of residential properties.

It was reported by the owner or one of the survey personal that they are planning to clear the property to the property line coming within 30 feet of the nearest Lake Forest house valued at around \$700K on Devenwood.

It was also mentioned that the property would include storage for RV's and Boats.

The issues are we knew what the property was zoned for when we moved in. Another storage unit will deteriorate the value of the entire Bayside Lakes community.

There is plenty of property in the Compound South of Degroot that could be used with no residents near by. The city owns 200 acres of the undeveloped compound property.

We don't want another unsightly building with vehicle storage and all night lighting that will disturb near by residents as well as the wildlife.

We now have strict HOA rules forbidding vehicle storage that can be seen from the front or back of the homes.

Who knows what will be stored in the private units.

We need to unite and express our concerns to stop this from happening.

Walter Krenisky
400 Brightwater Drive
ibediving@aol.com



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Tania Ramos, Senior Planner

DATE: September 5, 2023

SUBJECT: **CU23-00003 – Emerson Plaza - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.) - A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances. A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ☐ CU23-00003 - Staff Report
- ☐ CU23-00003 - Conceptual Plan
- ☐ CU23-00003 - Citizen Participation Meeting Report
- ☐ CU23-00003 - Application
- ☐ CU23-00003 - Letter of Authorization
- ☐ CU23-00003 - Legal Acknowledgement
- ☐ CU23-00003 - Legal Ad



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Tania Ramos, Senior Planner

CASE NUMBER

CU23-00003

PLANNING & ZONING BOARD HEARING DATE

September 5, 2023

PROPERTY OWNER & APPLICANT

Sunrise Plaza Enterprise, Inc. (Richard Franzblau, Esq., Rep.)

PROPERTY LOCATION/ADDRESS

A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW; Tax Account 2857966

SUMMARY OF REQUEST

A Conditional Use to allow retail automotive gas/fuel sales in the Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances.

Current Zoning

NC, Neighborhood Commercial District

Current Land Use

COM, Commercial

Site Improvements

Vacant Land

Site Acreage

Approximately 3 acres

SURROUNDING ZONING & USE OF LAND

North

NC, Neighborhood Commercial District; Vacant Land

East

RS-2, Single-Family Residential District; Single-Family Residences

South

RS-2, Single-Family Residential District; Single-Family Residences

West

NC, Neighborhood Commercial District; Vacant Land

COMPREHENSIVE PLAN

COMPATIBILITY

Yes, Commercial Use

BACKGROUND:

The subject property is a three (3) acre parcel located at the southwest corner of Glencove Avenue NW and Emerson Drive NW. The applicant has provided a conceptual plan with a proposed 3000 square foot gas station, along with restaurant and retail/office space.

The applicant intends on keeping the property undivided. The conditional use request is specifically to allow retail automotive gas/fuel sales to be developed on vacant land.

ANALYSIS:

Section 185.042(D)(1) of the Code of Ordinances establishes retail automotive gas/fuel sales as a conditional use in the Neighborhood Commercial District and provides specific requirements to be met before permitting this use. An administrative site plan review will be required to ensure compliance with all applicable codes.

Retail automotive gas/fuel sales establishments shall be located on arterial roadways, at a signalized intersection of a major collector road, or on corner lots at the intersection of collector streets or a higher functional classification as identified in the adopted Palm Bay Comprehensive Plan. No more than two (2) corner lots at any intersection shall be used for retail gasoline or automotive fuel sales. The proposed project is located on Emerson Drive NW, between Jupiter Boulevard NW and St. Johns Heritage Parkway. This section of Emerson Drive is classified as a major collector, urban roadway in the City of Palm Bay 2045 Comprehensive Plan, and the intersection with Glencove Avenue NW is a signalized intersection. The proposed project will be the first retail automotive gas/fuel sales establishment development at this intersection. No other retail automotive gas/fuel sales establishments are in the vicinity.

A minimum street frontage of one hundred and fifty (150) feet on each abutting street is required. In addition, no driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification. The conceptual plan shows approximately two hundred thirty-four (234) feet of frontage along Emerson Drive NW, and approximately four hundred forty-four (444) feet of frontage along Glencove Avenue NW. It appears the site is large enough to meet the frontage and driveway spacing requirements. The dimensions to confirm these requirements have been met will be required during the administrative site plan review.

Gasoline, fuel pumps, storage tanks and other service island equipment are required to be at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. No gasoline fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well. There is residentially zoned land across Glencove Avenue NW

to the east, and adjacent to the subject property to the south. The dimensions to confirm these requirements have been met will be required during the administrative site plan review.

Underground storage is required for all receptacles for combustible materials in excess of two hundred (200) gallons. Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ [176.01](#) et seq. of the code of ordinances. Underground tanks have not been noted on the conceptual plan, but this will also be reviewed in detail during the administrative site plan review.

CODE REQUIREMENTS:

To be granted conditional use approval, requests are evaluated upon items (A) through (H) of the General Requirements and Conditions of Section 185.087 of the Code of Ordinances. A review of these items is as follows:

Item (A): Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergencies.

Ingress and egress are proposed on both Glencove Avenue NW and Emerson Drive NW. However, no driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification. The conceptual plan provided shows the proposed development appears able to meet these requirements, however dimensions will be needed to confirm the requirements are met during the administrative site plan review. An additional information will be necessary during the administrative review to show that larger vehicles can navigate the site in case of fire or other emergencies. For pedestrian safety, Public Works has indicated that on-site to off-site sidewalks connections are required for all buildings. The off-site sidewalks along Glencove Avenue NW and Emerson Drive NW are already in place.

Item (B): Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

Section 185.140(G)(10) of the Code of Ordinances establishes parking requirements for food stores at one (1) space for each two hundred (200) square feet of gross floor area. The proposed retail automotive gas/fuel sales establishment is 3,000 square feet, which will require fifteen (15) parking spaces. The conceptual plan shows that there is adequate space to meet the parking requirements for a variety of uses on the site. A specific breakdown of uses and parking requirements will be reviewed during the administrative site plan review.

Section 185.141(D)(1) requires buildings or structures containing retail, food store, or similar retail or service uses which have an aggregate gross floor area of over five thousand (5,000) square feet, but not over twenty-five thousand (25,000) square feet to provide one (1) off-

street loading space of at least fourteen (14) feet wide, forty-five (45) feet long, and having fourteen (14) feet of vertical clearance. These spaces have not been shown on the conceptual plan, but the site will be required to meet all requirements during the administrative site plan review.

Item (C): Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

The Utilities Department stated they have no objections to the proposed project. Any necessary upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

Item (D): Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

The conceptual plan shows a dry retention pond along the portion of Glencove Avenue NW in front of the proposed retail automotive gas/fuel sales, which will create additional distance between this use and the single-family residential area across the street. The project will be required to meet all landscaping requirements during the administrative site plan review.

Item (E): Signs, if any, and proposed exterior lighting will be so designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

Proposed sign locations are not shown on the conceptual plan. Signage, lighting, and photometric plans will be required for administrative site plan review. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties.

Item (F): Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

On the conceptual plan, the site data incorrectly indicates a 20-foot rear yard setback. That will need to be increased to 25 feet. The project will be required to meet all setback and landscaping requirements during the administrative site plan review.

Item (G): The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity. The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

The proposed project is located at a signalized intersection of a major collector roadway and will be the first site used for the purpose of retail automotive gas/fuel sales at this intersection.

It is bordered by vacant commercial land to the north and west. Public Works has indicated they will require a traffic study during the administrative site plan review.

Item (H): Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

STAFF FINDINGS:

Case CU23-00003 meets the minimum requirements for approval of a conditional use.



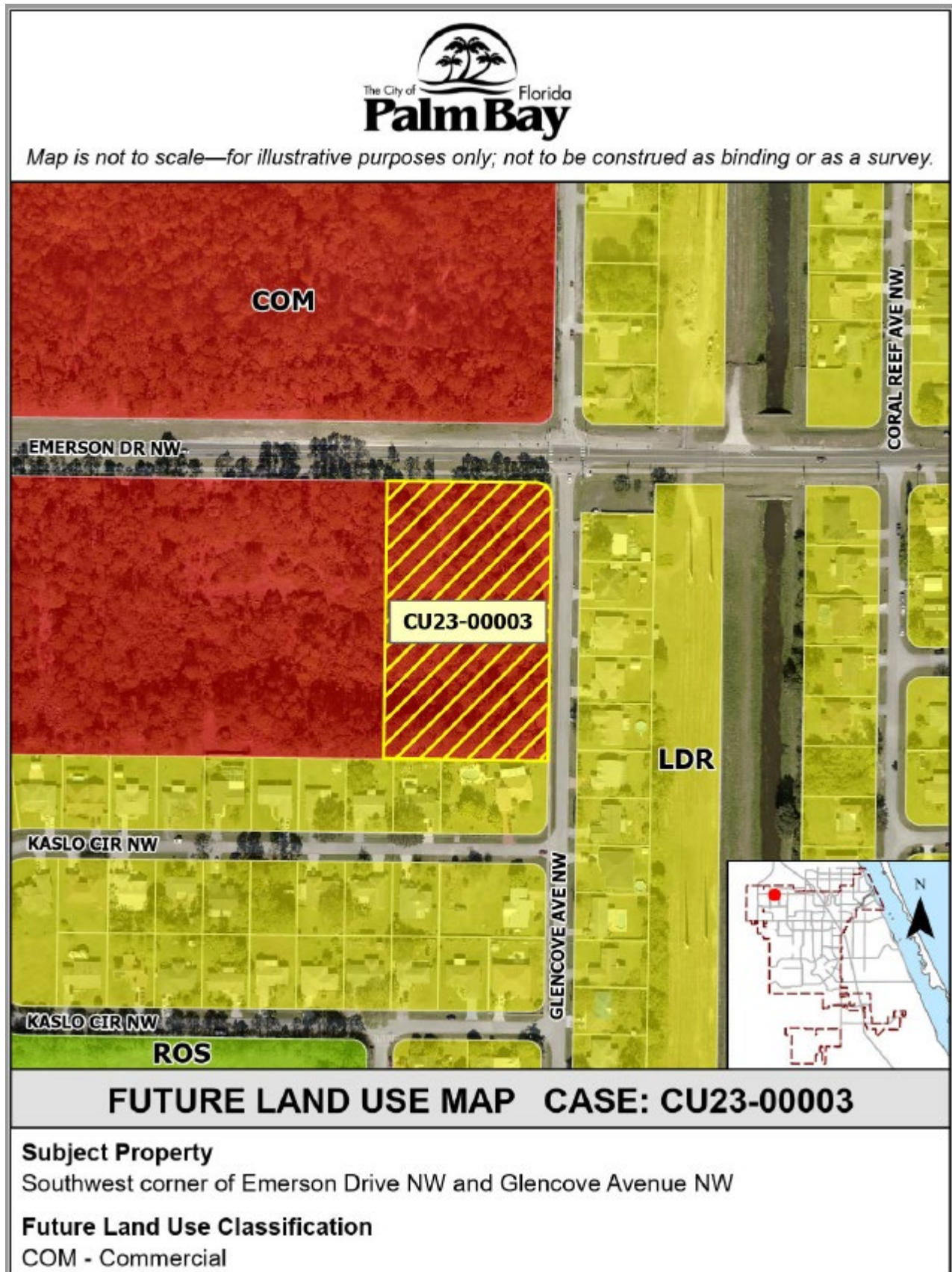
Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.

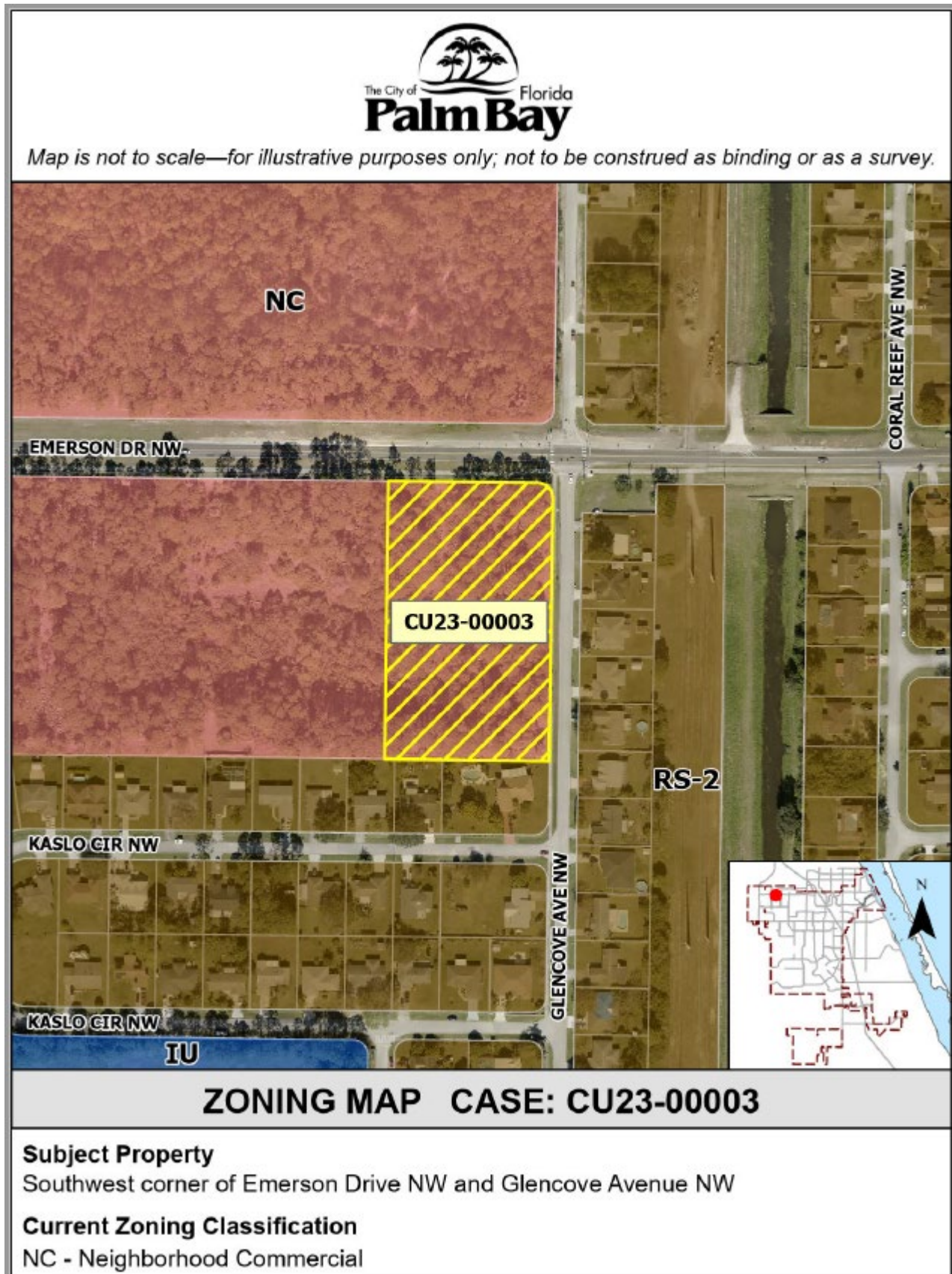


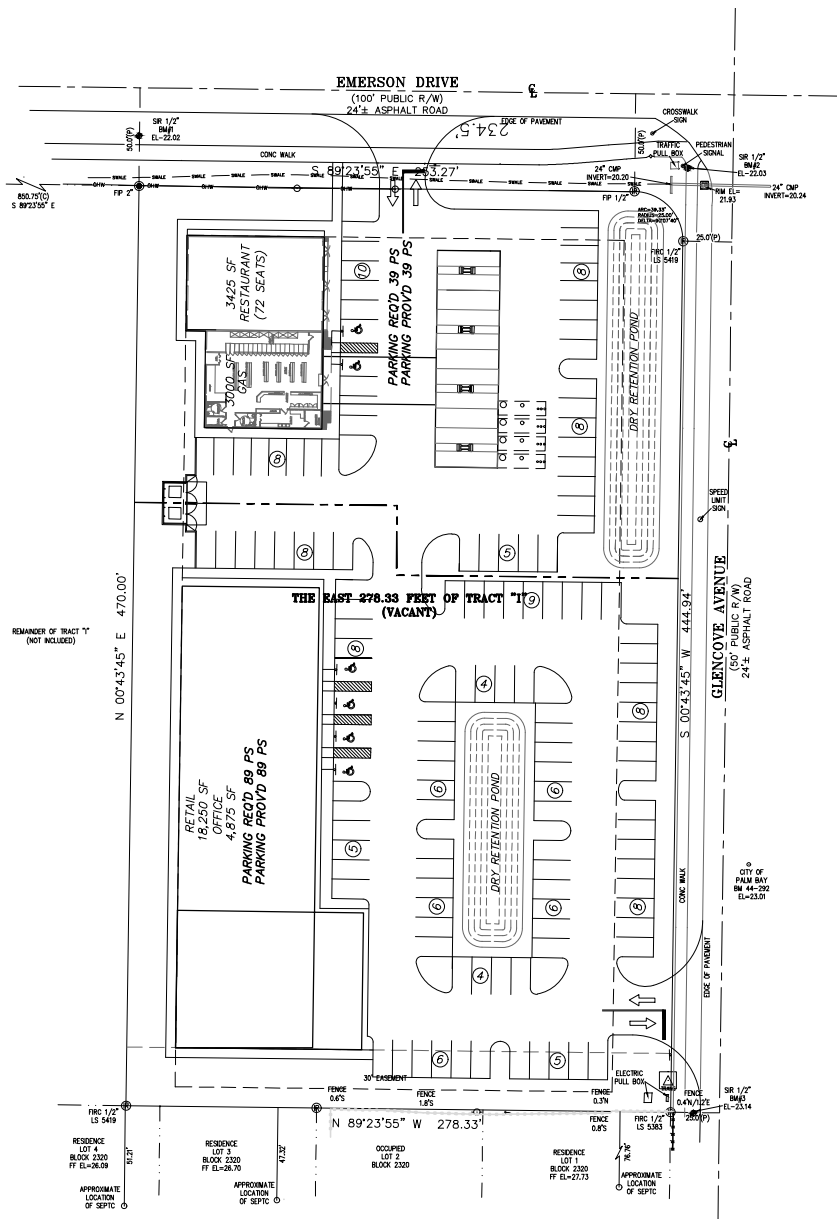
AERIAL LOCATION MAP CASE: CU23-00003

Subject Property

Southwest corner of Emerson Drive NW and Glencove Avenue NW







SITE DATA

PROPERTY LOCATION
ON THE SOUTHWEST CORNER OF THE INTERSECTION OF EMERSON DRIVE AND GLENCOVE AVE. PARCEL ID: 28-36-22-KO-00001.0-0001.

EXISTING PROPERTY AREA:
3.00± ACRES (LESS ROW)

PROPOSED PROPERTY ZONING:
NEIGHBORHOOD COMMERCIAL (NC)

EXISTING PROPERTY LAND USE:
COMMERCIAL (COM)

INTENT:
CONSTRUCTION OF A 3,000 SF GAS STATION AND 3,425 SF RESTAURANT PLUS AN 20,500 SF RETAIL CENTER WITH ASSOCIATED PARKING AND RETENTION AREAS.

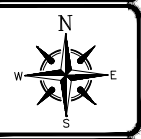
BUILDING SETBACKS:
- RECD
FRONT (PRIMARY) 30 FT
SIDE 10 FT
SIDE (SECONDARY) 25 FT
REAR 20 FT

PROPOSED STRUCTURE DATA:
A. STRUCTURE SHALL BE TYPE VI CONSTRUCTION.
B. THE INTENDED USE IS FOR A GAS STATION, RESTAURANT AND RETAIL.

Baylor & Associates, LLC.

Civil Engineering & Planning
1000 W. 1st Street, Suite 100, Palm Bay, FL 32909
Phone: (888) 888-8888
Fax: (888) 888-8888
Email: info@baylorandassociates.com
Website: www.baylorandassociates.com

Professional Engineer
No. 125118
Professional Engineer
No. 125118



Revisions/Comments

Client File Information
Client File: PALM BAY COMMERCIAL CONCEPT #4
Scale: 1"=30'

Drawing Information
Drawn by: BAT
Checked by: BAT
Approved by: BAT
Date: 06-02-22

STA Job Number
STA 25-008

Project Name and Location
PALM BAY COMMERCIAL SITE

BREVARD COUNTY, FLORIDA
SEC 22, TWP 28S, RNG 50E

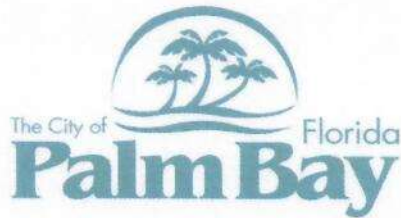
PALM BAY COMMERCIAL CONCEPT #4
Sheet Title

INFORMATIONAL COPY ONLY. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT THE SIGNATURE OF THE DESIGNER.
APPROVED BY

BRUCE A. TAYLOR, P.E.
NO. 52118
Seal

Drawing Number

Drawing 1 of 1



CITIZEN PARTICIPATION REPORT

Applicant should follow established Citizen Participation Plan as specified in § 169.005 CITIZEN PARTICIPATION PLANS.

CASE DETAILS

Applicant Name	SUNRISE PLAZA ENTERPRISE, INC.
Project Name	EMERSON PLAZA
Case Type	CONDITIONAL USE APPLICATION
Case Description	APPLICATION FOR SHOPS AND GAS STATION
Intended Month of Submission	JULY OR AUGUST 2023

INFORMATION ON THE CITIZEN PARTICIPATION MEETING

Notice to the Public (Date)	MAY 26, 2023
Date of CPP	JUNE 5, 2023
Location of the Meeting	HOLIDAY INN EXPRESS 1206 SE MALABAR RD, PALM BAY, FL 32907
Number of Attendees	30-35

[illegible]

Richard Franzblau LLC

ATTORNEY AT LAW

*Admitted in
DC, FL, NJ, NY & PA

3505 Lake Lynda Drive, Suite 200
Orlando, FL 32817
rick@franzblauesq.com

Richard D. Franzblau*
Tel: (407) 595-1826
Fax: (321) 413-0300

June 12, 2023

Land Development
City of Palm Bay
190 Malabar Road SE
Palm Bay, Florida 32907
landdevelopmentweb@palmbayflorida.org

Attn: Director of Growth Management

re: Prospective Conditional Use Application by Sunrise Plaza Enterprise, Inc.
for Commercial Plaza at SW intersection of Emerson Drive and Glencove Road

Dear Director:

On Monday June 5, 2023, starting at 6:00 pm at the Holiday Inn Express located at 1206 Malabar Road SE, Palm Bay, FL, the Citizen Participation Plan meeting took place. for the prospective commercial plaza at SW intersection of Emerson Drive and Glencove Road Attached to this report is a copy of the notice of the meeting sent to all citizens or residents within a 500' radius of the proposed commercial center, as required by the City of Palm Bay. A copy was also sent to you by e-mail.

On behalf of the developer, Nazim Ali, the principal of Sunrise Plaza Enterprise, Inc., Bruce Taylor, Project Engineer, and myself, as counsel, all were present to explain the project and respond to the questions and concerns of the individuals attending the meeting. There were approximately 40 people in attendance for the entire duration of the meeting (A sign in sheet was circulated so that we could continue to communicate with the attendees). Citizens attending the meeting included homeowners and residents from the immediate radius of the prospective development and beyond. Additionally, the president of the local homeowner's association attended the Citizen Participation Plan meeting.

Substance of Concerns, Issues and Problems Expressed During the Process

The mailing sent to the recipients included renderings which displayed the commercial center as having a number of fast-food shops, a convenience store and a gas station with eight gasoline pumps. Although the renderings included in the mailing were only ideas for the commercial center, a number of residents expressed concerns about safety and crime, if a gas station and convenience store were to be developed at the site in question. The following issues were raised with respect to the commercial center:

Director of Growth Management
Page 2 of 2
June 11, 2023

- Concern over any potential increase in criminal activity and undesirable elements being attracted to the neighborhood;
- An unwanted increase in vehicular traffic and commensurate increase in traffic jams, vehicle and pedestrian incidents;
- A feared decrease in real property values.
- several citizens expressed concern that the center would become a hangout for teen-agers and become a locus for taking or selling illegal drugs.

Also requests were made for traffic surveys and crime studies.

The President of the local homeowner's association stated that a proposed development in the same vicinity had been withdrawn due to the lack of a "connector". She asked if that issue had now been resolved. No one present knew the answer.

How the Applicant plans to address the Concerns, Issues and Problems Expressed During the Process

Mr. Ali, the President of Sunrise Plaza Enterprise, Inc. explained to the people in attendance that the renderings included in the mailing were only illustrative concepts, and no final decisions had been made regarding the tenant mix at the center. He stated that the center did not have to be all retail fast-food units and that he will proactively seek to include medical offices and other commercial tenants, such as real estate and/ or insurance agents. Additionally, he indicated that surveys, if needed, could be conducted for traffic impact, noise and criminal activity.

A number of those present expressed appreciation to Mr. Ali for his willingness to work with local residents to address their concerns and to avoid problems at the site in order to be a good neighbor.

Very truly yours,
Richard Franzblau LLC


Rick Franzblau

cc: Sunrise Plaza Enterprise, Inc.
Bruce Taylor



LIST OF ATTENDEES

Number	Name of attendee	Number	Name of attendee
1.	SEE ATTACHED SIGN-IN SHEET	2.	
3.		4.	
5.		6.	
7.		8.	
9.		10.	
11.		12.	
13.		14.	
15.		16.	
17.		18.	
19.		20.	
21.		22.	
23.		24.	
25.		26.	
27.		28.	
29.		30.	
31.		32.	
33.		34.	
35.		36.	

NAME +

CONTACT INFO

Richard & Mary Webster	8 1373 Glencove Ave NW
Erica & Tom Graver	1437 Glencove Ave NW
PAUL & ALANA MARTIN	NAPANEE ST NW
Gerard & JoAnn Perez	321-302-5704 1401 Kaslo Circle NW Palm Bay FL 32901
Cindy Alba	1289 Glencove Ave NW
Bob & Suzanne Kurz	1463 JASPER AVE NW
SANDY McDONALD	1413 Glencove NW
Marinos Roberts	1419 Kaslo Cir NW
Cheryl Roberts	1419 Kaslo Cir NW
Wesley Glanda JANTIN	1407 Kaslo Cir NW
Joanne Maciejewski	1454 Napanee St NW
Becky Snorn	1140 Ipswich St NW
Carmine Ferraro	4265 QUECHUA RD COLOGNE, TX 75927
Arlene McCann	1452 Jasper Ave NW
Clint McCann	1452 Jasper Ave NW
Mona & John Stukonis	1537 Napanee St NW
Maria Mornin	1422 Kaslo Circle NW
PAT IZZIE R. TIGLAW	321 984-0938
Dominic Young	(321) 480-4850
Heidi Mullis	1429 Kaslo Cir NW
Denise Valcin	321-223-3999 - R2scholarships@gmail.com
TOM GRAVER PRESIDENT NEIGHBORHOOD ASSOCIATION	TOMGRAVER1437@GMAIL.COM



**ADDITIONAL DOCUMENTS REQUIRED WITH CITIZEN PARTICIPATION PLAN REPORT
SUBMISSION**

1. Copy of notice sent (separate attachment)
2. Material distributed or presented at the meeting (separate attachment)
 - All the property owners within a 500-foot radius of the subject parcel shall be informed about the meeting date, time and location.

I hereby certify that information provided as part of this report is correct.

Signature, **NAZIM ALI, PRESIDENT, SUNRISE PLAZA ENTERPRISE, INC.**

Date: _____

June 25, 2023

CITIZEN PARTICIPATION PLAN

Date: March 28, 2023

Applicant: Sunrise Plaza Enterprise, Inc.

Development: A Conditional Use approval to allow a planned commercial development

Site: PORT MALABAR UNIT 44 PART OF TRACT I

The following information reflects the plan of the Applicant to notify interested parties of its pending application with the City of Palm Bay for the proposed development of this site, as described above; and to facilitate an open dialogue with such parties and attempt to address their concerns.

Persons Notified Directly: Method:

All persons or businesses residing within a 500' radius of the corners of the property (as provided by the Brevard County Property Appraisers office) will be notified of the meeting by mail of the application for development. (See Attachment "A" for the complete list of property owners to be notified),

Public Meetings:

- One public meeting will be held, as scheduled below, where current copies of the proposed site plan will be made available to the attending public.
 - May 15, 2023 8:00 pm @ Quality Inn 890 Palm Bay Rd, Palm Bay, FL 32905
- A 500' radius list of property owners will be used for mail delivery of the meeting announcement. This notice will be mailed on May 1, 2023 to the list of property owners. A copy of this notification is attached, see Attachment "B". (See Attachment "A" for the complete list of notified property owners).
- The Director of the Growth Management Department will be sent an invitation to attend the meeting.
- All attendees will be required to provide their name and mailing address, in order to be notified the attendees of any material change in the development plan.
- Minutes of the meeting will be taken outlining the attendees' comments and concerns, and a copy will be sent to the Growth Management Department.
- A report of the meeting will be provided to the Growth Management department in accordance with the ordinance.

The applicant acknowledges that upon completion of the process described above, it is required to submit a Citizen Participation Plan Report to the Growth Management Department at least five days prior to the City's first public hearing or final administrative review.

Richard Franzblau LLC
ATTORNEY AT LAW

*Admitted in
DC, FL, NJ, NY & PA

3505 Lake Lynda Drive, Suite 200
Orlando, FL 32817
rick@franzblauesq.com

Richard D. Franzblau*
Tel: (407) 595-1826
Fax: (321) 413-0300

June 12, 2023

Land Development
City of Palm Bay
190 Malabar Road SE
Palm Bay, Florida 32907
landdevelopmentweb@palmbayflorida.org

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Director of Growth Management
Page 2 of 2
June 11, 2023

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Very truly yours,
Richard Franzblau LLC


Rick Franzblau

cc: Sunrise Plaza Enterprise, Inc.
Bruce Taylor

Richard Franzblau LLC

ATTORNEY AT LAW

*Admitted in
DC, FL, NJ, NY & PA

3505 Lake Lynda Drive, Suite 200
Orlando, FL 32817
rick@franzblauesq.com

Richard D. Franzblau*
Tel: (407) 595-1826
Fax: (321) 413-0300

May 24, 2023

FIRST CLASS U.S. MAIL

Notice of Citizen Informational Meeting on June 5, 2023 at 6:00 p.m.

Applicant: Sunrise Plaza Enterprise, Inc.

Project Site Address: Intersection of Emerson Road and Glencove Avenue, Palm Bay, FL

Zoning Request: Conditional Use Application for Commercial Shopping Plaza

Dear Palm Bay Citizen:

Sunrise Plaza Enterprise, Inc. ("Sunrise Plaza") will submit a conditional use application to the City of Palm Bay requesting approval for the development of a shopping plaza adjacent to the intersection of Emerson Drive NW and Glencove Avenue NW. Sunrise Plaza is inviting you to an informational meeting to discuss the zoning request, answer any questions you may have, and record any feedback you may have to offer which we will then present to City Staff, Planning and Zoning Board and City Commission as we move through the review and public hearing process for this request.

I have attached with letter, the site plan, some conceptual images of the Plaza, and additional documents for the project for your review prior to the informational meeting. We may have additional explanatory information with us at the meeting. If you have any questions you wish to submit in advance of the meeting, we would appreciate the opportunity to review them in advance to be sure we bring appropriate information to answer any of your questions or address your concerns at the meeting. The meeting is scheduled as follows:

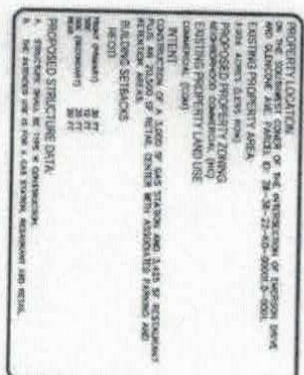
DATE: June 5, 2023
TIME: 6:00 – 7:00 p.m.
PLACE: Holiday Inn Express
1206 Malabar Road SE
Palm Bay, Florida

We hope to see you there. In the interim, please do not hesitate to contact me via email at rick@franzblauesq.com.

Best Regards,
Richard Franzblau LLC


Rick Franzblau

Enclosures

[illegible]



THE PLAZA



PLAZA SHOPS



GAS STATION STORE AND RESTAURANT



GAS STATION

Project Details: CU23-00003

Project Type: Conditional Use

Project Location: UNKNOWN # 2700 ANNELEIGH CIR Palm Bay, FL
Milestone: Submitted
Created: 3/28/2023
Description: Emerson Plaza
Assigned Planner: Tania Ramos

Contacts

Contact	Information
Owner/Applicant	Nazim Ali, President, SUNRISE PLAZA ENTERPRISE INC 1087 HIDDEN HARBOR LN KISSIMMEE, FL 34746 (203) 550-5425 imex2000@hotmail.com
Legal Representative	Rick Franzblau, Esq. 3505 Lake Lynda Drive, Orlando, FL 32817 (407) 595-1826 rdfranz@rdflc.com
Assigned Planner	Tania Ramos FL taniam.amos@palmbayflorida.org
Submitter	Rick Franzblau 3505 Lake Lynda Drive Suite 200 Orlando, -1 32817 (407) 595-1826 rdfranz@rdflc.com

Fields

Field Label	Value
Block	I
Lot	1
Section Township Range	22-28-36
Subdivision	KO
Year Built	
Use Code	1000
Use Code Desc	VACANT COMMERCIAL LAND

Project Details: CU23-00003

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2857966
Flu Description	Commercial
Flu Code	COM
Zoning Description	Neighborhood Commercial
Zoning Code	NC
Size of Area (acres)	
Conditional Use Sought	Commercial Shopping Plaza,
or Special Requirements Use	Club or Lodge
Is Submitter the Representative?	False
Resolution Number	
Subdivision Name	PORT MALABAR UNIT 44

April 4

, 20²³

Re: Letter of Authorization

As the property owner of the site legally described as:

PORT MALABAR UNIT 44 PART OF TRACT 1 AS DESC IN ORB 4185 PG 2747

I, Owner Name: SUNRISE PLAZA ENTERPRISE, INC.

Address: 1087 HIDDEN HARBOR LANE KISSIMMEE, FL 34746

Telephone: 203-550-5425

Email: imex2000@hotmail.com

hereby authorize:

Representative: Richard Franzblau, Esq.

Address: 3505 Lake Lynda Drive, Suite 200 Orlando, FL 32817

Telephone: 407-595-1826

Email: rdfranz@rdflc.com

to represent the request(s) for:

an application for conditional use

Sunrise Plaza Enterprise, Inc.

By:

(Property Owner Signature)
Nazim Ali, President

STATE OF Florida

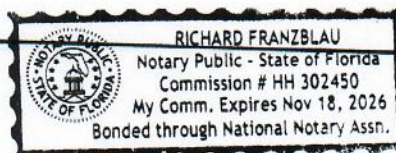
COUNTY OF Osceola

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 4th day of April, 20²³ by

Nazim Ali, President of Sunrise Plaza Enterprise, Inc.

, property owner.

☒ Personally Known or ☐ Produced the Following Type of Identification:
_____, Notary Public



Acknowledgement Log

Header:

Legal Acknowledgement

Text:

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Accepted By:

Rick Franzblau

On:

3/28/2023 4:37:11 PM

☒ CU23-00003

Select Language ▼



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

Customer: CITY OF PALM BAY

Ad No.: 0005808218

Address: SUITE 201
PALM BAY FL 32907
USA

Pymt Method Invoice
Order Amount 261.59

Run Times: 1

No. of Affidavits: 0

Run Dates: 08/25/23

Text of Ad:

Ad#5807 08/25/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING
Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on September 5, 2023, and by the City Council on September 19, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):
1. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE
2. **FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW
3. **CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW
4. **FS23-00007 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)
A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW
5. **FS23-00008 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)
A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

b. 123-00023 – City of Palm Bay
(Growth Management Department)
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance
**Indicates quasi-judicial request(s).
If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.
Chandra Powell
Planning Specialist



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Stephen White, Senior Planner

DATE: September 5, 2023

SUBJECT: **FD23-00007 - Chaparral Amenity Center - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) – A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development. A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ☐ FD23-00007 - Staff Report
- ☐ FD23-00007 - Final Development Plan
- ☐ FD23-00007 - Development Schedule
- ☐ FD23-00007 - Citizen Participation Meeting Report
- ☐ FD23-00007 - Application
- ☐ FD23-00007 - Letter of Authorization
- ☐ FD23-00007 - Legal Acknowledgement
- ☐ FD23-00007 - Legal Ad



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Stephen White, Senior Planner

CASE NUMBER

FD23-00007

PLANNING & ZONING BOARD HEARING DATE

September 5, 2023

PROPERTY OWNER & APPLICANT

Chaparral Properties LLC., (Jake Wise, P.E., Construction Engineering Group, LLC., Rep.)

PROPERTY LOCATION/ADDRESS

Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located in the vicinity east of Abilene Dr. SW., and in the vicinity south of Malabar Rd. SW.

Tax Account: 3030091

SUMMARY OF REQUEST

Final Development Plan seeking Planned Unit Development zoning approval for an Amenity Center for the Chaparral subdivision.

Existing Zoning

PUD, Planned Unit Development

Existing Land Use

LDR, Low-Density Residential

Site Improvements

Undeveloped property

Site Acreage

Approximately 6.66-acres

SURROUNDING ZONING & USE OF LAND

North

PUD, Planned Unit Development – Single-Family Residential

East

GU, General Use Holding – Private Club

South

PUD, Planned Unit Development, Unimproved

West

PUD, Planned Unit Development – Unimproved

COMPREHENSIVE PLAN COMPATIBILITY

Yes, the proposed project location currently has a Future Land Use designation of Low-Density Residential.

BACKGROUND:

The properties are generally located in the vicinity east of Abilene Dr. SW., and in the vicinity south of Malabar Rd. SW. The Final Development plan is for approximately 6.66-acres out of the 24.52-acre tract of land.

The applicant is seeking approval for a Final Development Plan for an Amenity Center for the Chaparral PUD. The original submittal for the Chaparral PUD did not contain standards for the Amenity Center.

ANALYSIS:

The Planned Unit Development (PUD) is a concept which encourages variation in residential developments by allowing deviation in lot size, type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities.

Specifically, the development plan is proposing a community pool, a 75'X100' dog park, a tot lot and open recreation field for outdoor activities. All amenities are connected with a walking trail and promote walkability within the neighborhood.

The applicant is providing adequate parking with 29 parking spaces and 2 ADA accessible parking spaces. This is exceeding the minimum requirement of 7 parking spaces and 1 ADA accessible parking space.

The proposed plan will be carried out in 1 (one) phase. The projected completion date for this project is Spring of 2024.

The applicant has demonstrated compliance with the Citizen Participation Plan as outlined in Section 169.005 of the Land Development Code and the community meeting was held on August 20, 2020.

CONDITIONS:

In order to receive Final Planned Unit Development approval, the proposal must meet the requirements of Section 185.067 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being submitted prior to final plat approval:

- Fully engineered construction drawings.
- Submission of an Endangered Species Assessment,

- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the engineered construction drawings.

STAFF RECOMMENDATION:

Staff recommends case FD23-00007 for approval.



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



AERIAL LOCATION MAP CASE: FD23-00007

Subject Property

South of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



FUTURE LAND USE MAP CASE: FD23-00007

Subject Property

South of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW

Future Land Use Classification

LDR - Low Density Residential



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



ZONING MAP CASE: FD23-00007

Subject Property

South of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW

Current Zoning Classification

PUD - Planned Unit Development

CHAPARRAL AMENITY CENTER

FINAL DEVELOPMENT PLAN

PALM BAY, FL

DATE:

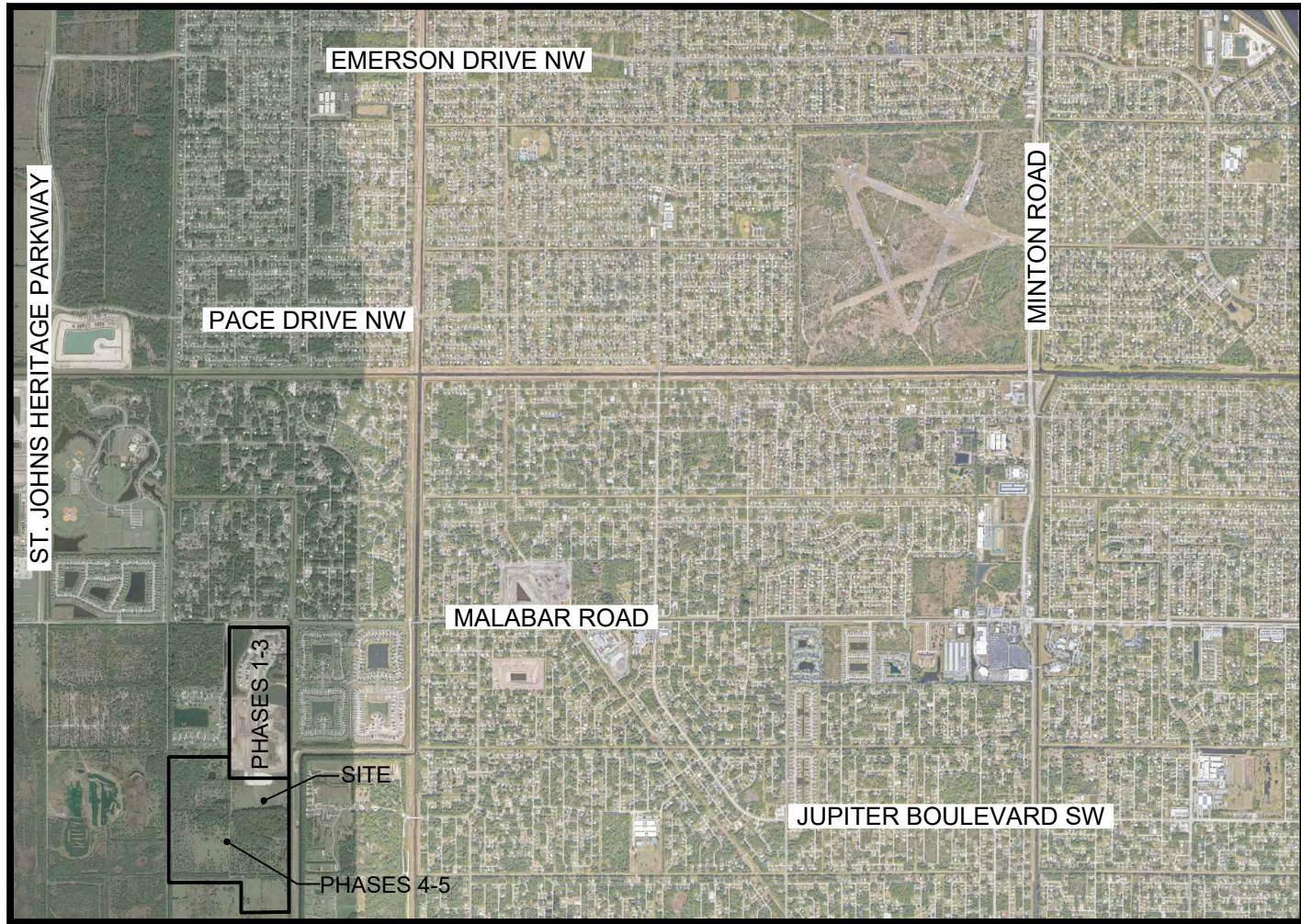
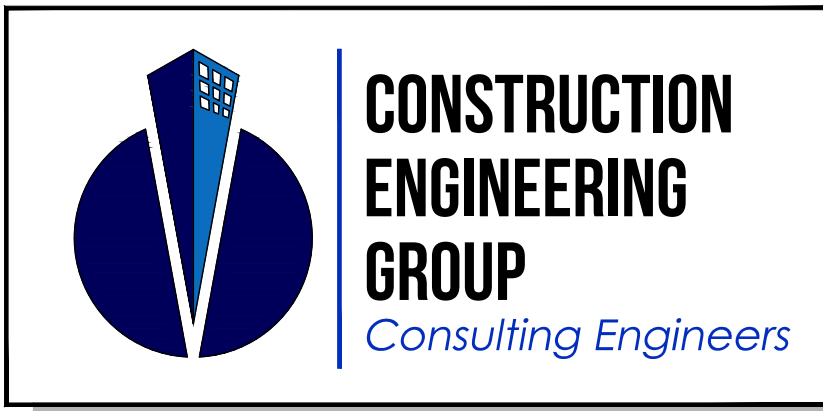
FEBRUARY 03, 2023

PREPARED FOR:

CHAPARRAL PROPERTIES, LLC

LEGAL DESCRIPTION:

TRACT REC-2 IN CHAPARRAL PUD PHASE FOURE A-B AND FIVE A-B



LOCATION MAP

NTS

PROJECT DATA:

GENERAL STATEMENT:
THE PROPOSED PROJECT CONSISTS OF THE CONSTRUCTION OF AN AMENITIES CENTER FOR CHAPARRAL SUBDIVISION COMMUNITY. THE IMPROVEMENTS INCLUDE A POOL, TOT LOT, DOG PARK AND ATHLETIC FIELDS. THE STORMWATER TREATMENT IS PART OF THE MASTER SYSTEM.

APPLICANT:
METRO DEVELOPMENT GROUP
2502 N. ROCKY POINT DR. SUITE 1050
TAMPA, FL 33607
TEL: (813) 288-8078
E-MAIL: MLAWSON@MDGFLORIDA.COM

SURVEYOR:
AAL LAND SURVEYING SERVICES, INC.
3970 MINTON ROAD
WEST MELBOURNE, FL 32904
TEL: (321) 768-8110

CIVIL ENGINEER:
JAKE T. WISE, P.E.
2651 EAU GALLIE BLVD, SUITE A
MELBOURNE, FLORIDA 32935
TEL: (321) 610-1760
E-MAIL: JWISE@CEGENGINEERING.COM

LOCATION:
SECTION: 04
TOWNSHIP: 29S
RANGE: 36E
PARCEL ID: 29-36-04-00-750
TAX ACCOUNT NUMBER: 3030091

SITE CHARACTERISTICS:
PROJECT ACREAGE: 6.66 ACRES
ZONING CLASSIFICATION: PUD FLU: SFR
ACCORDING TO F.I.R.M. #12009C 0655 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE (EL. 20.0') AND X
PROPOSED BUILDING COVERAGE: 1,329 SF/0.03 AC
PROPOSED BUILDING HEIGHT: 10'

SETBACKS	REQUIRED:	PROVIDED:	BUILDING HEIGHT:
FRONT:	25'	98'	MAXIMUM: 2 STORY: 25 FT
SIDE:	5'	170.95'	PROPOSED: 10 FT
REAR:	15'	-	
SIDE CORNER:	20'	597.8'	

CALCULATED LOT COVERAGES PROPOSED	SF	ACRES	PERCENT
IMPERVIOUS (BUILDING):	1,329	0.03	0.5
IMPERVIOUS (ASPHALT/CONCRETE):	31,295	0.72	11
IMPERVIOUS (POOL/DECK)	4,189	0.10	1.5
TOTAL PERVIOUS:	253,375	5.82	87
TOTAL GROSS AREA:	290,188	6.66	100

PARKING SPACE CALCULATIONS:
PARKING REQUIRED
USE: RECREATION
CALCULATION: 1 SPACE PER 200 SF
1,329 SF / 200 = 7 SPACES

TOTAL SPACES:
7 SPACES REQUIRED INCLUDING 1 HANDICAP SPACE
29 SPACES PROVIDED INCLUDING 2 HANDICAP SPACES

REVISION

DATE

REV#

2651 Eau Gallie Blvd, Suite A
Melbourne, FL 32935

Tel: 321.253.1221
www.ceengineering.com
COA #000897

CONSTRUCTION
ENGINEERING
GROUP

Consulting Engineers

CHAPARRAL AMENITY CENTER

CHAPARRAL PROPERTIES, LLC
ABILENE DRIVE, PALM BAY, FLORIDA

DRAWING TITLE
CIVIL COVER SHEET

DATE
02/03/23

SCALE
NTS

PROJ. NO. :
210191

DESIGNED BY:
SMB

DRAWN BY:
SMB

CHECKED BY:
JTW

DRAWING NO.
FDP-1



LEGEND:

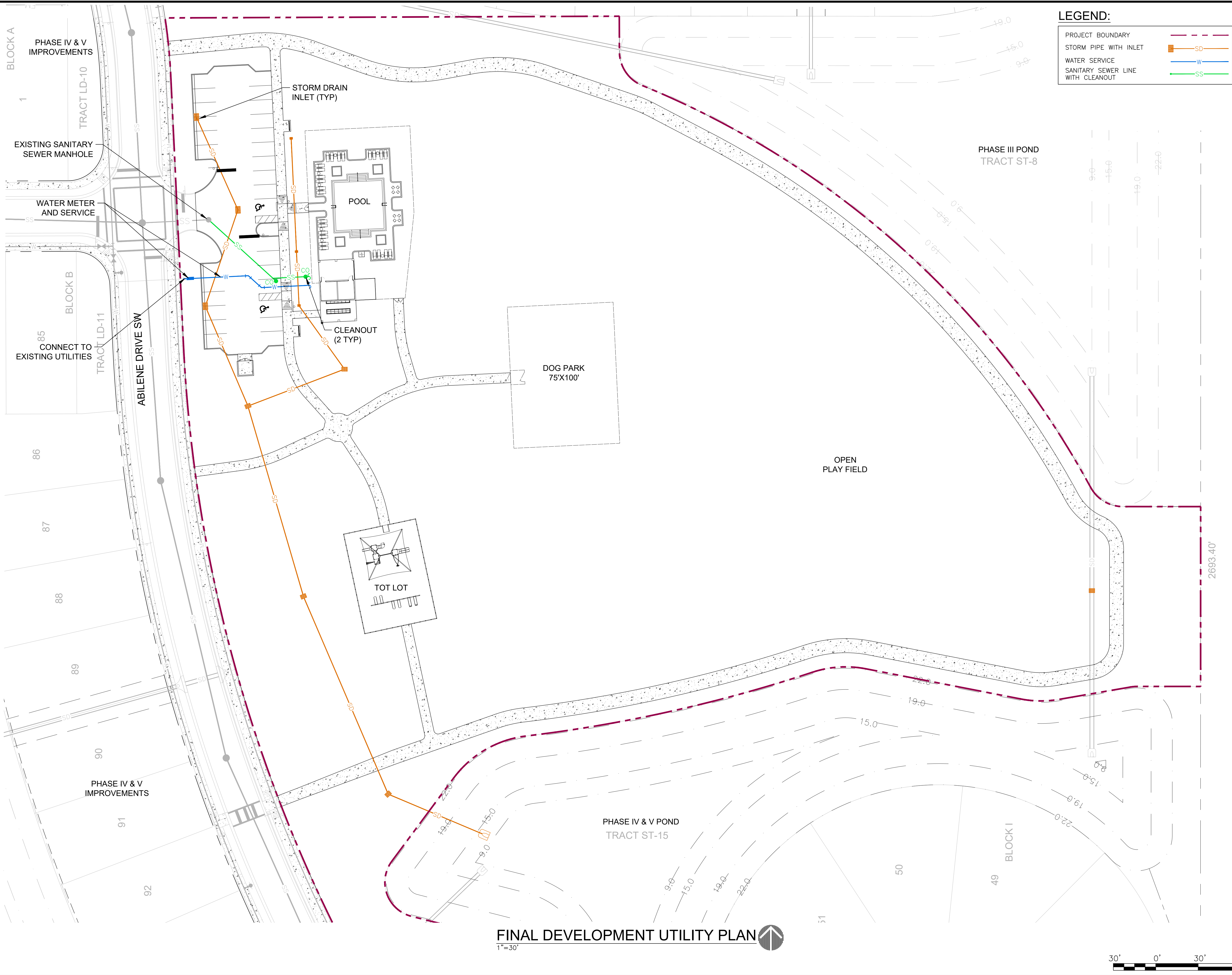
PROJECT BOUNDARY	---
STORM PIPE	SD
WATER MAIN	W
SANITARY SEWER LINE	SS
RECREATION, LANDSCAPING AND OPEN SPACE	
PAVEMENT	

CHAPARRAL AMENITY CENTER	
CHAPARRAL PROPERTIES, LLC ABILENE DRIVE, PALM BAY, FLORIDA	
DRAWING TITLE FINAL DEVELOPMENT SITE PLAN	
DATE 02/03/23	
SCALE 01"=30'	
PROJ. NO. : 210191	
DESIGNED BY: SMB	
DRAWN BY: SMB	
CHECKED BY: JTW	
DRAWING NO. FDP-2	

2651 Eau Claire Blvd., Suite A
Melbourne, FL 32935
Tel: 321.253.1221
www.cegeengineering.com
COA #000897

**CONSTRUCTION
ENGINEERING
GROUP**
Consulting Engineers

THESE DOCUMENTS ARE THE PROPERTY OF CHAPARRAL PROPERTIES, LLC. NO PART OF THESE DOCUMENTS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF CHAPARRAL PROPERTIES, LLC.



FINAL DEVELOPMENT UTILITY PLAN

CHAPARRAL AMENITY CENTER	
CHAPARRAL PROPERTIES, LLC ABILENE DRIVE, PALM BAY, FLORIDA	
DRAWING TITLE	
FINAL DEVELOPMENT UTILITY PLAN	
DATE	
02/03/23	
SCALE	
01"=30'	
PROJ. NO. :	
210191	
DESIGNED BY:	
SMB	
DRAWN BY:	
SMB	
CHECKED BY:	
JTW	
DRAWING NO.	
FDP-3	

CONSTRUCTION ENGINEERING GROUP

Consulting Engineers

2651 Eau Claire Blvd., Suite A
Melbourne, FL 32935
Tel: 321.253.1221
www.ceengineering.com
COA #000897

Development Schedule:

Start Construction August/September 2023

End Construction April/May 2024

Chaparral Phase 2

Citizen Participation Plan

(As required by Ordinance 2006-45, City of Palm Bay, Florida)

Date: August 25, 2020

Applicant: Construction Engineering Group, LLC

Development: seeking Final Development Plan (FDP) Approval for Chaparral Phase 2

Site: Parcel IDs: 29-36-04-00-1; Township 29 Range 36 and Section 04

Owner: Chaparral Properties, LLC



The following information reflects the plan of the Applicant to notify interested parties of its pending application with the City of Palm Bay for the proposed development of this site, as described above; and to facilitate an open dialogue with such parties and attempt to address their concerns.

Persons Notified Directly:

All persons or businesses residing within a 500' radius of the corners of the property (as provided by the Brevard County Property Appraiser's Office) were notified by USPS mail.






Public Meeting:

- One public meeting was held, as scheduled below, where the current proposed site exhibit was made available to the attending public to view to provide information about the proposal.
 - Monday August 24, 2020 the the Fred Poppe Regional Park main pavilion near the community center located within the park at 1951 Malabar Rd NW, Palm Bay, FL 32907 at 6:30pm.
- A 500' radius list of property owners were used for mail delivery of this meeting announcement.
- The City of Palm Bay Growth Management Department was sent an invitation to attend the meeting.
- All attendees were requested to provide their name and mailing address.
 - A copy of the sign in sheet has been attached.
- Minutes of the meeting were taken outlining the attendees' comments and concerns- see below.
 - A copy of the meeting agenda has been attached.
- A report of the meeting will be provided to the Growth Management Department in accordance with the ordinance.

Jake Wise provided a summary of the overall permitting process, why we are currently holding this meeting, the upcoming public hearing dates, and an update on the Phase I ongoing construction and Phase II overall proposed project. The neighbors asked questions about the following:

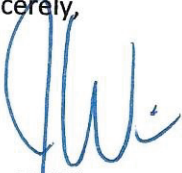
- Is the existing Flying J stabilized roadway going to be permanent or ultimately removed along the western boundary backing up to Malabar Lakes West? We identified it will be ultimately removed but did not know timing.
- They complained about a "mountain" of fill that was stockpiled. They said they complained to the City and it was immediately reduced. They complimented the contractor on the responsiveness.
- They complained about the wind whipping up the dry dirt from time to time. We assured them a vegetative cover is required prior to final acceptance. They said they complained to the contractor one time and they immediately brought out a water truck. They complimented the responsiveness again.
- They generally complimented the contractor as wanting to be a good neighbor.
- They expressed concern about how much higher Chaparral was than their neighborhood. They were worried about drainage and two story potential homes being able to look into their backyards and windows.
- They said in some areas washouts have occurred behind Malabar Lakes West and wanted to make sure the silt fences were maintained and asked about taller silt fences. We assured them there are daily inspections and repairs after any rain events.
- They complained about traffic and adding another signal in the future at our entrance. They were happy to hear about the turn lanes being added as part of phase I. They asked about the ongoing corridor study and we explained the roadway had two jurisdictions so both the County and City were involved.





The applicant acknowledges that upon completion of the process described above, it is required to submit this Citizen Participation Report to the Growth Management Department at least five days prior to the City's first public hearing or final administrative review.

Sincerely,



Jake T. Wise, PE
Principal Civil Engineer
Construction Engineering Group, LLC



Date: 8/24/20
Time: 6:30pm

NAME	ADDRESS	Email (Optional)
Julie Wilson - PE - CEG	21051 W. Equ. Collier Blvd. Melbourne 32935	president@pumpc.com
Jim Ryan	610 Hurley Blvd PB 32908	
Steve Yee	410 Hurley Blvd, PB 32941	secretary@pumpc.com
Mildred + Brenda Childs	311 Allison Dr., A.P. 32908	mildredchilds@usa.com
Scott Donna Major	441 Allison Dr.	patmajor1234@aol.com
James Per Renfros	361 Allison Drive, PB	Roe Rfamillp7@aol.com
James & Shawnee Hall	285 Morayd	Speedie117@aol.com
Ray Lynch	420 Allison Drive, PB, FL 32908	raylynch@ccr.fir.com
Ated K. A. Miller	426 Allison Dr., PB FL 32908	bayphon@cfi.r.com
W. R. R. R.	1070 King Dr PB FL 32908	
Ly Kim Wengert	381 Allison Dr	
Kerri Snyder	1309 Ransoon Rd NW	khynrals@aol.com



Chaparral Phase II

Meeting Agenda

8/24/20

6:30pm

Type of Meeting: Neighbor Meeting

Meeting Facilitator: Jake Wise, PE- Construction Engineering Group, LLC

Invitees: Property owners within 500' radius

- I. Call to order
- II. Roll call/ sign in
- III. Explanation of Project
- IV. Presentation Boards with Site Plan
- V. Question/ Answer Period
- VI. Adjournment



Project Details: FD23-00007

Project Type: Subdivisions & Plats Planned Development Final Development Plan

Project Location: **Palm Bay, FL**
Milestone: **Under Review**
Created: **5/3/2023**
Description: **Chaparral Amenity Center**
Assigned Planner: **Stephen White**

Contacts

Contact	Information
Surveyor	Andrew W. Powshok 3970 Minton Road West Melbourne, FL 32904 (321) 768-8110 aalsurvey@aalsurvey.com
Engineer	Jake Wise 2651 W Eau Gallie Blvd; Suite A Melbourne, FL 32935 (321) 610-1760 jwise@cegengineering.com
Developer	John Ryan 2502 N Rocky Pointe Drive Tampa, FL 33607 (813) 288-8078 marc@metrodg.com
Owner/Applicant	CHAPARRAL PROPERTIES LLC 2502 N ROCKY POINT DR, STE 1050 TAMPA, FL 33607
Legal Representative	Jake Wise 2651 W Eau Gallie Blvd; Suite A Melbourne, FL 32935 (321) 610-1760 jwise@cegengineering.com
Assigned Planner	Stephen White -1 stephen.white2@palmbayflorida.org
Submitter	Jake Wise 2651 W Eau Gallie Blvd; Suite A Melbourne, FL 32935 jwise@cegengineering.com

Project Details: FD23-00007

Fields

Field Label	Value
Block	750
Lot	
Section Township Range	04-29-36
Subdivision	00
Year Built	
Use Code	6100
Use Code Desc	GRAZING LAND - SOIL CAPABILITY CLASS II - VACANT
LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	3030091
Flu Description	
Flu Code	
Zoning Description	Planned Unit Development
Zoning Code	PUD
Proposed Development Name	Chaparral Amenity Center
Total Lots Proposed by Use	1
Submitted Preliminary Dev. Plan?	No
Final Development Type	PUD
Received Preliminary Approval?	No
Size of Area Covered (acres)	
Is Submitter the Representative?	False

Project Details: FD23-00007

Ordinance Number	
Subdivision Name	

_____, 20____

Re: Letter of Authorization

As the property owner of the site legally described as:

BCPA Parcel ID: 29-36-04-00-750

I, Owner Name: John Ryan- Chaparral Properties, LLC

Address: 2502 N Rocky Point Drive, Suite 1050, Tampa, FL 33607

Telephone: 813-288-8078

Email: marc@metrodg.com

hereby authorize:

Representative: Jake Wise, PE- Construction Engineering Group, LLC

Address: 2651 W Eau Gallie Blvd, Suite A, Melbourne, FL 32935

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

Final Development Plan and any/all associated submittals

John Ryan, Authorized Person
(Property Owner Signature)

STATE OF FL

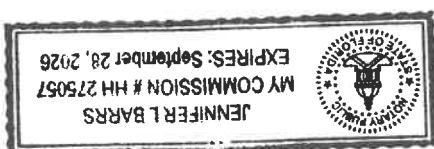
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6th day of March, 2023 by

John Ryan, Authorized Person, property owner.

Jennifer L Barrs, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:



Acknowledgement Log

Header:

Legal Acknowledgement

Text:

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Accepted By:

Jake Wise

On:

5/3/2023 8:23:57 AM

☒ FD23-00007

Select Language ▼

 Home |  City of Palm Bay

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Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

Customer: CITY OF PALM BAY

Ad No.: 0005808218

Address: SUITE 201
PALM BAY FL 32907
USA

Pymt Method Invoice
Order Amount 261.59

Run Times: 1

No. of Affidavits: 0

Run Dates: 08/25/23

Text of Ad:

Ad#5807 08/25/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING
Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on September 5, 2023, and by the City Council on September 19, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):
1. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE
2. **FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW
3. **CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW
4. **FS23-00007 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)
A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW
5. **FS23-00008 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)
A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

b. 123-00023 – City of Palm Bay
(Growth Management Department)
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance
**Indicates quasi-judicial request(s).
If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.
Chandra Powell
Planning Specialist



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Tania Ramos, Senior Planner

DATE: September 5, 2023

SUBJECT: **V23-00006 – CONTINUED TO 10/04 P&Z - River's Edge Mixed Use – Florida Institute of Technology, Robert King, President (David Bassford, P.E., MBV Engineering, Inc., Rep.) – A Variance to allow three proposed parking garage buildings to encroach 20 feet into the 20-foot front-yard setback for accessory structures, as established by Section 185.058(F)(8)(e) of the Palm Bay Code of Ordinances. A portion of Lots 6 and 10, Hopson's Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 6.92 acres. Located west of and adjacent to Dixie Highway NE, in the vicinity of Anglers Drive NE, specifically at 4400 Dixie Highway NE

Case V23-00006 has been continued to the October 4, 2023 Planning and Zoning Board Meeting to meet advertisement requirements.

Board action is not required to continue the case.

City Council will hear the request on October 19, 2023.

**Quasi-Judicial Proceeding.

ATTACHMENTS:
Description



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Principal Planner

DATE: September 5, 2023

SUBJECT: **FS23-00007 – Timbers at Everlands Phase 1C - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C. A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▣ FS23-00007 - Staff Report
- ▣ FS23-00007 - Final Plat
- ▣ FS23-00007 - Title Opinion
- ▣ FS23-00007 - Application
- ▣ FS23-00007 - Letter of Authorization
- ▣ FS23-00007 - Legal Acknowledgement
- ▣ FS23-00007 - Legal Ad



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Alix Bernard, Principal Planner

CASE NUMBER

FS23-00007

PLANNING & ZONING BOARD HEARING DATE

September 5, 2023

PROPERTY OWNER & APPLICANT

DRP FL 6, LLC, Brian Clauson (Ana Saunders, P.E., BSE Consultants, Inc, Rep.)

PROPERTY LOCATION/ADDRESS

A replat of a portion of Tract FD1 together with Tract FD2, All in Timbers at Everlands Phase 1A, section 28, Township 28 Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located at the northeast corner of St. Johns Heritage Pkwy and Pace Dr NW.

SUMMARY OF REQUEST

The applicant requests Final Plat approval to allow for a proposed 77 lot single family residential subdivision called Timbers at Everlands Phase 1C.

Existing Zoning

PUD -- Planned Unit Development

Existing Land Use

Low Density Residential

Site Improvements

Single Family Homes

Site Acreage

Approximately 21.25 acres

SURROUNDING ZONING & USE OF LAND

North

CC, Community Commercial – Vacant

East

RS-2, Single Family Residential – Single Family Homes

South

PUD, Planned Unit Development and AU, Agricultural Residential– Single Family Homes and vacant land

West

AU, Agricultural Residential – Vacant

COMPREHENSIVE PLAN COMPATIBILITY

Yes, the property has a Low-Density Residential Future Land Use Designation

BACKGROUND:

The subject property is located in the vicinity east of St. Johns Heritage Parkway, north of Pace Rd NW, containing approximately 21.25 acres.

The current zoning of the property is PUD, Planned Unit Development. The proposed subdivision will create 77 new single family residential age-restricted lots.

ANALYSIS:

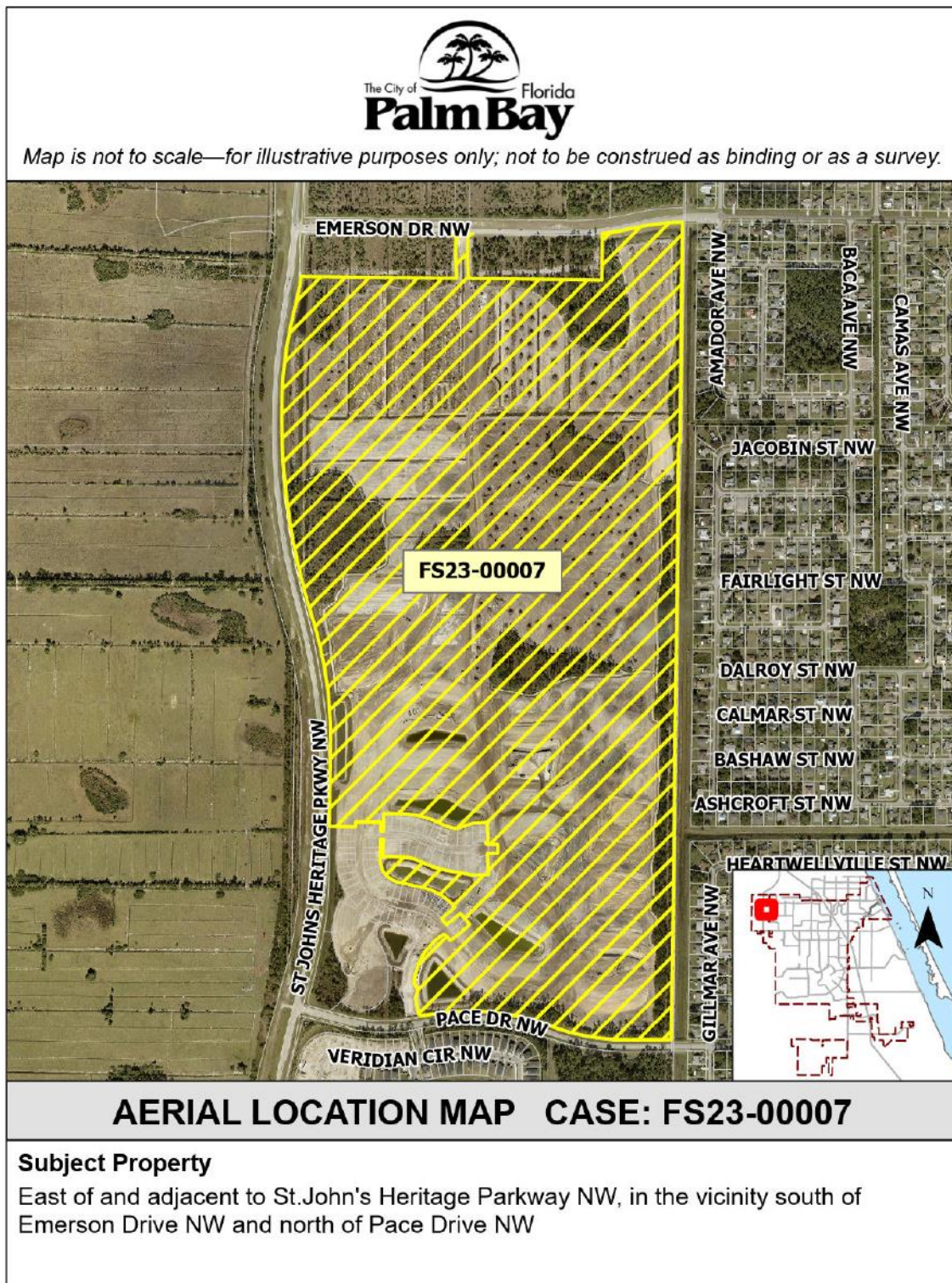
Phase 1C, consisting of 77 single family residential age-restricted lots will be a mixture of 40 ft wide lots and 50 ft wide lots. 54 of the lots will be forty feet wide and 23 of the lots will be fifty feet wide to be exact. In November 3, 2022, City Council approved Ordinance 2022-118 granting a Final Development Plan for Medley at Everlands, for a Planned Unit Development consisting of 840 units constructed in four phases. Phase 1 is a total of 184 lots, of which 107 lots have already been platted. This final plat request is for 77 lots, which will complete the final plating for phase 1 of this project which is a total of 184 lots. There are an additional 3 phases which will be going through the final plating process in the future in addition to this request.

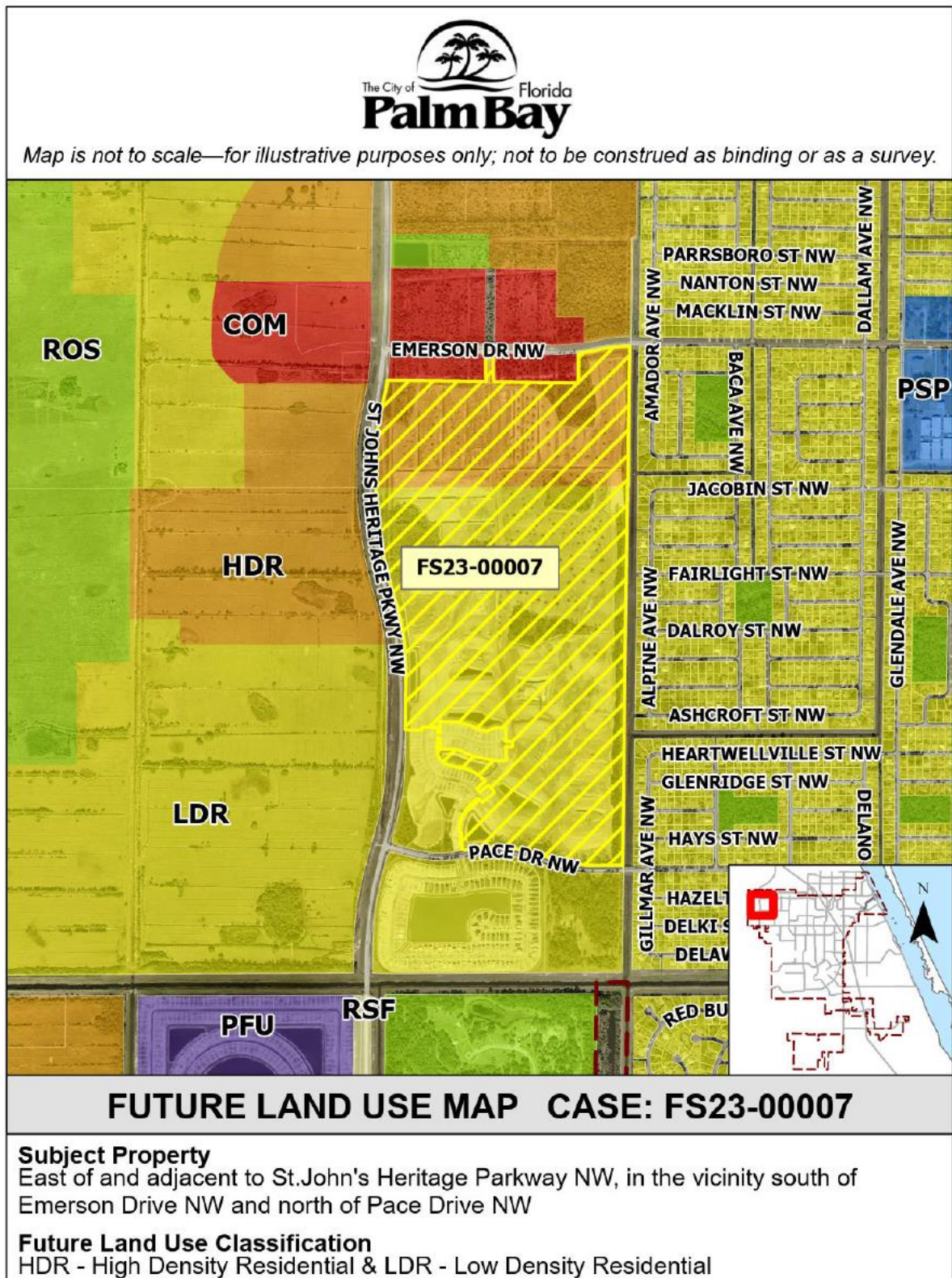
Access to this subdivision for Phase 1C is off Pace Dr NW, on the newly constructed private right of way noted as Tract Z on the final plat with the roadway named Velorum Lane.

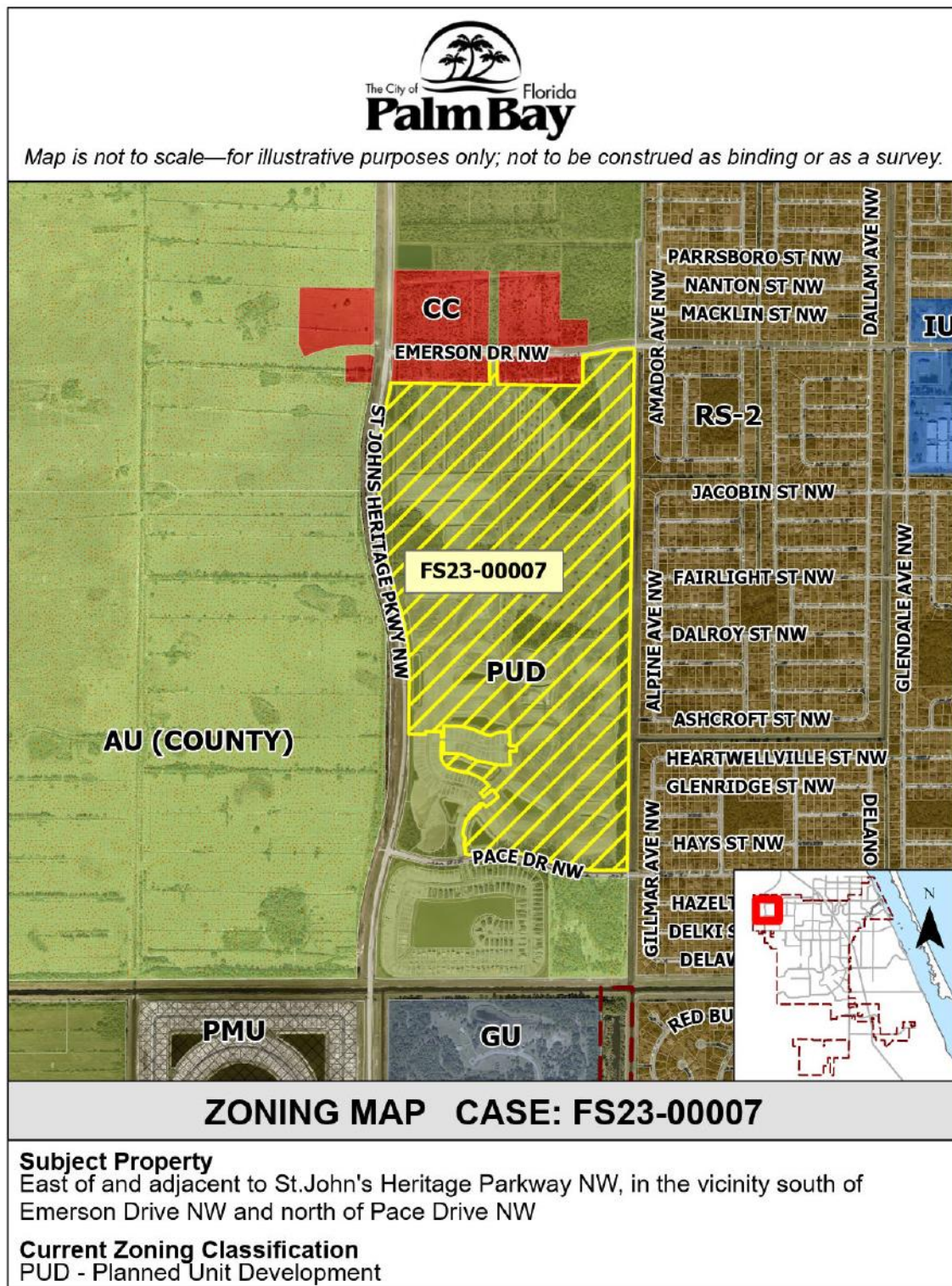
To receive Final Plat approval, the proposal must meet the requirements of Section 184.08 of the Palm Bay Code of Ordinances. Upon review of the submitted materials the Final Plat request is in substantial conformance with the applicable requirements of this section.

STAFF RECOMMENDATION:

Staff recommends Case FS23-00007 for approval.







TIMBERS AT EVERLANDS PHASE 1C

BEING A REPLAT OF A PORTION OF TRACT FD1, EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT NOTES:

- BEARING REFERENCE: ASSUMED BEARING OF S00°42'40"W ON THE EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, AS PER PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- SURVEY MONUMENTATION WITHIN THE SUBDIVISION SHALL BE SET IN ACCORDANCE WITH FLORIDA STATUTES CHAPTERS 177.091(8) & 177.091(9).
- UNLESS OTHERWISE NOTED ALL LINES ARE RADIAL.
- ALL LOT DRAINAGE IS PRIVATE AND IS TO BE MAINTAINED BY THE INDIVIDUAL LOT OWNER, OR THE DECLARED MAINTENANCE ENTITY (I.E. HOMEOWNER ASSOCIATION).
- ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- UNLESS OTHERWISE NOTED THERE IS HEREBY DEDICATED OVER AND ACROSS THE FRONT OF ALL LOTS AND TRACTS ABUTTING AND COINCIDENT WITH THE PRIVATE RIGHTS-OF-WAY, A 10 FOOT WIDE PERPETUAL PUBLIC UTILITY EASEMENT.
- A 3.00 FOOT WIDE AND 7.00 FOOT WIDE PERPETUAL PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES WITHIN LOTS 4 THROUGH 16 OF BLOCK "Q" AND WITHIN BLOCK "S" AND "SS" AS SHOWN ON "SIDE LOT EASEMENT DETAIL A", UNLESS OTHERWISE NOTED. WHERE MORE THAN ONE LOT, OR PARTS OF ONE OR MORE LOTS, ARE USED AS A SINGLE BUILDING SITE, ONLY THE OUTER BOUNDARIES OF THE BUILDING SITE SHALL CARRY THE SIDE EASEMENTS.
- A 5.00 FOOT WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES WITHIN LOTS 1, 2, AND 3 OF BLOCK "Q" AND WITHIN BLOCK "R" AND "T" AS SHOWN ON "SIDE LOT EASEMENT DETAIL B", UNLESS OTHERWISE NOTED. WHERE MORE THAN ONE LOT, OR PARTS OF ONE OR MORE LOTS, ARE USED AS A SINGLE BUILDING SITE, ONLY THE OUTER BOUNDARIES OF THE BUILDING SITE SHALL CARRY THE SIDE EASEMENTS.
- DRAINAGE AND UTILITY EASEMENTS SHOWN ARE CENTERED ALONG LOT LINES UNLESS SPECIFICALLY DIMENSIONED OTHERWISE.
- LOTS AND TRACTS ABUTTING ANY EXISTING STORM WATER LAKE AND TRACT, OR FLOW WAYS, WETLANDS AND ANY OTHER STORM WATER MANAGEMENT FACILITIES CONSTRUCTED SUBSEQUENT TO THIS PLAT SHALL NOT HAVE RIPARIAN RIGHTS WITH RESPECT TO ANY SUCH TRACTS AND DRAINAGE FACILITIES, INCLUDING WITHOUT LIMITATION, ANY DRAINAGE PONDS OR LAKES, DRAINAGE STRUCTURES OR AQUATIC LANDSCAPE FEATURES WHICH MAY BE CONSTRUCTED WITHIN SAID FACILITIES.
- PER THE SUPPLEMENTAL DRAINAGE EASEMENT EXPANSION OR RELOCATION AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 8915, PAGE 1507-1539, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THE CITY OF PALM BAY SHALL BE RESPONSIBLE FOR ALL MAINTENANCE OF ALL PUBLIC DRAINAGE EASEMENTS AS SHOWN, NOTED AND/OR DEDICATED ON THIS PLAT.
- THERE IS HEREBY DEDICATED TO THE CITY OF PALM BAY, FLORIDA A PUBLIC DRAINAGE EASEMENT OVER AND ACROSS TRACT "C" AND "G" FOR THE PURPOSES OF INSTALLATION, MAINTENANCE, ACCESS AND REPAIR OF PUBLIC DRAINAGE FACILITIES.
- ALL INTERNAL ROADWAYS ARE DESIGNATED AS TRACT "Z" AND SHALL BE PRIVATE AND SHALL BE OWNED AND MAINTAINED BY THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS. AN INGRESS/EGRESS EASEMENT IS HEREBY GRANTED TO THE CITY OF PALM BAY FOR EMERGENCY VEHICLE ACCESS OVER AND ACROSS TRACT "Z".
- THERE IS HEREBY DEDICATED TO THE CITY OF PALM BAY, FLORIDA AN EASEMENT FOR THE PURPOSES OF INSTALLATION, MAINTENANCE, ACCESS AND REPAIR OF A PUBLIC SANITARY SEWER LINE AND ASSOCIATED FACILITIES OVER AND ACROSS TRACT "Z".
- THERE IS HEREBY DEDICATED TO THE CITY OF PALM BAY, FLORIDA AN EASEMENT FOR THE PURPOSES OF INSTALLATION, MAINTENANCE, ACCESS AND REPAIR OF A PUBLIC POTABLE WATER LINE AND ASSOCIATED FACILITIES OVER AND ACROSS TRACT "Z".
- TRACT "Z" IS HEREBY DEDICATED FOR PRIVATE USE AND AS A COMMON VEHICLE AND PEDESTRIAN WAY ACCESS EASEMENT FOR THE USE, MAINTENANCE, AND BENEFIT OF ALL LOTS WITHIN TIMBERS AT EVERLANDS, AND FOR INGRESS AND EGRESS FROM EACH LOT TO THE ABUTTING PUBLIC STREETS.
- THE CITY OF PALM BAY, FLORIDA, BREVARD COUNTY, FLORIDA, STATE OF FLORIDA AND THE FEDERAL GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL BE ALLOWED ACCESS ON TRACT "Z", PEDESTRIAN WAYS, EASEMENTS AND COMMON OPEN SPACE TO ENSURE AND PROVIDE THE POLICE AND FIRE PROTECTION OF THE AREA, AND TO CONTROL THE HEALTH AND SAFETY OF THE RESIDENTS AND GUESTS OF TIMBERS AT EVERLANDS.
- THE HOMEOWNERS ASSOCIATION SHALL HAVE THE PRIMARY MAINTENANCE RESPONSIBILITY FOR THE DRAINAGE FACILITIES CONSTRUCTED WITHIN THE PRIVATE EASEMENTS AND STORMWATER TRACTS, HEREIN GRANTED. HOWEVER, THE CITY OF PALM BAY SHALL HAVE THE RIGHT BUT NOT THE OBLIGATION, TO PERFORM MAINTENANCE OR TO MAKE EMERGENCY REPAIRS AS IT DEEMS NECESSARY OR DESIRABLE, AT THE EXPENSE OF THE HOMEOWNERS' ASSOCIATION, INC., THEIR SUCCESSORS, OR ASSIGNS.

- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THOSE CERTAIN COVENANTS, CONDITIONS, AND RESTRICTIONS AS RECORDED IN OFFICIAL RECORDS BOOK _____, PAGE _____, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TRACT TABLE			
TRACT ID	AREA (ACRES)	TRACT USE	OWNERSHIP AND MAINTENANCE ENTITY
TRACT C	3.19	LANDSCAPE, DRAINAGE, STORM WATER, RECREATION, AND UTILITIES	THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS
TRACT G	4.40	LANDSCAPE, DRAINAGE, STORM WATER, AND UTILITIES	THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS
TRACT G1	0.07	LANDSCAPE, DRAINAGE, STORM WATER, AND UTILITIES	THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS
TRACT I	0.07	LANDSCAPE, DRAINAGE, RECREATION, AND UTILITIES	THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS
TRACT Z	2.75	VEHICULAR AND PEDESTRIAN ACCESS, UTILITIES, DRAINAGE, AND SIDEWALKS	THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS

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NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

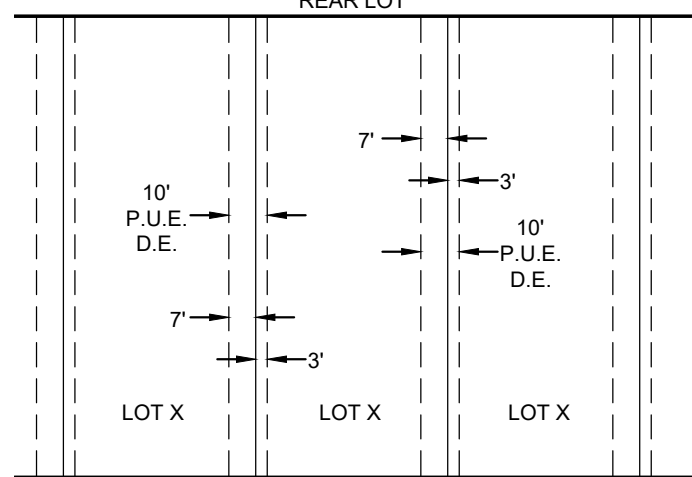
20. THE LANDS PLATTED HEREUNDER ARE SUBJECT TO THE FOLLOWING:

- NOTICE OF ESTABLISHMENT OF THE EVERLANDS COMMUNITY DEVELOPMENT DISTRICT IN OFFICIAL RECORDS BOOK 8693, PAGE 2281, AS AMENDED IN OFFICIAL RECORDS BOOK 9271, PAGE 2431.
- FINAL JUDGMENT IN OFFICIAL RECORDS BOOK 9257, PAGE 1663 AND OFFICIAL RECORDS BOOK 9671, PAGE 1011.
- LIEN OF RECORD OF THE EVERLANDS COMMUNITY DEVELOPMENT DISTRICT IN OFFICIAL RECORDS BOOK 9298, PAGE 220.
- TRUE-UP AGREEMENT IN OFFICIAL RECORDS BOOK 9298, PAGE 223.
- DECLARATION FOR EVERLANDS RECORDED IN OFFICIAL RECORDS BOOK 9466, PAGE 1511, BUT OMITTING ANY SUCH COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN AS PROVIDED IN 42 U.S.C. SEC. 3604 OR SEC. 3605, UNLESS EXEMPT UNDER TITLE 42 U.S.C. SUCH DECLARATION DOES ESTABLISH AND PROVIDE WITHOUT LIMITATION FOR EASEMENTS, LIENS, CHARGES, AND ASSESSMENTS.
- ORDINANCE NO. 85-49 IN OFFICIAL RECORDS BOOK 2756, PAGE 10.
- ORDINANCE NO. 2003-32 IN OFFICIAL RECORDS BOOK 5030, PAGE 541.
- ORDINANCE NO. 2004-37 IN OFFICIAL RECORDS BOOK 5352, PAGE 1548.
- TERMS AND CONDITIONS OF RESERVED EASEMENTS AND LICENSE RIGHTS AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5468, PAGE 6896, AS AFFECTED BY FIRST AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 5507, PAGE 1769, AS CORRECTED BY CORRECTED FIRST AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 5509, PAGE 439.
- DECLARATION OF EASEMENTS IN OFFICIAL RECORDS BOOK 6149, PAGE 2612, AS SUPPLEMENTED IN OFFICIAL RECORDS BOOK 8915, PAGE 1507.
- RESOLUTION 2021-65 IN OFFICIAL RECORDS BOOK 9408, PAGE 2279.
- MEMORANDUM OF OPTION AGREEMENT RECORDED IN OR BOOK 9521, PAGE 2902.
- PLAT OF TIMBERS AT EVERLANDS PHASE 1A IN PLAT BOOK 00073, PAGE 0064.
- NOTICE OF ENVIRONMENTAL RESOURCE PERMIT IN OFFICIAL RECORDS BOOK 8583, PAGE 198.
- DECLARATION FOR THE TIMBERS AT EVERLANDS IN OFFICIAL RECORDS BOOK 9766, PAGE 425.
- ORDINANCE NO. 2022-118 IN OFFICIAL RECORDS BOOK 9686, PAGE 816.

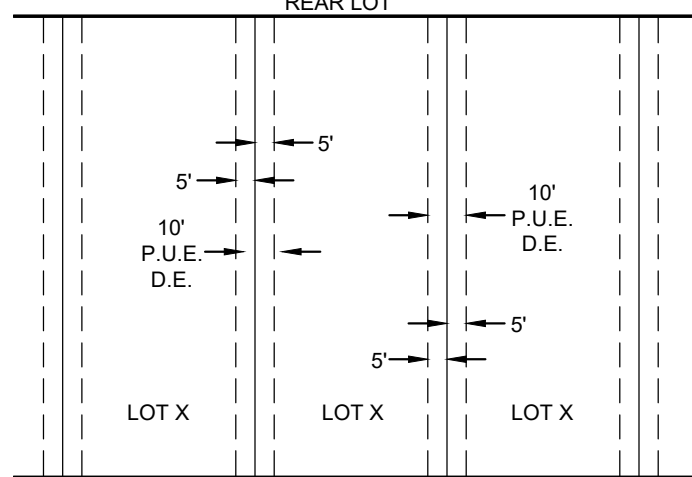
DESCRIPTION OF TIMBERS AT EVERLANDS PHASE 1C

PART OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

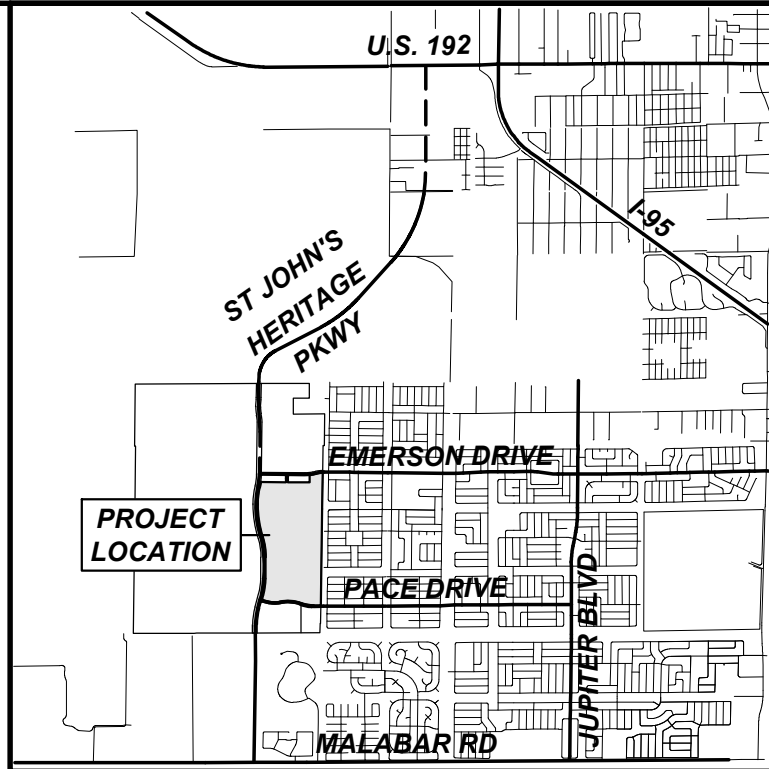
BEGIN AT THE NORTHEAST CORNER OF LOT B, BLOCK T, OF SAID TIMBERS AT EVERLANDS PHASE 1A AND RUN N00°42'43"E, A DISTANCE OF 65.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 34°09'07", A CHORD BEARING OF N17°47'16"E, AND A CHORD LENGTH OF 61.66 FEET), A DISTANCE OF 62.59 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 22°35'58", A CHORD BEARING OF N23°33'50"E, AND A CHORD LENGTH OF 233.17 FEET), A DISTANCE OF 234.69 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE EAST; THENCE S80°08'38"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 5.53 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 01°34'29", A CHORD BEARING OF S80°55'52"E, AND A CHORD LENGTH OF 14.43 FEET), A DISTANCE OF 14.43 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTH; THENCE S08°16'53"W ALONG SAID NON-TANGENT LINE, A DISTANCE OF 120.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 18°59'48", A CHORD BEARING OF N88°46'59"E, AND A CHORD LENGTH OF 212.87 FEET), A DISTANCE OF 213.85 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH, AND HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 53°10'10", A CHORD BEARING OF S74°07'50"E, AND A CHORD LENGTH OF 232.11 FEET), A DISTANCE OF 241.28 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S73°19'03"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 100.00 FEET; THENCE N81°09'53"E, A DISTANCE OF 154.56 FEET; THENCE N08°50'07"W, A DISTANCE OF 79.33 FEET; THENCE N02°31'41"W, A DISTANCE OF 375.53 FEET; THENCE N79°53'23"W, A DISTANCE OF 80.46 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N11°14'07"W, A DISTANCE OF 53.68 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N79°53'23"W, A DISTANCE OF 738.81 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°30'05", A CHORD BEARING OF S64°44'04"W, AND A CHORD LENGTH OF 172.93 FEET), A DISTANCE OF 175.41 FEET TO THE END OF SAID CURVE; THENCE S81°29'07"W, A DISTANCE OF 180.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°37'59", A CHORD BEARING OF S37°10'07"W, AND A CHORD LENGTH OF 34.93 FEET), A DISTANCE OF 38.67 FEET TO A POINT OF REVERSE CURVATURE AND A POINT ON THE CURVED EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE ARC OF SAID CURVED EAST RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST, AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 07°51'35", A CHORD BEARING OF S03°13'05"E, AND A CHORD LENGTH OF 370.10 FEET), A DISTANCE OF 370.39 FEET TO THE END OF SAID CURVE; THENCE S00°42'43"W, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 568.24 FEET TO THE NORTHWEST CORNER OF TRACT A1 OF SAID TIMBERS AT EVERLANDS PHASE 1A, (SAID POINT ALSO BEING A POINT ON THE BOUNDARY OF SAID TRACT FD1); THENCE S89°17'17"E, ALONG THE NORTH LINE OF SAID TRACT A1 AND ALONG THE NORTH LINE OF BLOCK R OF SAID TIMBERS AT EVERLANDS PHASE 1A, A DISTANCE OF 175.00 FEET TO THE NORTHEAST CORNER OF LOT 35 OF SAID BLOCK R, (SAID POINT ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF ANTARUS DRIVE, A 50.00 FOOT WIDE PRIVATE RIGHT-OF-WAY ACCORDING TO THE PLAT OF SAID TIMBERS AT EVERLANDS PHASE 1A); THENCE N00°42'43"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 32.67 FEET TO THE NORTHWEST CORNER OF SAID ANTARUS DRIVE; THENCE S89°17'17"E, ALONG THE RIGHT-OF-WAY LINE OF SAID ANTARUS DRIVE AND ALONG THE NORTH LINE OF SAID LOT 8, BLOCK T, A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING, CONTAINING 21.25 ACRES, MORE OR LESS.



SIDE LOT EASEMENT DETAIL "A"



SIDE LOT EASEMENT DETAIL "B"



LOCATION MAP
NTS

SURVEY SYMBOL LEGEND

- 1/4 SECTION CORNER; MARKED AS NOTED
- PERMANENT REFERENCE MONUMENT (PRM); FOUND 4X4 INCH CONCRETE MONUMENT WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED
- PERMANENT CONTROL POINT (PCP); SET MAG NAIL AND DISK STAMPED PCP LB4905, UNLESS OTHERWISE NOTED
- SET 5/8" IRON ROD AND CAP; STAMPED PRM LB4905, UNLESS OTHERWISE NOTED

ABBREVIATIONS

- ' MINUTES/FEET
- " SECONDS/INCHES
- ° DEGREES

- AC ACRES
- AL ARC LENGTH
- BOC BEGINNING OF CURVE
- CB CHORD BEARING
- CH CHORD LENGTH
- CM CONCRETE MONUMENT
- DE PRIVATE DRAINAGE EASEMENT
- DEL CENTRAL/DELTA ANGLE
- E EAST
- EOC END OF CURVE
- EX EXISTING
- FD FOUND
- FT FOOT/FEET
- N NORTH
- NR NON-RADIAL
- NTS NOT TO SCALE
- NTI NON-TANGENT INTERSECTION
- NTL NON-TANGENT LINE

- OR/ORB OFFICIAL RECORDS BOOK
- PB PLAT BOOK
- PCC POINT OF COMPOUND CURVATURE
- PCP PERMANENT CONTROL POINT
- PG(S) PAGE(S)
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PRC POINT OF REVERSE CURVATURE
- P.S.E. PUBLIC SIDEWALK EASEMENT
- P.U.D. PLANNED UNIT DEVELOPMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- R RADIUS
- R/W RIGHT-OF-WAY
- TYP TYPICAL

- THIS PLAT PREPARED BY -



B.S.E. CONSULTANTS, INC.
CONSULTING • ENGINEERING • LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, PALM BEACH, FL 33480
PHONE: (561) 725-8674 FAX: (561) 725-1189
CERTIFICATE OF BUSINESS AUTHORIZATION: LB0004905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 7/12/23
DESIGN/DRAWN: SMG/DRB
DRAWING#10860600_303_001
PROJECT#10860.600

PLAT BOOK _____, PAGE _____

SHEET 1 OF 4

SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the limited liability company named below, being the owner in fee simple of the lands described in

TIMBERS AT EVERLANDS PHASE 1C

Hereby dedicates to the City of Palm Bay, Florida an ingress and egress easement over and across TRACT Z for law enforcement, emergency access and emergency maintenance and hereby dedicates to private utility companies, for their perpetual use an easement over and across said TRACT Z for the access and maintenance of utilities as described in the plat notes. No other tracts or easements are dedicated or granted to the public. All Right of Way tracts are dedicated to the Homeowners' Association and all maintenance responsibilities shall not be the City of Palm Bay's.

DRP FL 6, LLC, a Delaware limited liability company
By: DW General Partner, LLC, its Manager

By: _____
Name: Houdin Honarvar, Authorized Signatory for Manager

SEAL

Attest: _____

Attest: _____

DRP FL 6, LLC
590 MADISON AVE FL 13
NEW YORK, NY 10022

STATE OF NEW YORK COUNTY OF _____

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization, this _____ by Houdin Honarvar, Authorized Signatory for Manager of the above named limited liability company, to me known to be the individual and officer described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed as such officer thereunto duly authorized; that official seal of said corporation is duly affixed thereto; and that the dedication is the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

NOTARY PUBLIC

SEAL

Notary Public, State of New York
My Comm. Expires _____
Comm. No. _____

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed professional surveyor and mapper, does hereby certify that on 07/07/2023 he completed the boundary survey of the lands shown on the foregoing plat; and that said plat was prepared under his direction and supervision and that said plat complies with all of the survey requirements of Chapter 177, part 1, Florida Statutes, and that said lands are located in Brevard County, Florida.

Registration Number 5611
LESLIE E. HOWARD
B.S.E. Consultants, Inc.
312 South Harbor City Boulevard, Suite #4
Melbourne, Fla. 32901
Certificate of Authorization Number: LB-0004905

CERTIFICATE OF REVIEWING SURVEYOR FOR THE CITY OF PALM BAY

I HEREBY CERTIFY, That I have reviewed the foregoing plat and find that it is in conformity with Chapter 177, part 1, Florida Statutes.

Joseph N. Hale, Professional Surveyor & Mapper No. 6366

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on: _____ the City Council of the City of Palm Bay, Florida approved the foregoing plat.

Mayor - J. Robert Medina

Attest:

City Clerk - Terese M. Jones

CERTIFICATE OF CLERK

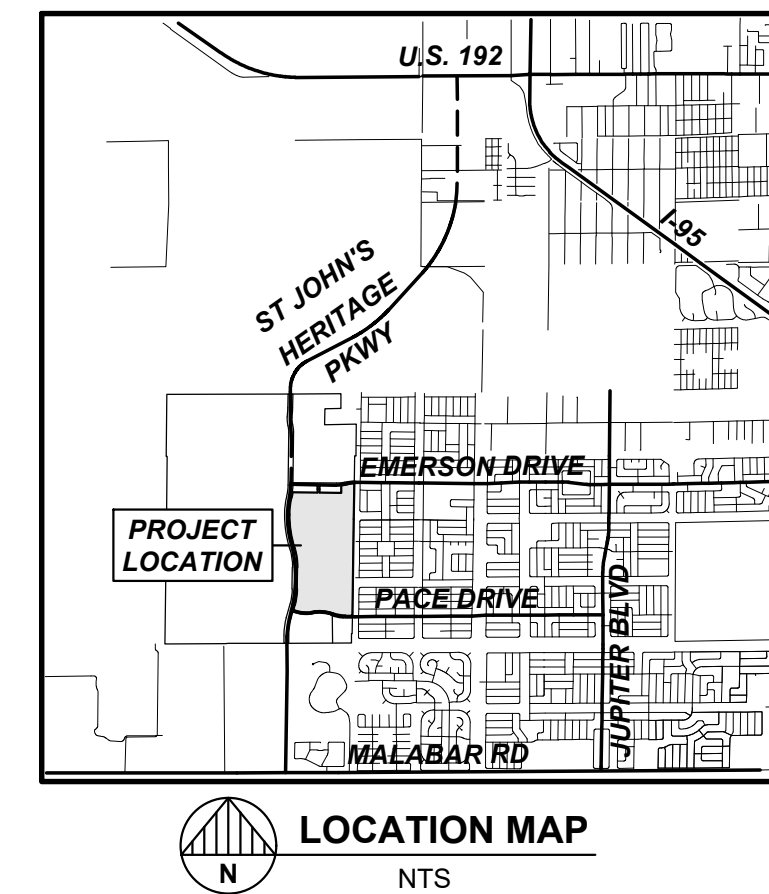
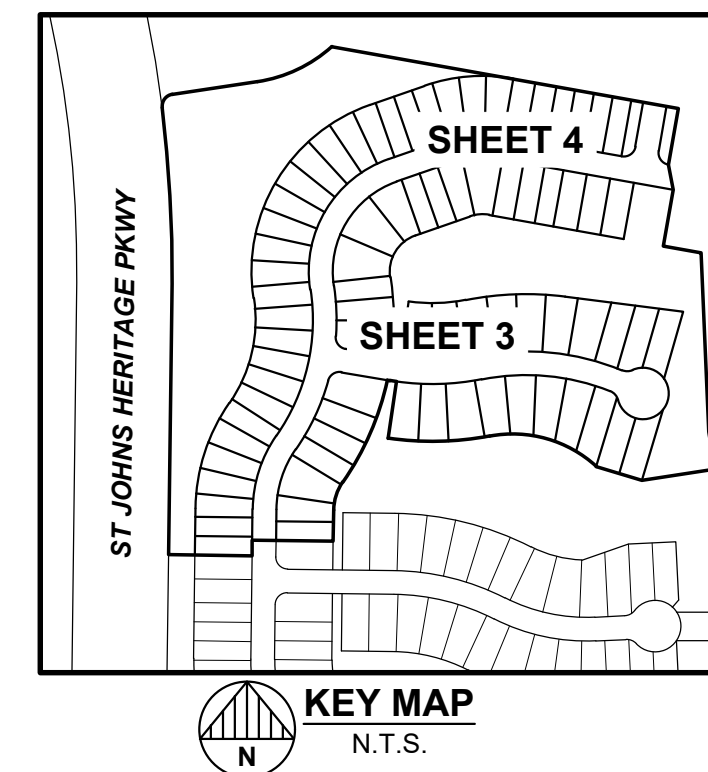
I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, part 1 Florida Statutes, and was filed for record on _____ at _____, File No. _____

ATTEST: _____
Clerk of the Circuit Court in and for Brevard County, Fla.

TIMBERS AT EVERLANDS PHASE 1C

BEING A REPLAT OF A PORTION OF TRACT FD1, EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

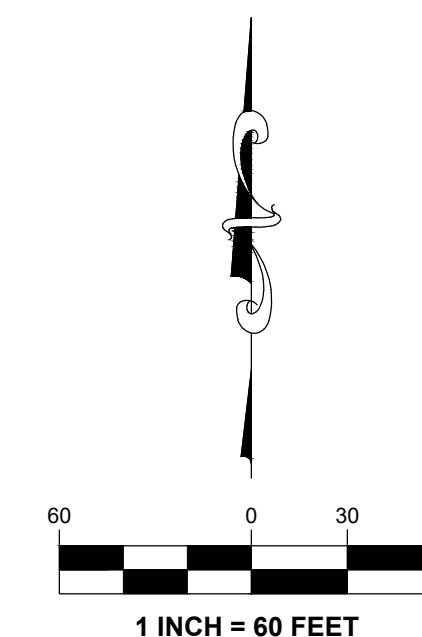
PLAT BOOK _____, PAGE _____
SHEET 2 OF 4
SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST



SEE SHEETS 3 AND 4 FOR LOT DIMENSIONS

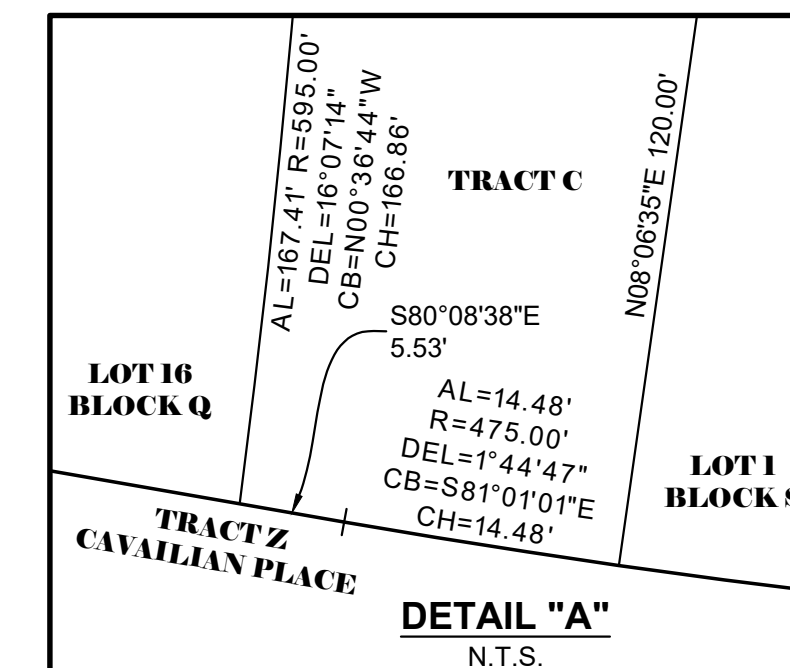
SURVEY SYMBOL LEGEND

- 1/4 SECTION CORNER, MARKED AS NOTED
- PERMANENT REFERENCE MONUMENT (PRM): FOUND 4X4 INCH CONCRETE MONUMENT WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED
- PERMANENT CONTROL POINT (PCP): SET MAG NAIL AND DISK STAMPED PCP LB4905, UNLESS OTHERWISE NOTED
- SET 5/8" IRON ROD AND CAP; STAMPED PRM LB4905, UNLESS OTHERWISE NOTED



ABBREVIATIONS

- * MINUTES/FEET
- * SECONDS/INCHES
- * DEGREES
- AC ACRES
- AL ARC LENGTH
- BOC BEGINNING OF CURVE
- CB CHORD BEARING
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- PG(S) PAGE(S)
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- P.S.E. PUBLIC SIDEWALK EASEMENT
- P.U.D. PLANNED UNIT DEVELOPMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- R RADIUS
- R/W RIGHT-OF-WAY
- TYP TYPICAL



NORTHING AND EASTING COORDINATE VALUES SHOWN HEREON, (N.E.), ARE BASED UPON REAL TIME KINETIC, (RTK), OBSERVATIONS UTILIZING A SPECTRA SP80 GLOBAL POSITIONING SYSTEM, (GPS), DERIVED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FPRN NETWORK FOR DISTRICT 5 AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM, 1983, 2012 ADJUSTMENT (NAD83/2012), FLORIDA EAST ZONE.

- THIS PLAT PREPARED BY -

B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, PALM BAY, FL 32909
PHONE: (321) 725-3074 FAX: (321) 725-1109
CERTIFICATE OF BUSINESS AUTHORIZATION: 890
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004065

DATE: 7/12/23
DESIGN/DRAWN: SMG/DRB
DRAWING#108600_303_002
PROJECT#10860.600

PLAT BOOK _____, PAGE _____
SHEET 3 OF 4
SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST

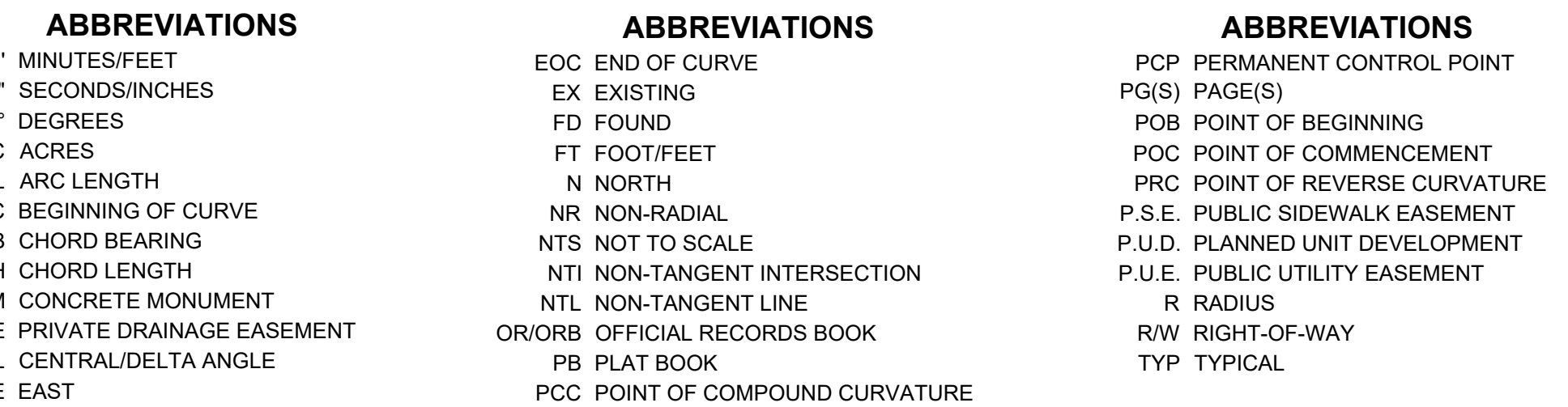
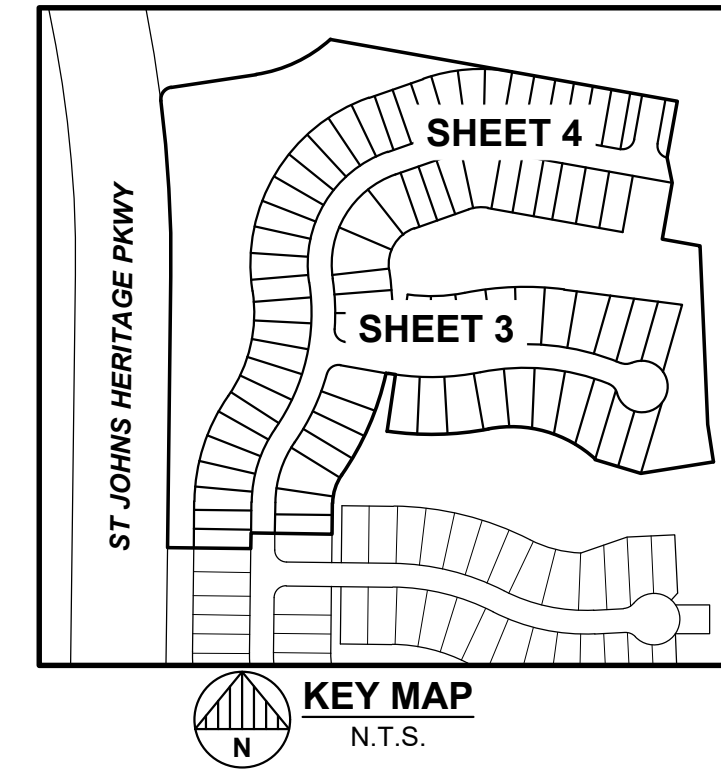
SURVEY SYMBOL LEGEND

1/4 SECTION CORNER; MARKED AS NOTED

PERMANENT REFERENCE MONUMENT (PRM); FOUND 4X4 INCH CONCRETE MONUMENT WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED

PERMANENT CONTROL POINT (PCP); SET MAG NAIL AND DISK STAMPED PCP LB4905, UNLESS OTHERWISE NOTED

SET 5/8" IRON ROD AND CAP; STAMPED PRM LB4905, UNLESS OTHERWISE NOTED



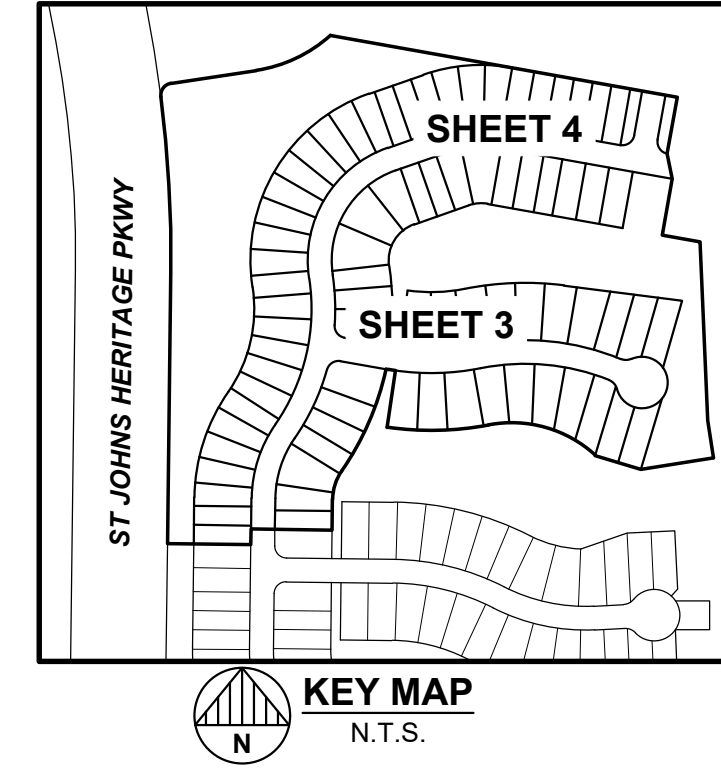
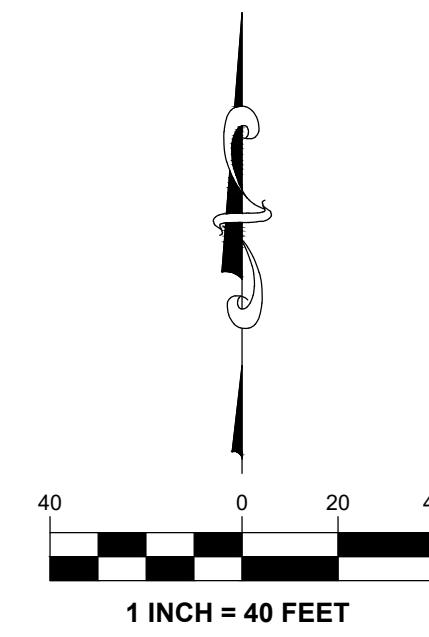
 <p>B.S.E. CONSULTANTS, INC. CONSULTING - ENGINEERING - LAND SURVEYING 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901 PHONE: (321) 725-3634 FAX: (321) 725-1159 CERTIFICATE OF BUSINESS AUTHORIZATION: 4955 CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905</p>	DATE: 7/7/23 DESIGN/DRAWN: SMG/DRB DRAWING#108600_03_003 PROJECT#10860.600
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H:\Projects Folder\10950.600\Drawings\10950600_303 (PHIC)\10950600_303_003-004.dwg July 7, 2023 2:27:13 PM DB

TIMBERS AT EVERLANDS PHASE 1C

BEING A REPLAT OF A PORTION OF TRACT FD1, EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____
SHEET 4 OF 4
SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST



SURVEY SYMBOL LEGEND

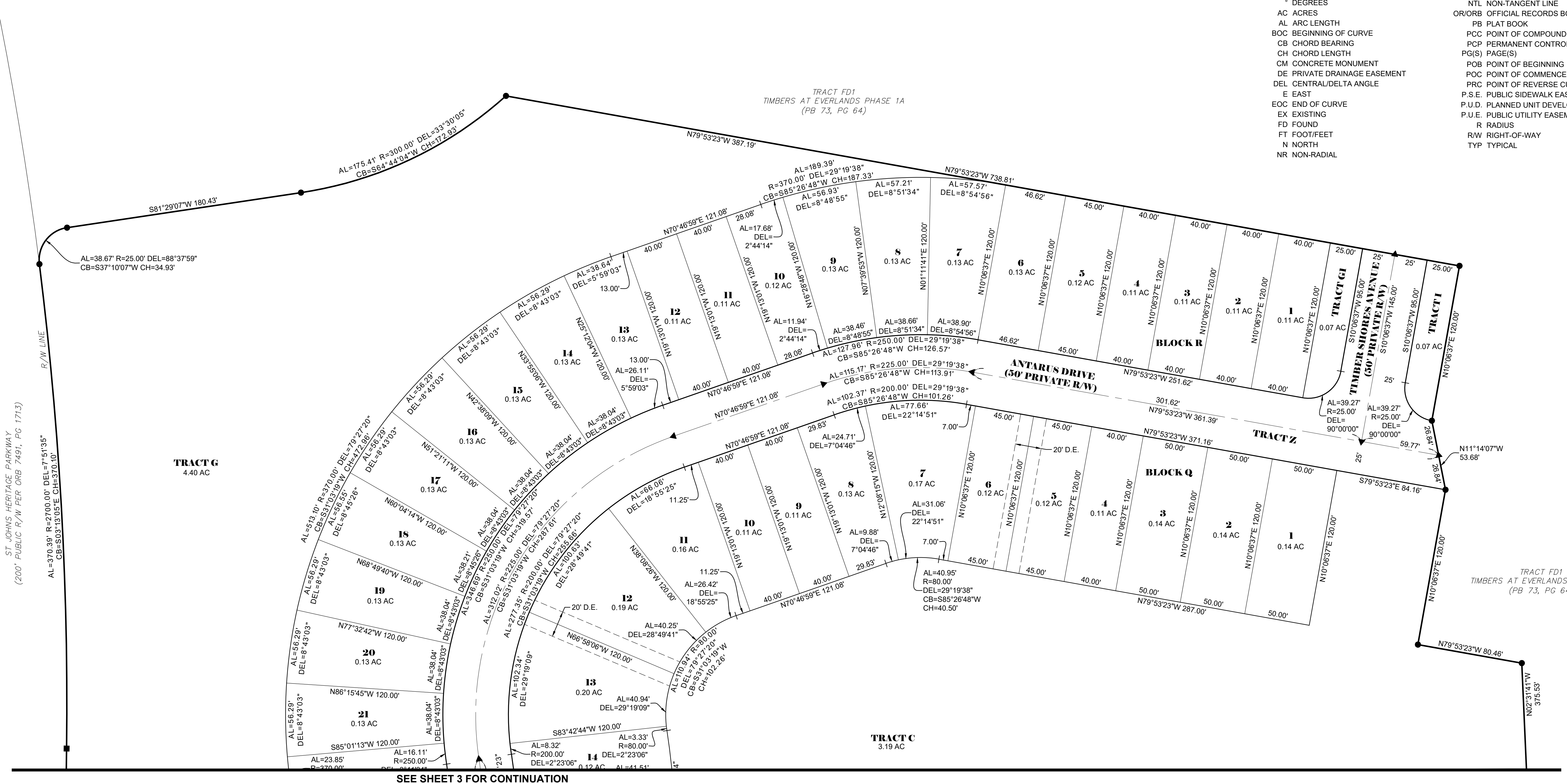
- 1/4 SECTION CORNER; MARKED AS NOTED
- PERMANENT REFERENCE MONUMENT (PRM); FOUND 4X4 INCH CONCRETE MONUMENT WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED
- PERMANENT CONTROL POINT (PCP); SET MAG NAIL AND DISK STAMPED PCP LB4905, UNLESS OTHERWISE NOTED
- SET 5/8" IRON ROD AND CAP; STAMPED PRM LB4905, UNLESS OTHERWISE NOTED

ABBREVIATIONS

- ' MINUTES/FEET
- " SECONDS/INCHES
- ° DEGREES
- AC ACRES
- AL ARC LENGTH
- BOC BEGINNING OF CURVE
- CB CHORD BEARING
- CH CHORD LENGTH
- CM CONCRETE MONUMENT
- DE PRIVATE DRAINAGE EASEMENT
- DEL CENTRAL/DELTA ANGLE
- E EAST
- EOC END OF CURVE
- EX EXISTING
- FD FOUND
- FT FOOT/FEET
- N NORTH
- NR NON-RADIAL

ABBREVIATIONS

- NTS NOT TO SCALE
- NTI NON-TANGENT INTERSECTION
- NTL NON-TANGENT LINE
- OR/ORB OFFICIAL RECORDS BOOK
- PB PLAT BOOK
- PCC POINT OF COMPOUND CURVATURE
- PCP PERMANENT CONTROL POINT
- PG(S) PAGE(S)
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PRC POINT OF REVERSE CURVATURE
- P.S.E. PUBLIC SIDEWALK EASEMENT
- P.U.D. PLANNED UNIT DEVELOPMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- R RADIUS
- RW RIGHT-OF-WAY
- TYP TYPICAL



SEE SHEET 3 FOR CONTINUATION

- THIS PLAT PREPARED BY -

OPINION OF TITLE

To: CITY OF PALM BAY

With the understanding that this Opinion of Title is being issued to the City of Palm Bay, Florida, as inducement for acceptance of a proposed final subdivision plat ("Plat") covering the real property, hereinafter described, it is hereby certified that I have examined North American Title Insurance Company Property Information Report under File No. 2023-03961-FL, covering the period from the beginning through the 28th day of June, 2023, at the hour of 12:00 a.m. This certification of ownership is being issued to the City of Palm Bay, Florida, in accordance with the Uniform Title Standards of the Real Property and Trust Law Section of the Florida Bar, and Chapter 177.041, Florida Statutes. The legal description for the land subject to the above captioned Plat is more particularly described as follows (the "Real Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

DRP FL 6, LLC, a Delaware limited liability company (the "Company")

Subject to the following encumbrances, liens, and other exceptions:

1. RECORDED MORTGAGES:

None.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

None.

3. GENERAL EXCEPTIONS:

1. All taxes for the year 2023 and subsequent years, which are not yet due and payable.
2. Rights of persons other than the above owners who are in possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded labor, mechanics' or materialmen's liens.
5. Zoning and other restrictions imposed by governmental authority.

6. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.
7. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the property.

4. **SPECIAL EXCEPTIONS:**

1. Notice of Establishment of the Everlands Community Development District in Official Records Book 8693, Page 2281, as amended in Official Records Book 9271, Page 2431.
2. Final Judgment in Official Records Book 9257, Page 1663 and Official Records Book 9671, Page 1011.
3. Lien of Record of the Everlands Community Development District in Official Records Book 9298, Page 220.
4. True-Up Agreement in Official Records Book 9298, Page 223.
5. Declaration for Everlands recorded in Official Records Book 9466, Page 1511, but omitting any such covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C. Sec. 3604 or Sec. 3605, unless exempt under Title 42 U.S.C. Such Declaration does establish and provide without limitation for easements, liens, charges, and assessments.
6. Ordinance No. 85-49 in Official Records Book 2756, Page 10.
7. Ordinance No. 2003-32 in Official Records Book 5030, Page 541.
8. Ordinance No. 2004-37 in Official Records Book 5352, Page 1548.
9. Terms and conditions of Reserved Easements and License Rights Agreement recorded in Official Records Book 5468, Page 6896, as affected by First Amendment recorded in Official Records Book 5507, Page 1769, as corrected by Corrected First Amendment recorded in Official Records Book 5509, Page 439.
10. Declaration of Easements in Official Records Book 6149, Page 2612, as supplemented in Official Records Book 8915, Page 1507.
11. Resolution 2021-65 in Official Records Book 9408, Page 2279.
12. Memorandum of Option Agreement Recorded in OR Book 9521, Page 2902.

13. Plat of Timbers at Everland Phase 1A in Plat Book 00073, Page 0064.
14. Notice of Environmental Resource Permit in Official Records Book 8583, Page 198.
15. Declaration for the Timbers at Everlands in Official Records Book 9766, Page 425.
16. Ordinance No. 2022-118 in Official Records Book 9686, Page 816.
17. Any lien or right to a lien for labor, services or materials provided in connection with the construction of the improvements referred to in the Notices of Commencement:
 - a. Recorded on April 25, 2023 in Official Records Book 9771, Page 781.
 - b. Recorded on April 25, 2023 in Official Records Book 9771, Page 783.

All recordings herein refer to the Public Records of Brevard County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following parties must join in the Plat in order to make the plat a valid and binding covenant on the lands described herein:

Name

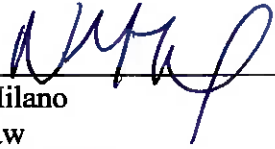
Interest

DRP FL 6, LLC, a Delaware limited liability company

Owner

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable Plat.

Respectfully submitted this 10th day of July, 2023.



Nicholas G. Milano
Attorney at Law
Florida Bar No. 975788
Holland & Knight LLP
P.O. Box 14070 (Zip Code 33302-4070)
515 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, FL 33301
Telephone: (954) 468-7804

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of X physical presence or _____ online notarization, this 28th day of June, 2023, by Nicholas G. Milano, who is personally known to me.





Notary Public

EXHIBIT "A"

Phase 1C Legal Description:

PART OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, BLOCK T, OF SAID TIMBERS AT EVERLANDS PHASE 1A AND RUN N00°42'43"E, A DISTANCE OF 65.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 34°09'07", A CHORD BEARING OF N17°47'16"E, AND A CHORD LENGTH OF 61.66 FEET), A DISTANCE OF 62.59 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 22°35'58", A CHORD BEARING OF N23°33'50"E, AND A CHORD LENGTH OF 233.17 FEET), A DISTANCE OF 234.69 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE EAST; THENCE S80°08'38"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 5.53 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 01°34'29", A CHORD BEARING OF S80°55'52"E, AND A CHORD LENGTH OF 14.43 FEET), A DISTANCE OF 14.43 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTH; THENCE S08°16'53"W ALONG SAID NON-TANGENT LINE, A DISTANCE OF 120.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 18°59'48", A CHORD BEARING OF N88°46'59"E, AND A CHORD LENGTH OF 212.87 FEET), A DISTANCE OF 213.85 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH, AND HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 53°10'10", A CHORD BEARING OF S74°07'50"E, AND A CHORD LENGTH OF 232.71 FEET), A DISTANCE OF 241.28 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S73°19'03"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 100.00 FEET; THENCE N81°09'53"E, A DISTANCE OF 154.56 FEET; THENCE N08°50'07"W, A DISTANCE OF 79.33 FEET; THENCE N02°31'41"W, A DISTANCE OF 375.53 FEET; THENCE N79°53'23"W, A DISTANCE OF 80.46 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N11°14'07"W, A DISTANCE OF 53.68 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N79°53'23"W, A DISTANCE OF 738.81 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°30'05", A CHORD BEARING OF S64°44'04"W, AND A CHORD LENGTH OF 172.93 FEET), A DISTANCE OF 175.41 FEET TO THE END OF SAID CURVE; THENCE S81°29'07"W, A DISTANCE OF 180.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°37'59", A CHORD BEARING OF S37°10'07"W, AND A CHORD LENGTH OF 34.93 FEET), A DISTANCE OF 38.67 FEET TO A POINT OF REVERSE CURVATURE AND A POINT ON THE CURVED EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE ARC OF SAID CURVED EAST RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST, AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 07°51'35", A CHORD BEARING OF S03°13'05"E, AND A CHORD LENGTH OF 370.10 FEET), A DISTANCE OF 370.39 FEET TO THE END OF SAID CURVE; THENCE S00°42'43"W, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 568.24 FEET TO THE NORTHWEST CORNER OF TRACT A1 OF SAID TIMBERS AT EVERLANDS

PHASE 1A, (SAID POINT ALSO BEING A POINT ON THE BOUNDARY OF SAID TRACT FD1); THENCE S89°17'17"E, ALONG THE NORTH LINE OF SAID TRACT A1 AND ALONG THE NORTH LINE OF BLOCK R OF SAID TIMBERS AT EVERLANDS PHASE 1A, A DISTANCE OF 175.00 FEET TO THE NORTHEAST CORNER OF LOT 35 OF SAID BLOCK R, (SAID POINT ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF ANTARUS DRIVE, A 50.00 FOOT WIDE PRIVATE RIGHT-OF-WAY ACCORDING TO THE PLAT OF SAID TIMBERS AT EVERLANDS PHASE 1A); THENCE N00°42'43"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 32.67 FEET TO THE NORTHWEST CORNER OF SAID ANTARUS DRIVE; THENCE S89°17'17"E, ALONG THE RIGHT-OF-WAY LINE OF SAID ANTARUS DRIVE AND ALONG THE NORTH LINE OF SAID LOT 8, BLOCK T, A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.25 ACRES, MORE OR LESS.

Project Details: FS23-00007

Project Type: Subdivisions & Plats Final Plat

Project Location: **Palm Bay, FL**
Milestone: **Submitted**
Created: **7/12/2023**
Description: **Timbers at Everlands Phase 1C**
Assigned Planner: **Alexandra Bernard**

Contacts

Contact	Information
Owner/Applicant	DRP FL 6 LLC c/o DW General Partner, LLC-Brian Clauson- Authorized Signatory 590 MADISON AVE, FL 13 NEW YORK, NY 10022 (212) 751-5949 brian.clauson@domainrealestatepartners.com
Legal Representative	Scott M. Glaubitz 312 S. Harbor City Blvd., Suite # 4 Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907 alexandra.bernard@palmbayflorida.org
Submitter	BSE Consultants, Inc. 312 S Harbor City Blvd Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com

Fields

Field Label	Value
Block	*
Lot	FD.1
Section Township Range	28-28-36
Subdivision	YS
Year Built	
Use Code	9911
Use Code Desc	VACANT SINGLE-FAMILY PLATTED > 5 AC

Project Details: FS23-00007

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	3032616
Flu Description	Single Family Residential
Flu Code	SFR
Zoning Description	Agricultural Residential
Zoning Code	AU (COUNTY)
Total Lots Proposed by Use	77 single-family lots
Intended Use of Property	residential
Proposed Subdivision Name	Timbers at Everlands Phase 1C
Submitted Preliminary Subdivision?	Yes
Size of Area Covered (acres)	
Is Submitter the Representative?	False
Tax Account Numbers	3032616
Parcel Number	28-36-28-YS-*-FD.1
Action Letter Date	

July 7, 2023

Re: Letter of Authorization

As the property owner of the site legally described as:

See attached

I, Owner Name: DRP FL 6, LLC c/o DW General Partner, LLC- Brian Clauson-Authorized Signatory

Address: 590 Madison Ave FL 13

Telephone: 212-751-5949

Email: brian.clauson@domainrealestatepartners.com

hereby authorize:

Representative: Scott M. Glaubiz P.E., P.L.S (or other B.S.E Consultants, Inc. representative)

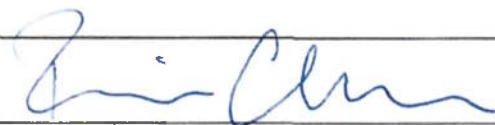
Address: 312 South Harbor City Blvd, Suite # 4, Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

to represent the request(s) for:

Timbers (Ika Medely)- Final Plat



(Property Owner Signature)

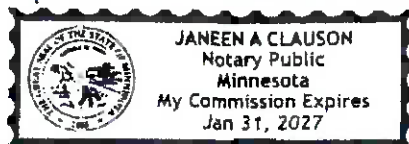
STATE OF Minnesota

COUNTY OF Dakota

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7th day of July, 2023 by

Brian Clauson

, property owner.



Janeen A. Clauson

Janeen A. Clauson

, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

DESCRIPTION OF TIMBERS AT EVERLANDS PHASE 1C

PART OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, BLOCK T, OF SAID TIMBERS AT EVERLANDS PHASE 1A AND RUN N00°42'43"E, A DISTANCE OF 65.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 34°09'07", A CHORD BEARING OF N17°47'16"E, AND A CHORD LENGTH OF 61.66 FEET), A DISTANCE OF 62.59 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 22°35'58", A CHORD BEARING OF N23°33'50"E, AND A CHORD LENGTH OF 233.17 FEET), A DISTANCE OF 234.69 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE EAST; THENCE S80°08'38"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 5.53 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 01°34'29", A CHORD BEARING OF S80°55'52"E, AND A CHORD LENGTH OF 14.43 FEET), A DISTANCE OF 14.43 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTH; THENCE S08°16'53"W ALONG SAID NON-TANGENT LINE, A DISTANCE OF 120.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 18°59'48", A CHORD BEARING OF N88°46'59"E, AND A CHORD LENGTH OF 212.87 FEET), A DISTANCE OF 213.85 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH, AND HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 53°10'10", A CHORD BEARING OF S74°07'50"E, AND A CHORD LENGTH OF 232.71 FEET), A DISTANCE OF 241.28 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S73°19'03"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 100.00 FEET; THENCE N81°09'53"E, A DISTANCE OF 154.56 FEET; THENCE N08°50'07"W, A DISTANCE OF 79.33 FEET; THENCE N02°31'41"W, A DISTANCE OF 375.53 FEET; THENCE N79°53'23"W, A DISTANCE OF 80.46 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N11°14'07"W, A DISTANCE OF 53.68 FEET; THENCE N10°06'37"E, A DISTANCE OF 120.00 FEET; THENCE N79°53'23"W, A DISTANCE OF 738.81 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°30'05", A CHORD BEARING OF S64°44'04"W, AND A CHORD LENGTH OF 172.93 FEET), A DISTANCE OF 175.41 FEET TO THE END OF SAID CURVE; THENCE S81°29'07"W, A DISTANCE OF 180.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°37'59", A CHORD BEARING OF S37°10'07"W, AND A CHORD LENGTH OF 34.93 FEET), A DISTANCE OF 38.67 FEET TO A POINT OF REVERSE CURVATURE AND A POINT ON THE CURVED EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE ARC OF SAID CURVED EAST RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST, AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 07°51'35", A CHORD BEARING OF S03°13'05"E, AND A CHORD LENGTH OF 370.10 FEET), A DISTANCE OF 370.39 FEET TO THE END OF SAID CURVE; THENCE S00°42'43"W, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 568.24

FEET TO THE NORTHWEST CORNER OF TRACT A1 OF SAID TIMBERS AT EVERLANDS PHASE 1A, (SAID POINT ALSO BEING A POINT ON THE BOUNDARY OF SAID TRACT FD1); THENCE S89°17'17"E, ALONG THE NORTH LINE OF SAID TRACT A1 AND ALONG THE NORTH LINE OF BLOCK R OF SAID TIMBERS AT EVERLANDS PHASE 1A, A DISTANCE OF 175.00 FEET TO THE NORTHEAST CORNER OF LOT 35 OF SAID BLOCK R, (SAID POINT ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF ANTARUS DRIVE, A 50.00 FOOT WIDE PRIVATE RIGHT-OF-WAY ACCORDING TO THE PLAT OF SAID TIMBERS AT EVERLANDS PHASE 1A); THENCE N00°42'43"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 32.67 FEET TO THE NORTHWEST CORNER OF SAID ANTARUS DRIVE; THENCE S89°17'17"E, ALONG THE RIGHT-OF-WAY LINE OF SAID ANTARUS DRIVE AND ALONG THE NORTH LINE OF SAID LOT 8, BLOCK T, A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.25 ACRES, MORE OR LESS.

Domain Real Estate Partners, LLC

WRITTEN CONSENT OF THE SOLE MEMBER

March 4, 2022

The undersigned sole Member of Domain Real Estate Partners, LLC (the “Member”) of **Domain Real Estate Partners, LLC**, a Delaware limited partnership (the “Company”), does hereby consent to the taking of the following actions pursuant to the Company’s Second Amended and Restated Limited Liability Company Agreement dated as of January 1, 2019 (the “Operating Agreement”) on behalf of the Company and of the Company’s subsidiaries. Terms not defined herein have the definitions ascribed to them in the Operating Agreement.

RESOLVED, that Brian Clauson hereby is appointed an authorized signatory of the Company and of the Company’s subsidiaries; and hereby is authorized and empowered with full power and authority to enter into the following documents on behalf of the Company and its subsidiaries:

- (1) **Day-to-day project progress and approval documents requiring signature(s) due to DREP’s ownership position**, such as: entitlement and zoning submittals, improvement plan submittals, construction permits, public and/or private utility easements and service agreements, owner of record verifications, wetland and protected area permits, agency financial assurances, public financing district applications, public construction bid documents, development agreements, and other documents in furtherance of the approved Business Plan. NOTE: This is not meant to be comprehensive list, only examples of some (not all) of the documents that will require signatures and fall within Brian Clauson’s signing authority.
 - (2) **Final or Technical Site Plans, and Preliminary and Final Plats;**
 - (3) **Settlement Statements and Property Deeds**, both of which will require review and approval by the respective title companies prior to Brian Clauson’s signature(s);
 - (4) **Insurance certs**, covering horizontal and vertical construction liabilities; and
 - (5) **HOA formation documents**, inclusive of all project-specific documents required;
- and it is


FURTHER RESOLVED that the Company hereby ratifies in all respects all actions taken by the foregoing person on behalf of and in the name of the Company prior to the date hereof; and it is

FURTHER RESOLVED that the resolutions set forth in this “Written Consent of the Sole Member” shall remain in effect until rescinded by the Member; and it is

FURTHER RESOLVED that the resolutions set forth in this “Written Consent of the Sole Member” shall not limit or restrict in any way the rights, powers and authority of the Member under the Operating Agreement.

IN WITNESS WHEREOF, the undersigned sole Member of the Company, has executed his consent as of the March 4, 2022.

Domain Holdings II, LLC

A handwritten signature in cursive script, appearing to read "Houdin Honarvar", written in black ink.

Houdin Honarvar
Authorized Person

AUTHORIZED LIST OF SIGNATORIES

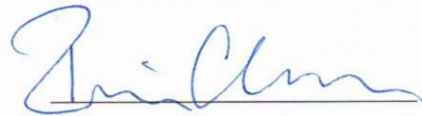
August 10, 2022

The undersigned, Houdin Honarvar, Authorized Signatory of DW General Partner, LLC, the manager of DRP FL 6, LLC, hereby certifies that each of the following individuals is duly authorized to give instructions and sign documents on behalf of DRP FL 6, LLC. The signature set forth opposite his or her name is his or her genuine signature.

NAME

Brian Clauson

SIGNATURE



IN WITNESS WHEREOF, the undersigned has hereunto set his hand on the date first above written.

DW GENERAL PARTNER, LLC

By: Houdin Honarvar

Name: Houdin Honarvar

Title: Authorized Signatory

Acknowledgement Log

Header:

Legal Acknowledgement

Text:

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Accepted By:

BSE Consultants

On:

7/12/2023 10:43:05 AM

☒ FS23-00007

Select Language ▼



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

Customer: CITY OF PALM BAY

Ad No.: 0005808218

Address: SUITE 201
PALM BAY FL 32907
USA

Pymt Method Invoice
Order Amount 261.59

Run Times: 1

No. of Affidavits: 0

Run Dates: 08/25/23

Text of Ad:

Ad#5807 08/25/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING
Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on September 5, 2023, and by the City Council on September 19, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):
1. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE
2. **FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW
3. **CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW
4. **FS23-00007 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)
A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW
5. **FS23-00008 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)
A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

b. 123-00023 – City of Palm Bay
(Growth Management Department)
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance
**Indicates quasi-judicial request(s).
If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.
Chandra Powell
Planning Specialist



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Principal Planner

DATE: September 5, 2023

SUBJECT: **FS23-00008 – Timbers at Everlands Phase 2 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2. A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ❏ FS23-00008 - Staff Report
- ❏ FS23-00008 - Final Plat
- ❏ FS23-00008 - Title Opinion
- ❏ FS23-00008 - Application
- ❏ FS23-00008 - Letter of Authorization
- ❏ FS23-00008 - Legal Acknowledgement
- ❏ FS23-00008 - Legal Ad



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Alix Bernard, Principal Planner

CASE NUMBER

FS23-00008

PLANNING & ZONING BOARD HEARING DATE

September 5, 2023

PROPERTY OWNER & APPLICANT

DRP FL 6, LLC, Brian Clauson (Ana Saunders, P.E., BSE Consultants, Inc, Rep.)

PROPERTY LOCATION/ADDRESS

A replat of a portion of Tract FD1 together with Tract FD2, All in Timbers at Everlands Phase 1A, section 28, Township 28 Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located at the northeast corner of St. Johns Heritage Pkwy and Pace Dr NW.

SUMMARY OF REQUEST

The applicant requests that the property be granted Final Plat approval to allow for a proposed 196 lot residential subdivision called Timbers at Everlands Phase 2.

Existing Zoning

PUD -- Planned Unit Development

Existing Land Use

Low Density Residential

Site Improvements

Single Family Homes

Site Acreage

Approximately 107.05 acres

SURROUNDING ZONING & USE OF LAND

North

CC, Community Commercial – Vacant

East

RS-2, Single Family Residential – Single Family Homes

South

PUD, Planned Unit Development – Single Family Homes

West

AU, Agricultural Residential – Vacant

COMPREHENSIVE PLAN COMPATIBILITY

Yes, the property has a Low-Density Residential Future Land Use Designation

BACKGROUND:

The subject property is located in the vicinity east of St. Johns Heritage Parkway, north of Pace Rd NW, containing approximately 107.05 acres.

The current zoning of the property is PUD, Planned Unit Development. The proposed subdivision will create 196 new residential age-restricted lots which is will be comprised of 62 single family lots, 54 villas and 80 townhomes.

ANALYSIS:

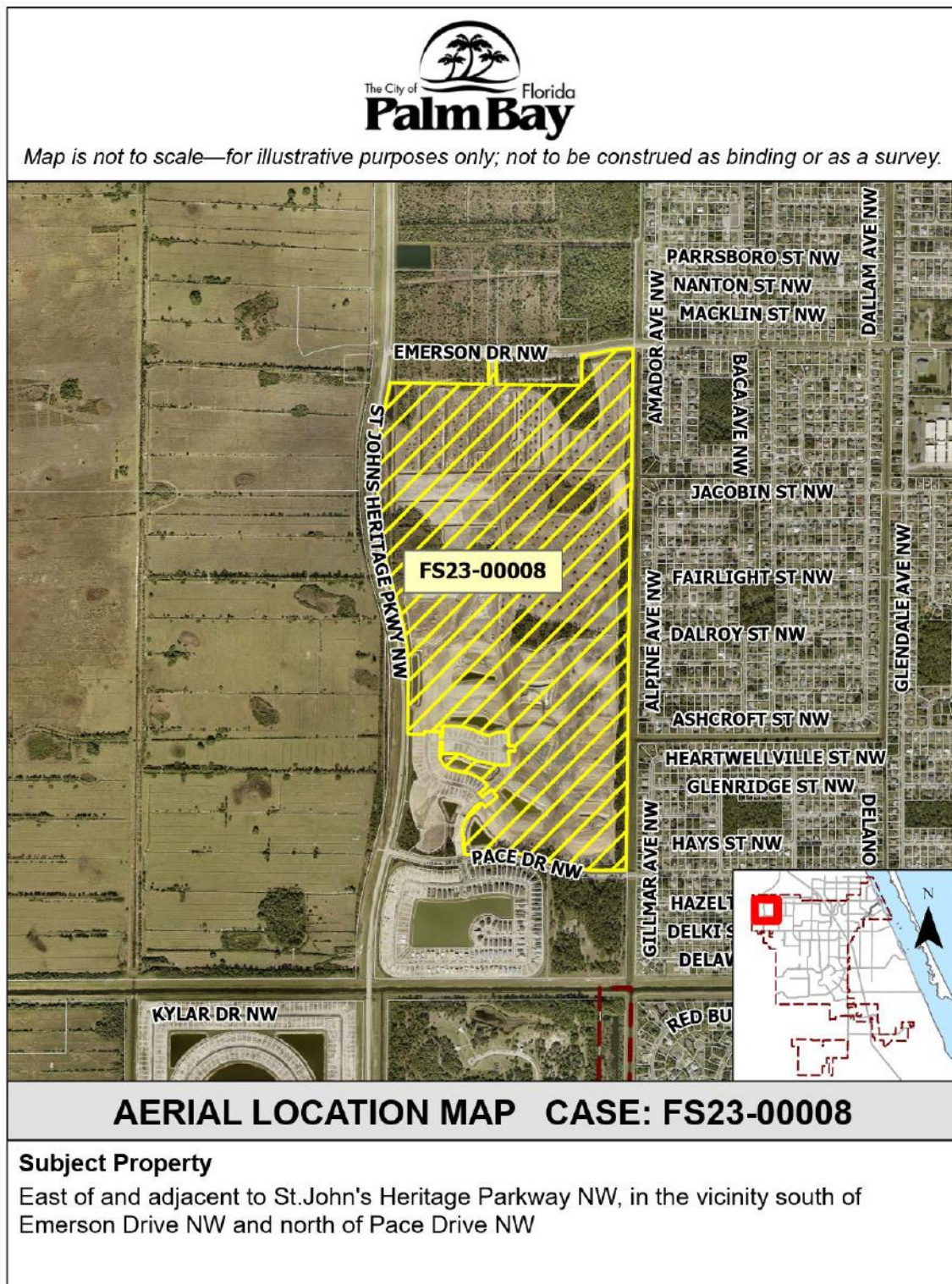
Phase 2, consisting of 196 residential age-restricted lots will be a mixture of 60 ft wide single-family lots, villas and townhomes. In November 3, 2022, City Council approved Ordinance 2022-118 granting a Final Development Plan for Medley at Everlands, for a Planned Unit Development consisting of 840 units constructed in four phases. Phase 1 was a total of 184 lots. Phase 2 is for a total of 196 residential lots. Which will leave a balance 460 units in Phases 3 and 4 remaining for development.

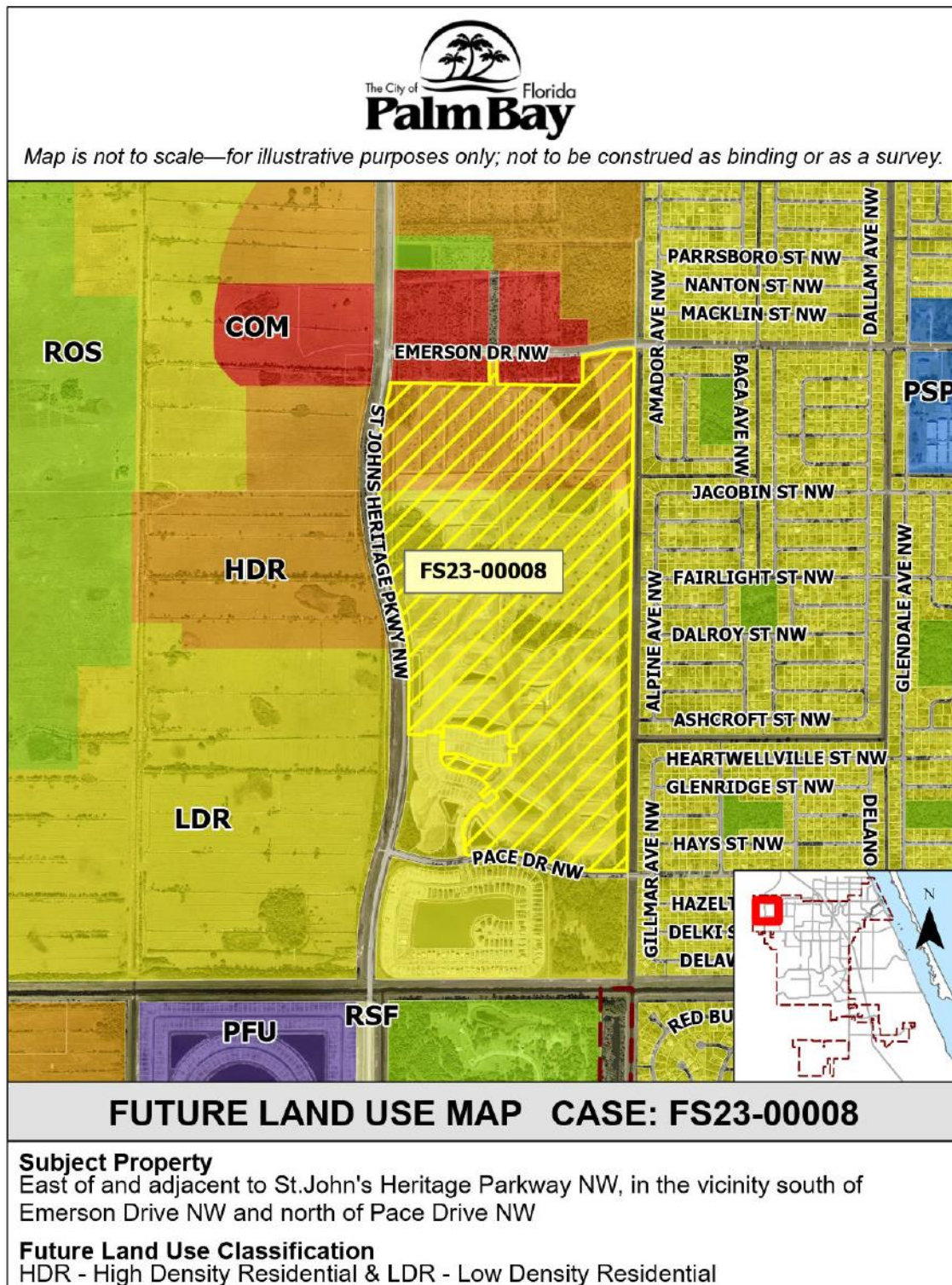
Access to this subdivision for Phase 2 is off of Pace Dr NW, on the newly constructed private right of way noted as Tract Z on the final plat with the roadway named Velorum Lane.

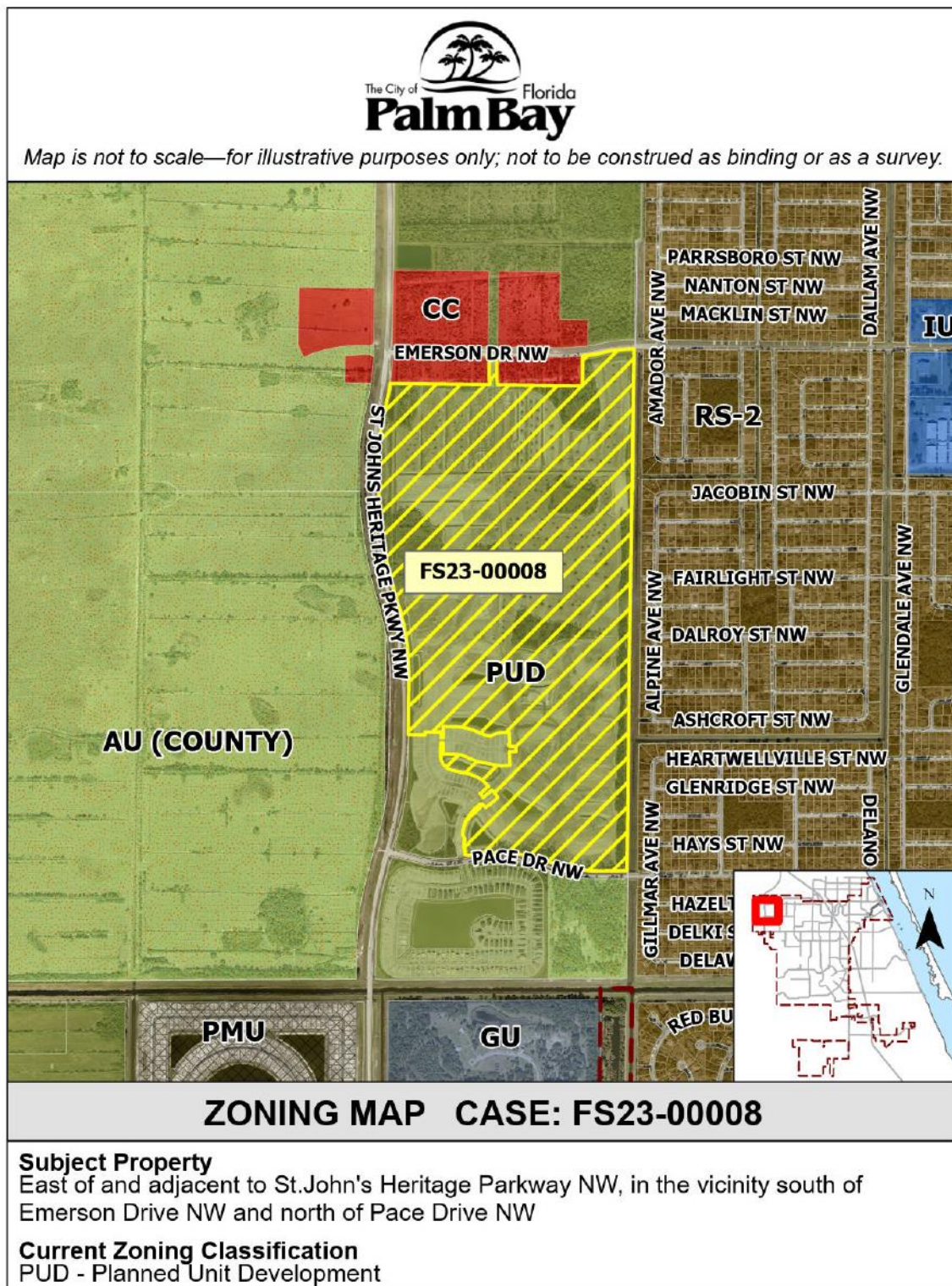
To receive Final Plat approval, the proposal must meet the requirements of Section 184.08 of the Palm Bay Code of Ordinances. Upon review of the submitted materials the Final Plat request is in substantial conformance with the applicable requirements of this section.

STAFF RECOMMENDATION:

Staff recommends Case FS23-00008 for approval.







TIMBERS AT EVERLANDS PHASE 2

BEING A REPLAT OF A PORTION OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT NOTES:

- BEARING REFERENCE: ASSUMED BEARING OF N90°00'00"E ON THE EAST RIGHT-OF-WAY LINE OF ST. JOHNS HERITAGE PARKWAY AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- SURVEY MONUMENTATION WITHIN THE SUBDIVISION SHALL BE SET IN ACCORDANCE WITH FLORIDA STATUTES CHAPTERS 177.091(8) & 177.091(9).
- UNLESS OTHERWISE NOTED ALL LINES ARE RADIAL.
- ALL LOT DRAINAGE IS PRIVATE AND IS TO BE MAINTAINED BY THE INDIVIDUAL LOT OWNER, OR THE DECLARED MAINTENANCE ENTITY (I.E. HOMEOWNER ASSOCIATION).
- ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- UNLESS OTHERWISE NOTED THERE IS HEREBY DEDICATED OVER AND ACROSS THE FRONT OF ALL LOTS AND TRACTS ABUTTING AND COINCIDENT WITH THE PRIVATE RIGHTS-OF-WAY, A 10.00 FOOT WIDE PERPETUAL PUBLIC UTILITY EASEMENT.
- A 3.00 FOOT WIDE AND 7.00 FOOT WIDE PERPETUAL PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES WITHIN BLOCKS "V", "W", "X", AND "Y" AS SHOWN ON "SIDE LOT EASEMENT DETAIL A", UNLESS OTHERWISE NOTED. WHERE MORE THAN ONE LOT, OR PARTS OF ONE OR MORE LOTS, ARE USED AS A SINGLE BUILDING SITE, ONLY THE OUTER BOUNDARIES OF THE BUILDING SITE SHALL CARRY THE SIDE EASEMENTS.
- A 5.00 FOOT WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES WITHIN BLOCK "TA", "TB", "TC", "TD", "TE", "TJ", "TL", "VA", "VB", AND "TC" AS SHOWN ON "SIDE LOT EASEMENT DETAIL B", UNLESS OTHERWISE NOTED. WHERE MORE THAN ONE LOT, OR PARTS OF ONE OR MORE LOTS, ARE USED AS A SINGLE BUILDING SITE, ONLY THE OUTER BOUNDARIES OF THE BUILDING SITE SHALL CARRY THE SIDE EASEMENTS.
- DRAINAGE AND UTILITY EASEMENTS SHOWN ARE CENTERED ALONG LOT LINES UNLESS SPECIFICALLY DIMENSIONED OTHERWISE.
- LOTS AND TRACTS ABUTTING ANY EXISTING STORM WATER LAKE AND TRACT, OR FLOW WAYS, WETLANDS AND ANY OTHER STORM WATER MANAGEMENT FACILITIES CONSTRUCTED SUBSEQUENT TO THIS PLAT SHALL NOT HAVE RIPARIAN RIGHTS WITH RESPECT TO ANY SUCH TRACTS AND DRAINAGE FACILITIES, INCLUDING WITHOUT LIMITATION, ANY DRAINAGE PONDS OR LAKES, DRAINAGE STRUCTURES OR AQUATIC LANDSCAPE FEATURES WHICH MAY BE CONSTRUCTED WITHIN SAID FACILITIES.
- ALL INTERNAL ROADWAYS ARE DESIGNATED AS TRACT "Z", AND SHALL BE PRIVATE AND SHALL BE OWNED AND MAINTAINED BY THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS. AN INGRESS/EGRESS EASEMENT IS HEREBY GRANTED TO THE CITY OF PALM BAY FOR EMERGENCY VEHICLE ACCESS OVER AND ACROSS TRACT "Z".
- THERE IS HEREBY DEDICATED TO THE CITY OF PALM BAY, FLORIDA AN EASEMENT FOR THE PURPOSES OF INSTALLATION, MAINTENANCE, ACCESS AND REPAIR OF A PUBLIC SANITARY SEWER LINE AND ASSOCIATED FACILITIES OVER, UNDER, AND ACROSS TRACT "Z".
- TRACT "Z" IS HEREBY DEDICATED FOR PRIVATE USE AND AS A COMMON VEHICLE AND PEDESTRIAN WAY ACCESS EASEMENT FOR THE USE, MAINTENANCE, AND BENEFIT OF ALL LOT OWNERS WITHIN TIMBERS AT EVERLANDS AND THE TIMBERS AT EVERLANDS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS, AND FOR INGRESS AND EGRESS FROM EACH LOT TO THE ABUTTING PUBLIC STREETS.
- THE CITY OF PALM BAY, FLORIDA, BREVARD COUNTY, FLORIDA, STATE OF FLORIDA AND THE FEDERAL GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL BE ALLOWED ACCESS ON TRACT "Z", PEDESTRIAN WAYS, EASEMENTS AND COMMON OPEN SPACE TO ENSURE AND PROVIDE THE POLICE AND FIRE PROTECTION OF THE AREA, AND TO CONTROL THE HEALTH AND SAFETY OF THE RESIDENTS AND GUESTS OF TIMBERS AT EVERLANDS.
- THE HOMEOWNERS ASSOCIATION SHALL HAVE THE PRIMARY MAINTENANCE RESPONSIBILITY FOR THE DRAINAGE FACILITIES CONSTRUCTED WITHIN THE PRIVATE EASEMENTS AND STORMWATER TRACTS, HEREIN GRANTED. HOWEVER, THE CITY OF PALM BAY SHALL HAVE THE RIGHT BUT NOT THE OBLIGATION, TO PERFORM MAINTENANCE OR TO MAKE EMERGENCY REPAIRS AS IT DEEMS NECESSARY OR DESIRABLE, AT THE EXPENSE OF THE HOMEOWNERS' ASSOCIATION, INC., THEIR SUCCESSORS, OR ASSIGNS.
- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THOSE CERTAIN COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE TIMBERS AT EVERLANDS AS RECORDED IN OFFICIAL RECORDS BOOK 9766, PAGE 425, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE FOLLOWING:
 - NOTICE OF ESTABLISHMENT OF THE EVERLANDS COMMUNITY DEVELOPMENT DISTRICT IN OFFICIAL RECORDS BOOK 8693, PAGE 2281, AS AMENDED IN OFFICIAL RECORDS BOOK 9271, PAGE 2431.
 - FINAL JUDGMENT IN OFFICIAL RECORDS BOOK 9257, PAGE 1663 AND OFFICIAL RECORDS BOOK 9671, PAGE 1011.
 - LIEN OF RECORD OF THE EVERLANDS COMMUNITY DEVELOPMENT DISTRICT IN OFFICIAL RECORDS BOOK 9298, PAGE 220.
 - TRUE-UP AGREEMENT IN OFFICIAL RECORDS BOOK 9298, PAGE 223.
 - DECLARATION FOR EVERLANDS RECORDED IN OFFICIAL RECORDS BOOK 9466, PAGE 1511, BUT OMITTING ANY SUCH COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN AS PROVIDED IN 42 U.S.C. SEC. 3604 OR SEC. 3605, UNLESS EXEMPT UNDER TITLE 42 U.S.C. SUCH DECLARATION DOES ESTABLISH AND PROVIDE WITHOUT LIMITATION FOR EASEMENTS, LIENS, CHARGES, AND ASSESSMENTS.
 - ORDINANCE NO. 85-49 IN OFFICIAL RECORDS BOOK 2756, PAGE 10.
 - ORDINANCE NO. 2003-32 IN OFFICIAL RECORDS BOOK 5030, PAGE 541.
 - ORDINANCE NO. 2004-37 IN OFFICIAL RECORDS BOOK 5352, PAGE 1548.
 - TERMS AND CONDITIONS OF RESERVED EASEMENTS AND LICENSE RIGHTS AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5468, PAGE 6896, AS AFFECTED BY FIRST AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 5507, PAGE 1769, AS CORRECTED BY CORRECTED FIRST AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 5509, PAGE 439.
 - DECLARATION OF EASEMENTS IN OFFICIAL RECORDS BOOK 6149, PAGE 2612, AS SUPPLEMENTED IN OFFICIAL RECORDS BOOK 8915, PAGE 1507.
 - RESOLUTION 2021-65 IN OFFICIAL RECORDS BOOK 9408, PAGE 2279.
 - MEMORANDUM OF OPTION AGREEMENT RECORDED IN OR BOOK 9521, PAGE 2902.
 - PLAT OF TIMBERS AT EVERLAND PHASE 1A IN PLAT BOOK 00073, PAGE 0064.
 - NOTICE OF ENVIRONMENTAL RESOURCE PERMIT IN OFFICIAL RECORDS BOOK 8583, PAGE 198.
 - DECLARATION FOR THE TIMBERS AT EVERLANDS IN OFFICIAL RECORDS BOOK 9766, PAGE 425.






DESCRIPTION OF TIMBERS AT EVERLANDS PHASE 2

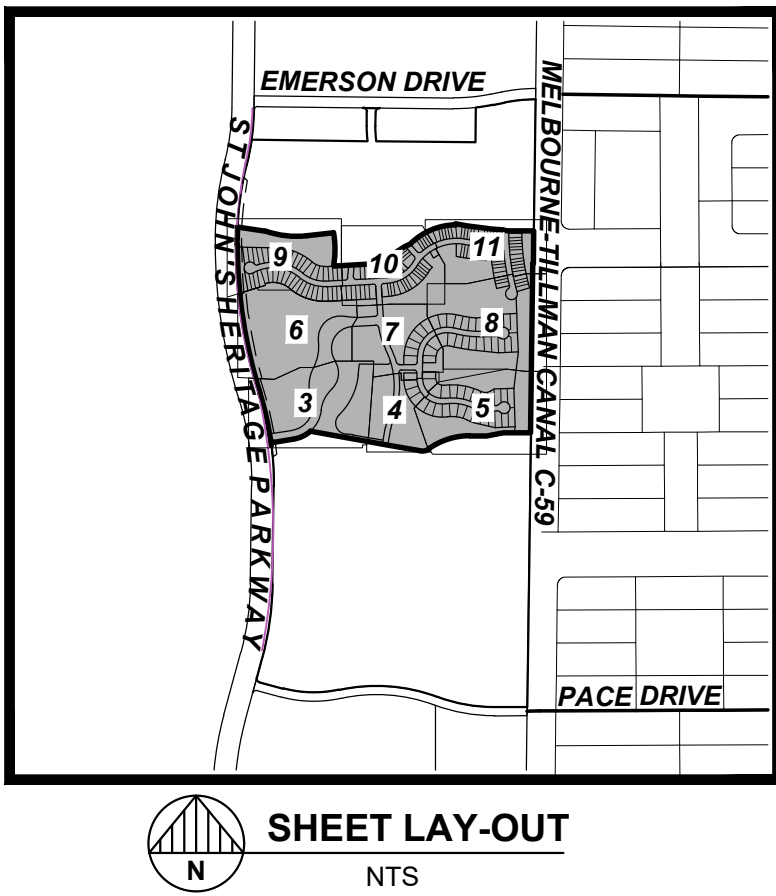
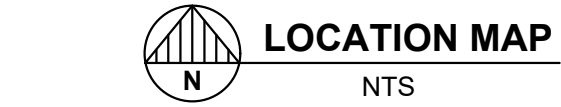
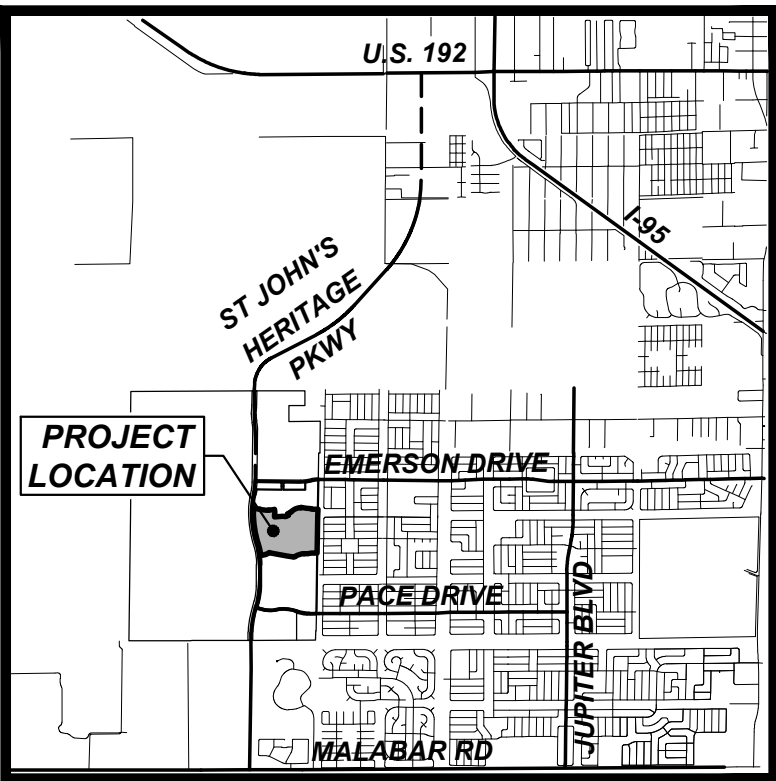
A PORTION OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT FD1 AND RUN S00°44'56"W, ALONG THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, A DISTANCE OF 1193.64 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) THENCE S00°44'56"W, A DISTANCE OF 295.72 FEET; 2) THENCE S89°45'59"W, A DISTANCE OF 7.00 FEET; 3) THENCE S00°42'46"W, A DISTANCE OF 1534.72 FEET; THENCE N90°00'00"W, A DISTANCE OF 248.02 FEET; THENCE S78°31'23"W, A DISTANCE OF 153.06 FEET; THENCE N90°00'00"W, A DISTANCE OF 155.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 35°00'28", A CHORD BEARING OF S72°29'46"W, AND A CHORD LENGTH OF 387.99 FEET), A DISTANCE OF 394.09 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 45°07'04", A CHORD BEARING OF S77°33'05"W, AND A CHORD LENGTH OF 80.56 FEET), A DISTANCE OF 82.68 FEET TO THE END OF SAID CURVE; THENCE N79°53'23"W, A DISTANCE OF 273.54 FEET TO THE NORTHEAST CORNER OF TRACT I, TIMBERS AT EVERLANDS PHASE 1C, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK ____ PAGE ____, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID PLAT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) THENCE CONTINUE N79°53'23"W, A DISTANCE OF 738.81 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°30'05", A CHORD BEARING OF S64°44'04"W, AND A CHORD LENGTH OF 172.93 FEET), A DISTANCE OF 175.41 FEET TO THE END OF SAID CURVE; 3) THENCE S81°29'07"W, A DISTANCE OF 180.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°37'59", A CHORD BEARING OF S37°10'07"W, AND A CHORD LENGTH OF 34.93 FEET), A DISTANCE OF 38.67 FEET TO A CUSP OF CURVE AND A POINT ON THE CURVED EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, (A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE EAST RIGHT-OF-WAY OF SAID ST. JOHNS HERITAGE PARKWAY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST, AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 10°15'23", A CHORD BEARING OF N12°16'34"W, AND A CHORD LENGTH OF 482.87 FEET), A DISTANCE OF 483.31 FEET TO A POINT OF REVERSE CURVATURE; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 4500.00 FEET, A CENTRAL ANGLE OF 17°24'15", A CHORD BEARING OF N08°42'08"W, AND A CHORD LENGTH OF 1361.68 FEET), A DISTANCE OF 1366.93 FEET TO THE END OF SAID CURVE; 3) THENCE N00°00'00"E, A DISTANCE OF 58.06 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 2°13'55", A CHORD BEARING OF N01°07'06"E, AND A CHORD LENGTH OF 105.18 FEET), A DISTANCE OF 105.18 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S81°56'31"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 256.19 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 849.00 FEET, A CENTRAL ANGLE OF 26°01'10", A CHORD BEARING OF S83°39'24"E, AND A CHORD LENGTH OF 382.25 FEET), A DISTANCE OF 385.55 FEET TO THE END OF SAID CURVE; THENCE N83°20'01"E, A DISTANCE OF 240.52 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST, AND HAVING A RADIUS OF 842.00 FEET, A CENTRAL ANGLE OF 14°54'20", A CHORD BEARING OF S02°44'04"E, AND A CHORD LENGTH OF 218.43 FEET), A DISTANCE OF 219.05 FEET TO THE END OF SAID CURVE; THENCE S04°43'06"W, A DISTANCE OF 86.13 FEET; THENCE N86°49'15"E, A DISTANCE OF 359.22 FEET; THENCE S84°32'51"E, A DISTANCE OF 86.62 FEET; THENCE N86°49'15"E, A DISTANCE OF 25.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 180.00 FEET, A CENTRAL ANGLE OF 41°07'43", A CHORD BEARING OF N66°15'24"E, AND A CHORD LENGTH OF 126.45 FEET), A DISTANCE OF 129.21 FEET TO A CUSP OF CURVE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 615.00 FEET, A CENTRAL ANGLE OF 5°58'24", A CHORD BEARING OF N35°51'05"W, AND A CHORD LENGTH OF 64.09 FEET), A DISTANCE OF 64.12 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHEAST; THENCE N57°08'08"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 120.00 FEET; THENCE N68°58'17"E, A DISTANCE OF 50.83 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 590.00 FEET, A CENTRAL ANGLE OF 44°04'09", A CHORD BEARING OF N67°15'20"E, AND A CHORD LENGTH OF 442.70 FEET), A DISTANCE OF 453.80 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTH; THENCE N06°39'00"W ALONG SAID NON-TANGENT LINE, A DISTANCE OF 10.48 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 3700.00 FEET, A CENTRAL ANGLE OF 6°46'21", A CHORD BEARING OF S82°40'29"E, AND A CHORD LENGTH OF 437.09 FEET), A DISTANCE OF 437.35 FEET TO THE END OF SAID CURVE; THENCE S82°35'08"E, A DISTANCE OF 50.34 FEET; THENCE S89°38'50"E, A DISTANCE OF 228.86 FEET TO THE POINT OF BEGINNING. CONTAINING 107.05 ACRES, MORE OR LESS.

TRACT TABLE			
TRACT ID	AREA (ACRES)	TRACT USE	OWNERSHIP AND MAINTENANCE ENTITY
TRACT E	5.19	PEDESTRIAN ACCESS, DRAINAGE, OPEN SPACE, UTILITIES, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT F	18.47	STORMWATER, DRAINAGE, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT G	6.79	STORMWATER, DRAINAGE, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT H	5.78	RECREATION, OPEN SPACE, DRAINAGE, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT I	5.92	DRAINAGE, OPEN SPACE, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT J	5.92	STORM WATER, DRAINAGE, OPEN SPACE, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT K1	0.60	DRAINAGE, UTILITIES, FENCE, WALL, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT K2	3.79	STORM WATER, DRAINAGE, UTILITIES, FENCE, WALL, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT L	12.90	STORM WATER, DRAINAGE, OPEN SPACE, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT LS2	0.09	LIFT STATION	CITY OF PALM BAY
TRACT M	0.25	STORM WATER, DRAINAGE, OPEN SPACE, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT M2	0.09	STORM WATER, DRAINAGE, OPEN SPACE, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS
TRACT Z	13.57	VEHICULAR AND PEDESTRIAN ACCESS, UTILITIES, OPEN SPACE, UTILITIES, AND LANDSCAPING	THE TIMBERS AT EVERLANDS HONEOWNERS ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS

SURVEY SYMBOL LEGEND

	SECTION CORNER; MARKED AS NOTED		SET 5/8" IRON ROD AND CAP (IRC) STAMPED "PRM LB4905" UNLESS OTHER WISE NOTED
	1/4 SECTION CORNER; MARKED AS NOTED		PERMANENT CONTROL POINT (PCP): SET MAG NAIL AND DISK STAMPED "PCP LB4905", UNLESS OTHERWISE NOTED
	PERMANENT REFERENCE MONUMENT (PRM): FOUND (FD) 4X4 INCH CONCRETE MONUMENT (CM) WITH DISK STAMPED "PRM LB4905", UNLESS OTHERWISE NOTED		



ABBREVIATIONS

'	MINUTES/FEET
"	SECONDS/INCHES
°	DEGREES
AC	ACRES
AL	ARC LENGTH
BOC	BEGINNING OF CURVE
CB	CHORD BEARING
CH	CHORD LENGTH
CM	CONCRETE MONUMENT
DE	PRIVATE DRAINAGE EASEMENT
DEL	CENTRAL/DELTA ANGLE
E	EAST
EOC	END OF CURVE
EX	EXISTING
FD	FOUND
FT	FOOT/FEET
N	NORTH
NR	NON-RADIAL
NTS	NOT TO SCALE
NTI	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PCC	POINT OF COMPOUND CURVATURE
PCP	PERMANENT CONTROL POINT
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PRC	POINT OF REVERSE CURVATURE
PSE	PUBLIC SIDEWALK EASEMENT
P.U.D.	PLANNED UNIT DEVELOPMENT
UE	PUBLIC UTILITY EASEMENT
R	RADIUS
R/W	RIGHT-OF-WAY
TYP	TYPICAL

- THIS PLAT PREPARED BY -



B.S.E. CONSULTANTS, INC.
CONSULTING • ENGINEERING • LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400
PALM BAY, FLORIDA 32901
PHONE: (321) 725-8674 FAX: (321) 725-1189
CERTIFICATE OF BUSINESS REGISTRATION: 4605
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 7/12/23
DESIGN/DRAWN: LEH/EAK
DRAWING#10860600_304_001
PROJECT#10860.600

PLAT BOOK ____, PAGE ____

SHEET 1 OF 4
SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the limited liability company named below, being the owner in fee simple of the lands described in
TIMBERS AT EVERLANDS PHASE 1B
Hereby dedicates to the City of Palm Bay, Florida an ingress and egress easement over and across TRACT Z for law enforcement, emergency access and emergency maintenance and hereby dedicates to private utility companies, for their perpetual use an easement over and across said TRACT Z for the access and maintenance of utilities as described in the plat notes. No other tracts or easements are dedicated or granted to the public. All Right of Way tracts are dedicated to the Homeowners' Association and all maintenance responsibilities shall not be the City of Palm Bay's.

DRP FL 6, LLC, a Delaware limited liability company
By: DW General Partner, LLC, its Manager

SEAL

By: _____
Name: Houdin Honarvar, Authorized Signatory for Manager

Attest: _____

Signature _____

Printed Name _____

Attest: _____

Signature _____

Printed Name _____

DRP FL 6, LLC
590 MADISON AVE FL 13
NEW YORK, NY 10022

STATE OF NEW YORK COUNTY OF _____

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization, this _____ by Houdin Honarvar, Authorized Signatory for Manager of the above named limited liability company, to me known to be the individual and officer described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed as such officer thereunto duly authorized; that official seal of said corporation is duly affixed thereto; and that the dedication is the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

NOTARY PUBLIC

SEAL

Notary Public, State of New York
My Comm. Expires _____
Comm. No. _____

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed professional surveyor and mapper, does hereby certify that on 7/12/2023 he completed the boundary survey of the lands shown on the foregoing plat; and that said plat was prepared under his direction and supervision and that said plat complies with all of the survey requirements of Chapter 177, part 1, Florida Statutes, and that said lands are located in Brevard County, Florida.

Registration Number 5611
LESLIE E. HOWARD
B.S.E. Consultants, Inc.
312 South Harbor City Boulevard, Suite #4
Melbourne, Fla. 32901
Certificate of Authorization Number: LB-0004905

CERTIFICATE OF REVIEWING SURVEYOR FOR THE CITY OF PALM BAY

I HEREBY CERTIFY, That I have reviewed the foregoing plat and find that it is in conformity with Chapter 177, part 1, Florida Statutes.

Joseph N. Hale, Professional Surveyor & Mapper No. 6366

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on: _____ the City Council of the City of Palm Bay, Florida approved the foregoing plat.

Mayor - J. Robert Medina

Attest: _____

City Clerk - Terese M. Jones

CERTIFICATE OF CLERK

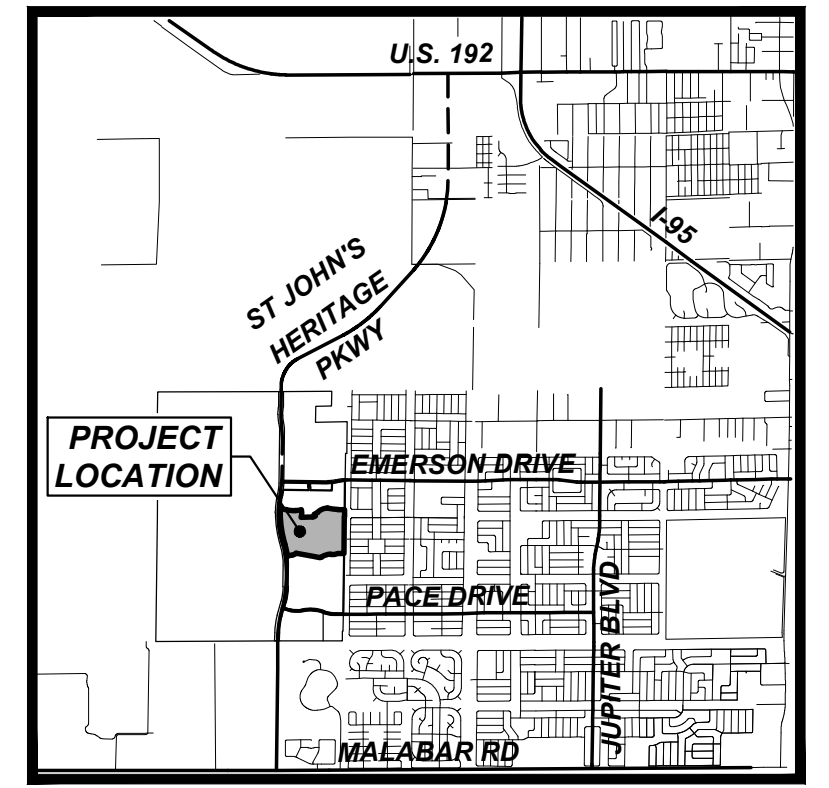
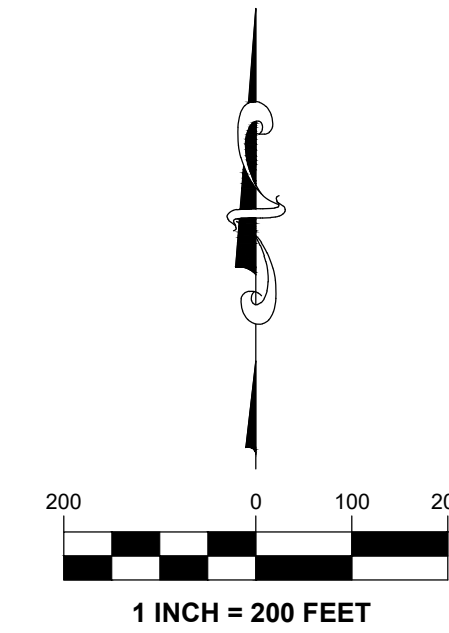
I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, part 1 Florida Statutes, and was filed for record on _____ at _____, File No. _____

ATTEST: _____
Clerk of the Circuit Court in and for Brevard County, Fla.

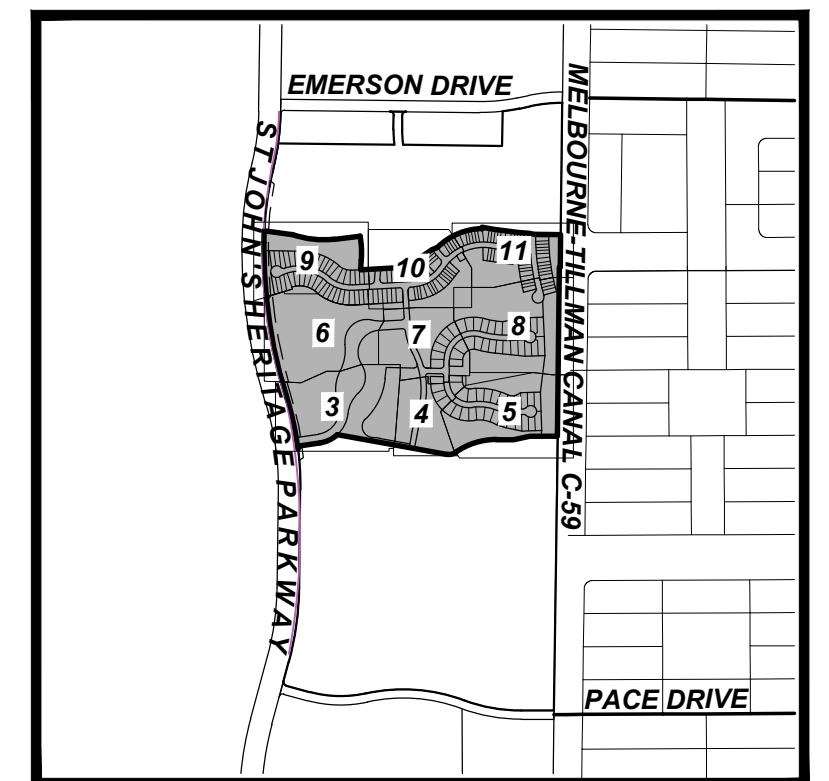
TIMBERS AT EVERLANDS PHASE 2

BEING A REPLAT OF A PORTION OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____
SHEET 2 OF 11
SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST

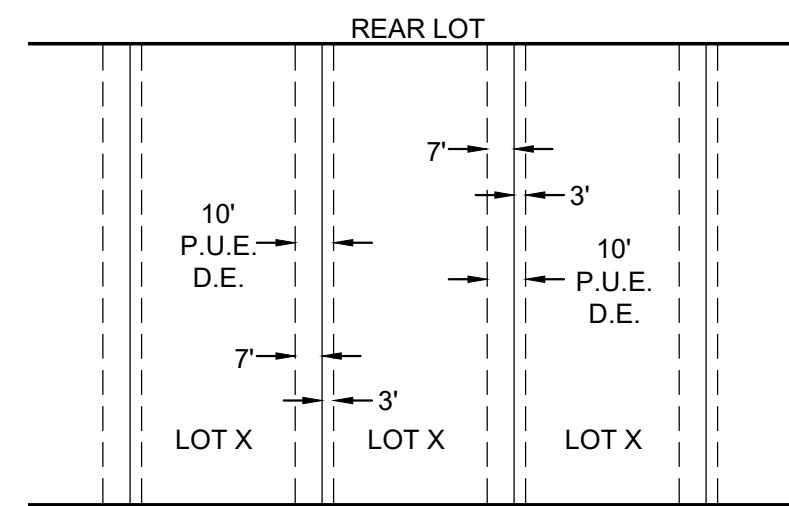


LOCATION MAP
NTS

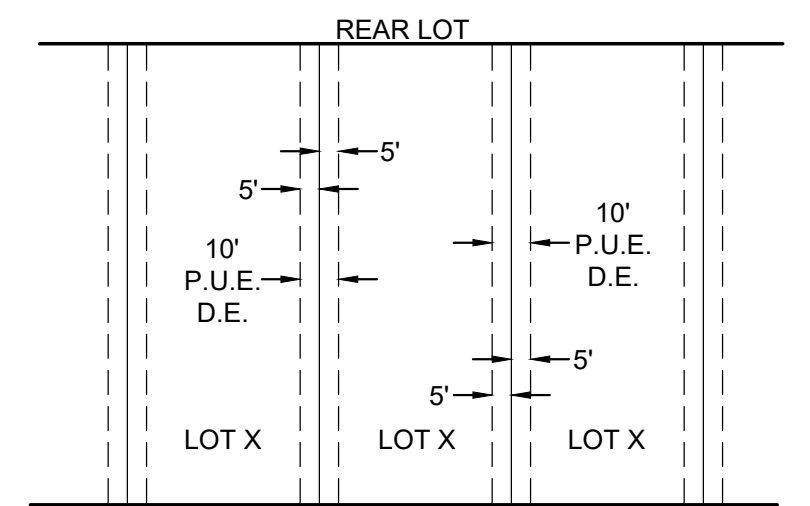


SHEET LAY-OUT
NTS

NORTHING AND EASTING COORDINATE VALUES SHOWN HEREON, (N,E), ARE BASED UPON REAL TIME KINETIC, (RTK), OBSERVATIONS UTILIZING A SPECTRA SP80 GLOBAL POSITIONING SYSTEM, (GPS), DERIVED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FPRN NETWORK FOR DISTRICT 5 AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM, 1983, 2012 ADJUSTMENT (NAD83/2012), FLORIDA EAST ZONE.



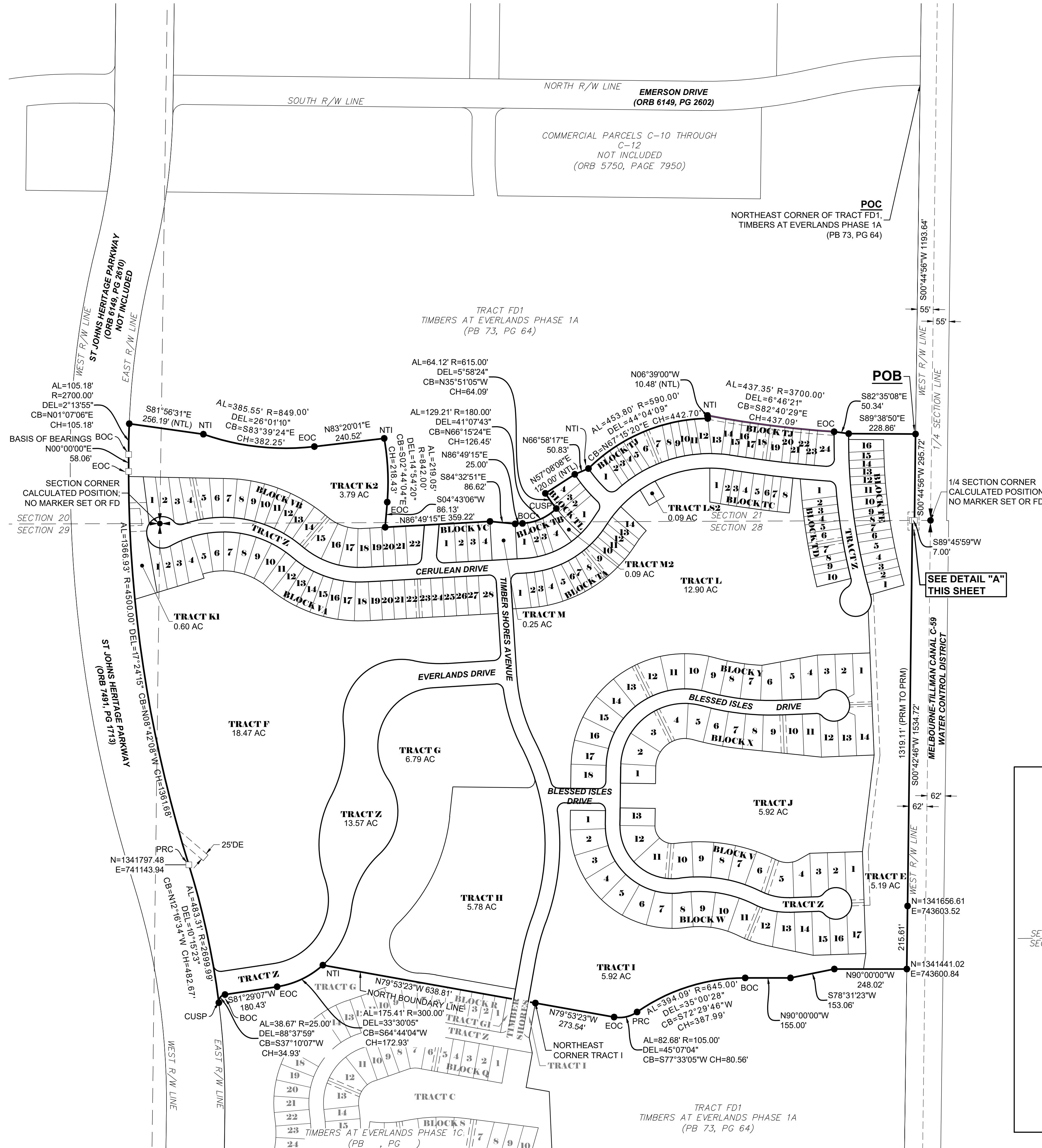
SIDE LOT EASEMENT DETAIL "A"



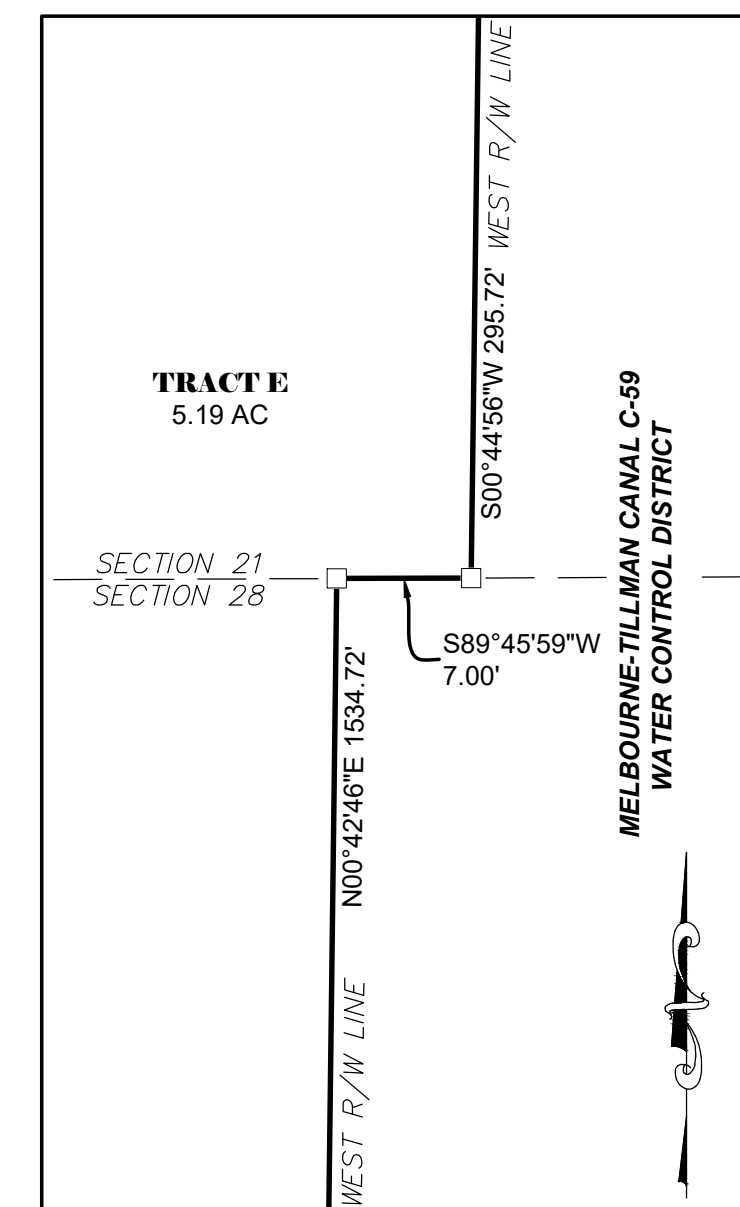
SIDE LOT EASEMENT DETAIL "B"

ABBREVIATIONS

- MINUTES/FEET
- SECONDS/INCHES
- DEGREES
- AC ACRES
- AL ARC LENGTH
- BOC BEGINNING OF CURVE
- CB CHORD BEARING
- CH CHORD LENGTH
- CM CONCRETE MONUMENT
- DE PRIVATE DRAINAGE EASEMENT
- DEL CENTRAL/DELTA ANGLE
- E EAST
- EOC END OF CURVE
- EX EXISTING
- FD FOUND
- FT FOOT/FEET
- N NORTH
- NR NON-RADIAL
- NTS NOT TO SCALE
- NTI NON-TANGENT INTERSECTION
- NTL NON-TANGENT LINE
- OR/ORB OFFICIAL RECORDS BOOK
- PB PLAT BOOK
- PCC POINT OF COMPOUND CURVATURE
- PCP PERMANENT CONTROL POINT
- PG(S) PAGE(S)
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PRC POINT OF REVERSE CURVATURE
- PSE PUBLIC SIDEWALK EASEMENT
- P.U.D. PLANNED UNIT DEVELOPMENT
- UE PUBLIC UTILITY EASEMENT
- R RADIUS
- R/W RIGHT-OF-WAY
- TYP TYPICAL



SEE DETAIL "A" THIS SHEET



DETAIL "A"
N.T.S.

SURVEY SYMBOL LEGEND

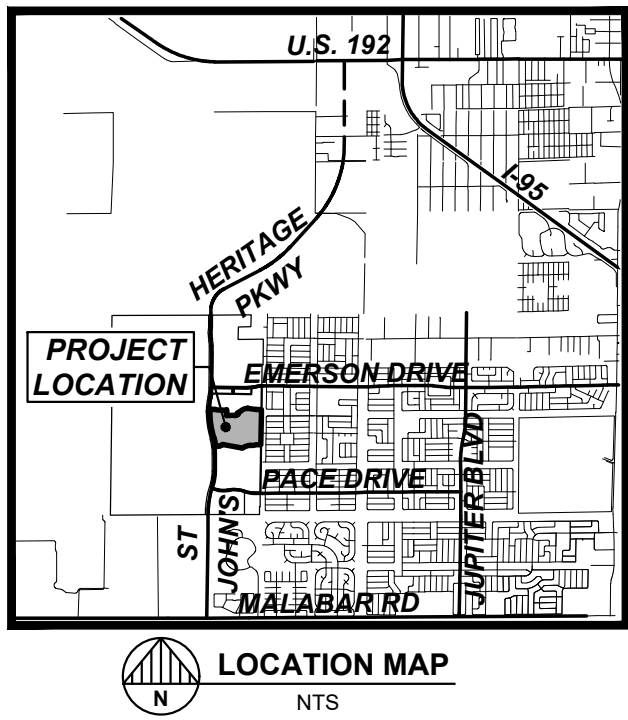
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- 1/4 SECTION CORNER; MARKED AS NOTED
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- SET 5/8" IRON ROD AND CAP (IRC) STAMPED "PRM LB4905" UNLESS OTHERWISE NOTED
- PERMANENT CONTROL POINT (PCP); SET MAG NAIL AND DISK STAMPED "PCP LB4905", UNLESS OTHERWISE NOTED

- THIS PLAT PREPARED BY -



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, MELBOURNE, FL 32901
PHONE: (321) 725-3074 FAX: (321) 725-1109
CERTIFICATE OF BUSINESS AUTHORIZATION #602
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION #18004905

DATE: 7/12/23
DESIGN/DRAWN: LEH/EAK
DRAWING#108600_304_002
PROJECT#10860.600

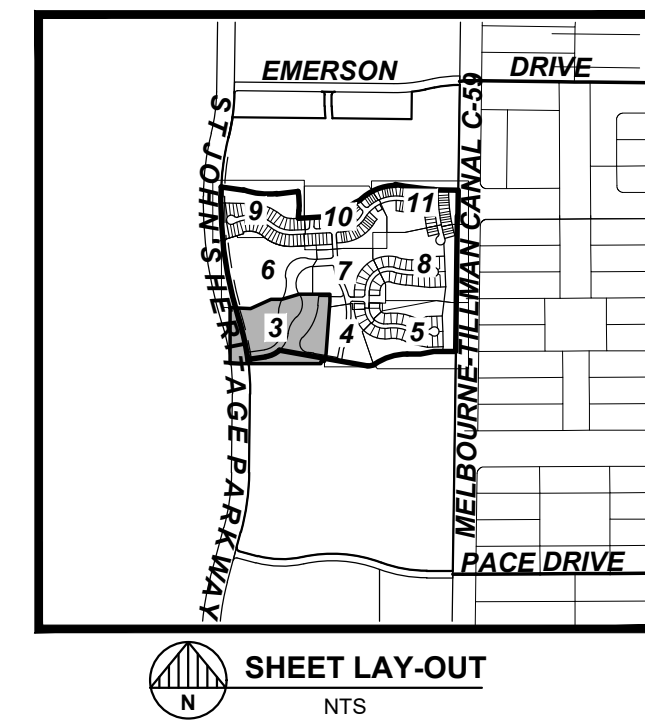
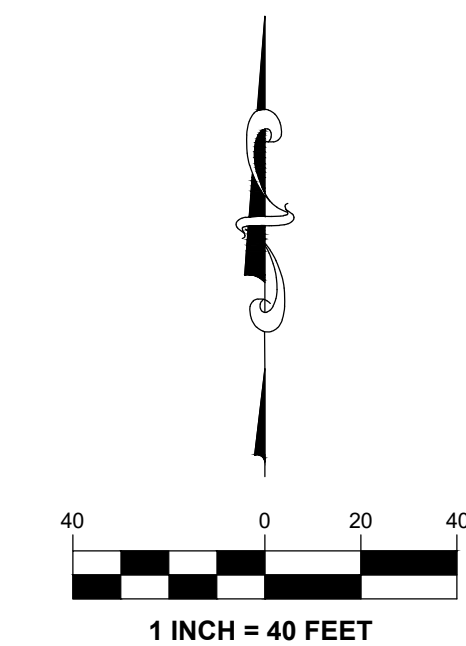


TIMBERS AT EVERLANDS PHASE 2

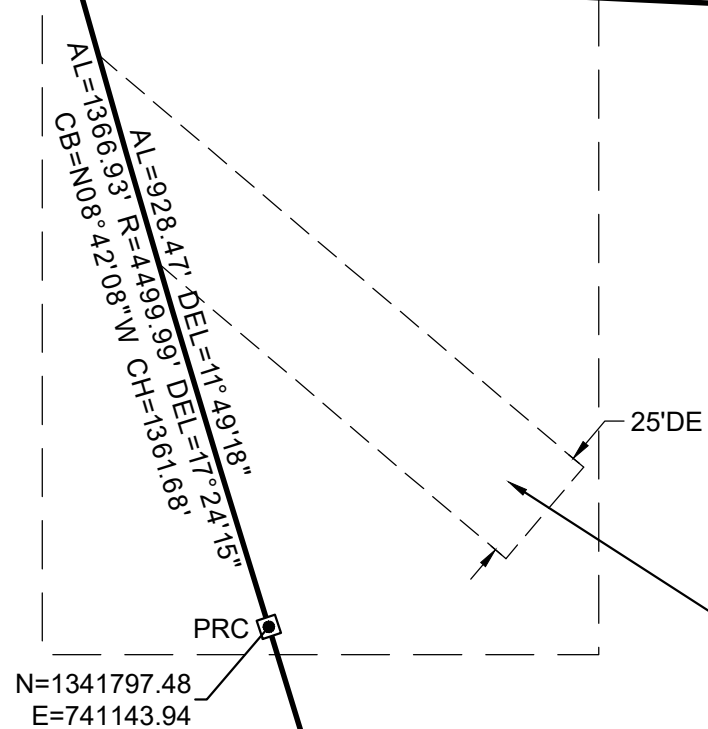
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PLAT BOOK _____, PAGE _____
SHEET 3 OF 11
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST

- SURVEY SYMBOL LEGEND**
- SECTION CORNER, MARKED AS NOTED
 - 1/4 SECTION CORNER: MARKED AS NOTED
 - PERMANENT REFERENCE MONUMENT (PRM); FOUND (FD) 4X4 INCH CONCRETE MONUMENT (CM) WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED
 - SET 5/8" IRON ROD AND CAP (IRC) STAMPED "PRM LB4905" UNLESS OTHERWISE NOTED
 - PERMANENT CONTROL POINT (PCP); SET MAG NAIL AND DISK STAMPED PCP LB4905, UNLESS OTHERWISE NOTED



SEE SHEET 6 FOR CONTINUATION



SEE 25' PRIVATE DRAINAGE
DETAIL THIS SHEET

- ABBREVIATIONS**
- MINUTES/FEET
 - SECONDS/INCHES
 - DEGREES
 - ACRES
 - ARC LENGTH
 - BEGINNING OF CURVE
 - CHORD BEARING
 - CHORD LENGTH
 - CONCRETE MONUMENT
 - CENTRAL/DELTA ANGLE
 - DRAINAGE EASEMENT (PRIVATE)
 - EAST
 - END OF CURVE
 - FOUND
 - FOOT/FEET
 - NORTH
 - NAIL AND DISK
 - NOT RADIAL
 - NON-TANGENT INTERSECTION
 - NON-TANGENT LINE
 - NOT TO SCALE
 - OR/ORB OFFICIAL RECORDS BOOK
 - PLAT BOOK
 - PERMANENT CONTROL POINT
 - PAGE(S)
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - POINT OF REVERSE CURVE
 - PRIVATE SIDEWALK EASEMENT
 - PUBLIC UTILITY EASEMENT
 - RADIUS
 - RIGHT-OF-WAY
 - SOUTH
 - TYPICAL
 - WEST

TRACT F
18.47 AC

TRACT Z
13.57 AC

TRACT G
6.79 AC

TRACT H
5.78 AC

25' PRIVATE DRAINAGE EASEMENT

1" = 20'

SEE SHEET 4 FOR
CONTINUATION

- THIS PLAT PREPARED BY -

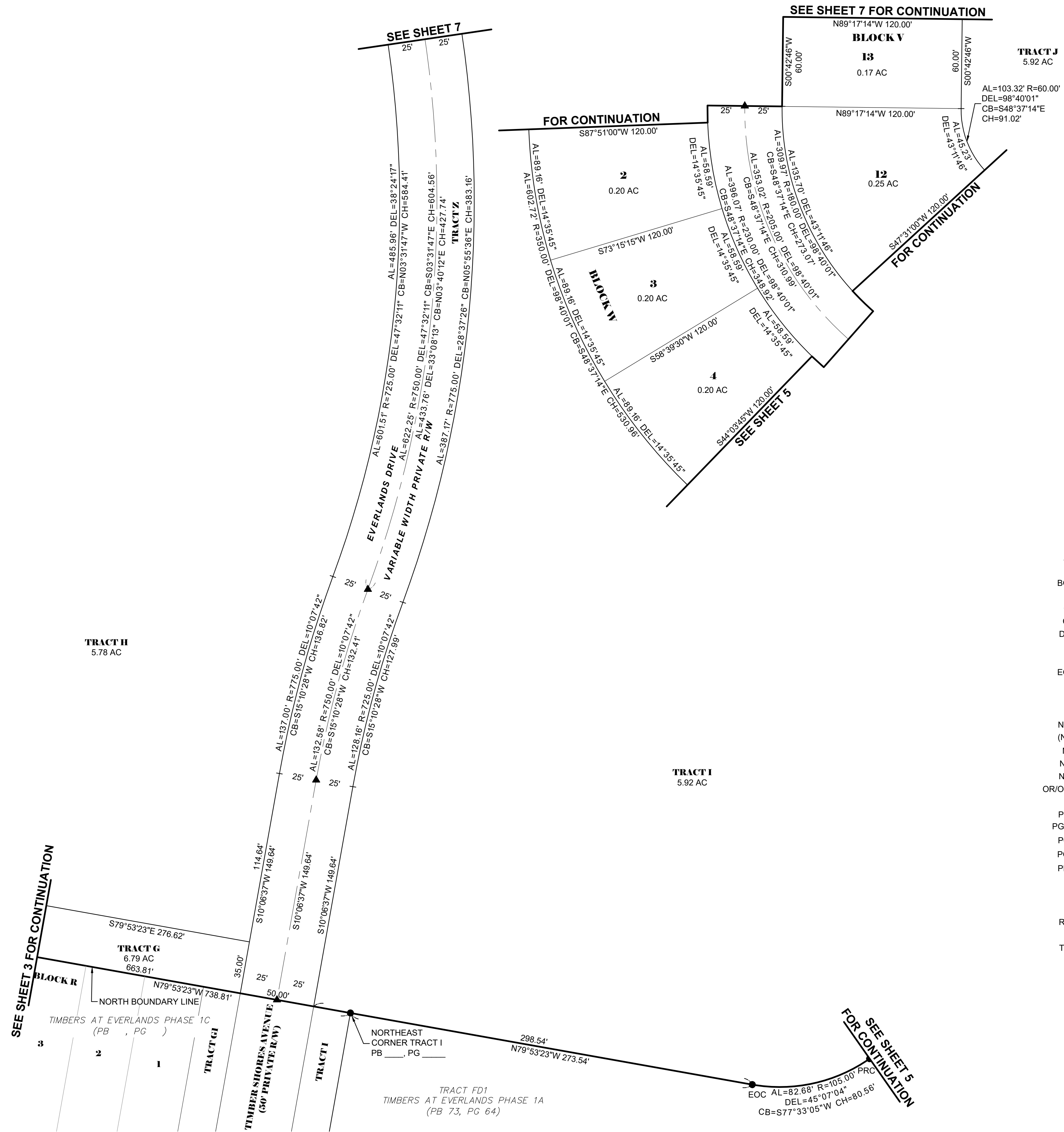
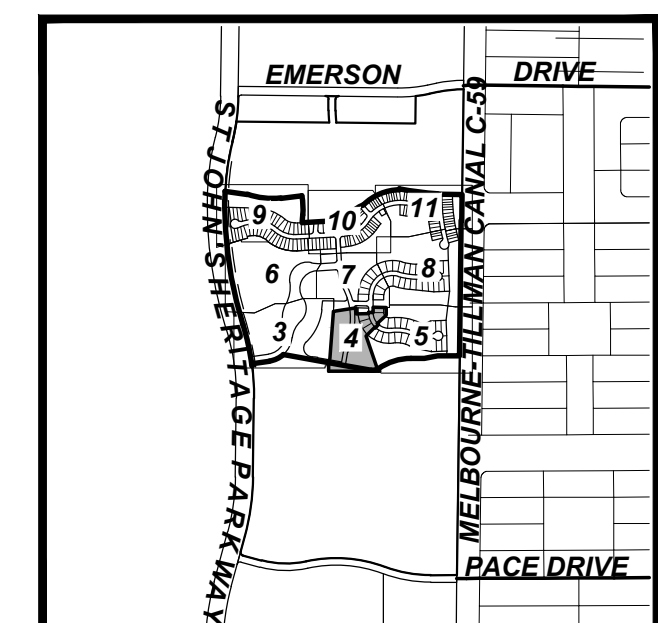
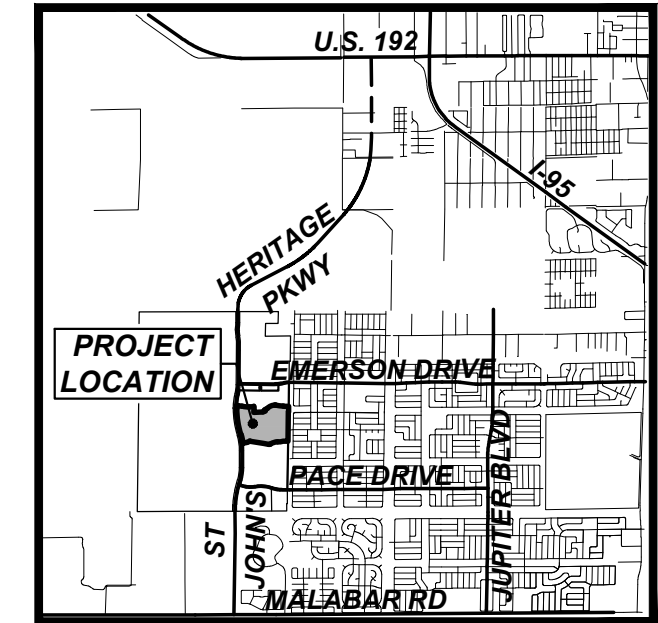
B.S.E. CONSULTANTS, INC.
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312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901
PHONE: (321) 725-3074 FAX: (321) 725-1109
CERTIFICATE OF BUSINESS AUTHORIZATION #002
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004065

DATE: 07/12/23
DESIGN/DRAWN: LEH/EAK
DRAWING#10860600_304_003
PROJECT# 108600.300

TIMBERS AT EVERLANDS PHASE 2

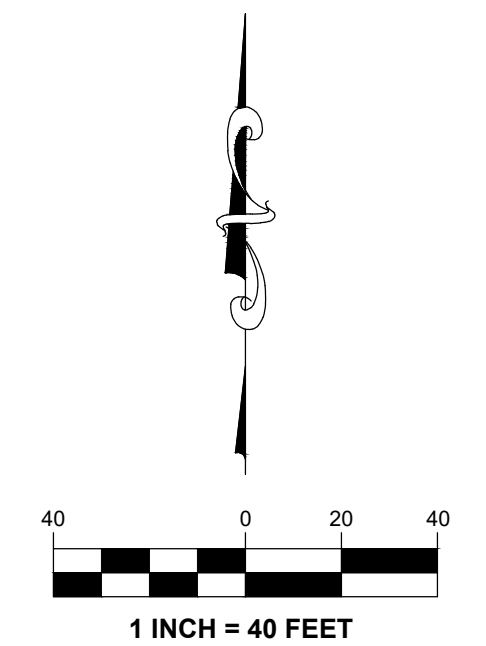
BEING A REPLAT OF A PORTION OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____
SHEET 4 OF 11
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST



- ABBREVIATIONS**
- ' MINUTES/FEET
 - " SECONDS/INCHES
 - ° DEGREES
 - AC ACRES
 - AL ARC LENGTH
 - BOC BEGINNING OF CURVE
 - CB CHORD BEARING
 - CH CHORD LENGTH
 - CM CONCRETE MONUMENT
 - DEL CENTRAL/DELTA ANGLE
 - DE DRAINAGE EASEMENT (PRIVATE)
 - E EAST
 - EOC END OF CURVE
 - FD FOUND
 - FT FOOT/FEET
 - N NORTH
 - N&D NAIL AND DISK
 - (NR) NOT RADIAL
 - NTI NON-TANGENT INTERSECTION
 - NTL NON-TANGENT LINE
 - NTS NOT TO SCALE
 - OR/ORB OFFICIAL RECORDS BOOK
 - PB PLAT BOOK
 - PCP PERMANENT CONTROL POINT
 - PG(S) PAGE(S)
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCEMENT
 - PRC POINT OF REVERSE CURVE
 - SE PRIVATE SIDEWALK EASEMENT
 - UE PUBLIC UTILITY EASEMENT
 - R RADIUS
 - R/W RIGHT-OF-WAY
 - S SOUTH
 - TYP TYPICAL
 - W WEST

- SURVEY SYMBOL LEGEND**
- SECTION CORNER; MARKED AS NOTED
 - 1/4 SECTION CORNER; MARKED AS NOTED
 - PERMANENT REFERENCE MONUMENT (PRM); FOUND (FD) 4X4 INCH CONCRETE MONUMENT (CM) WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED
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 - PERMANENT CONTROL POINT (PCP); SET MAG NAIL AND DISK STAMPED PCP LB4905, UNLESS OTHERWISE NOTED



- THIS PLAT PREPARED BY -

B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, MELBOURNE, FL 32901
PHONE: (321) 725-3074 FAX: (321) 725-1109
CERTIFICATE OF BUSINESS AUTHORIZATION #602
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004605

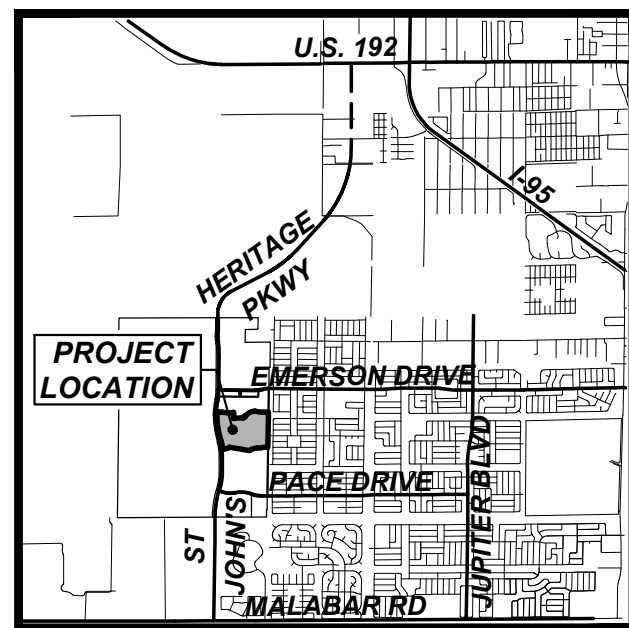
DATE: 07/12/23
DESIGN/DRAWN: LEH/EAK
DRAWING#10860600_304_004
PROJECT# 10860.600

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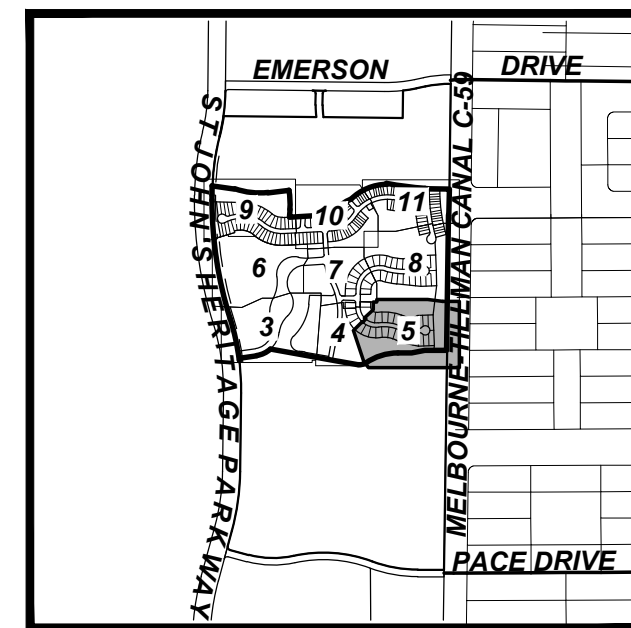
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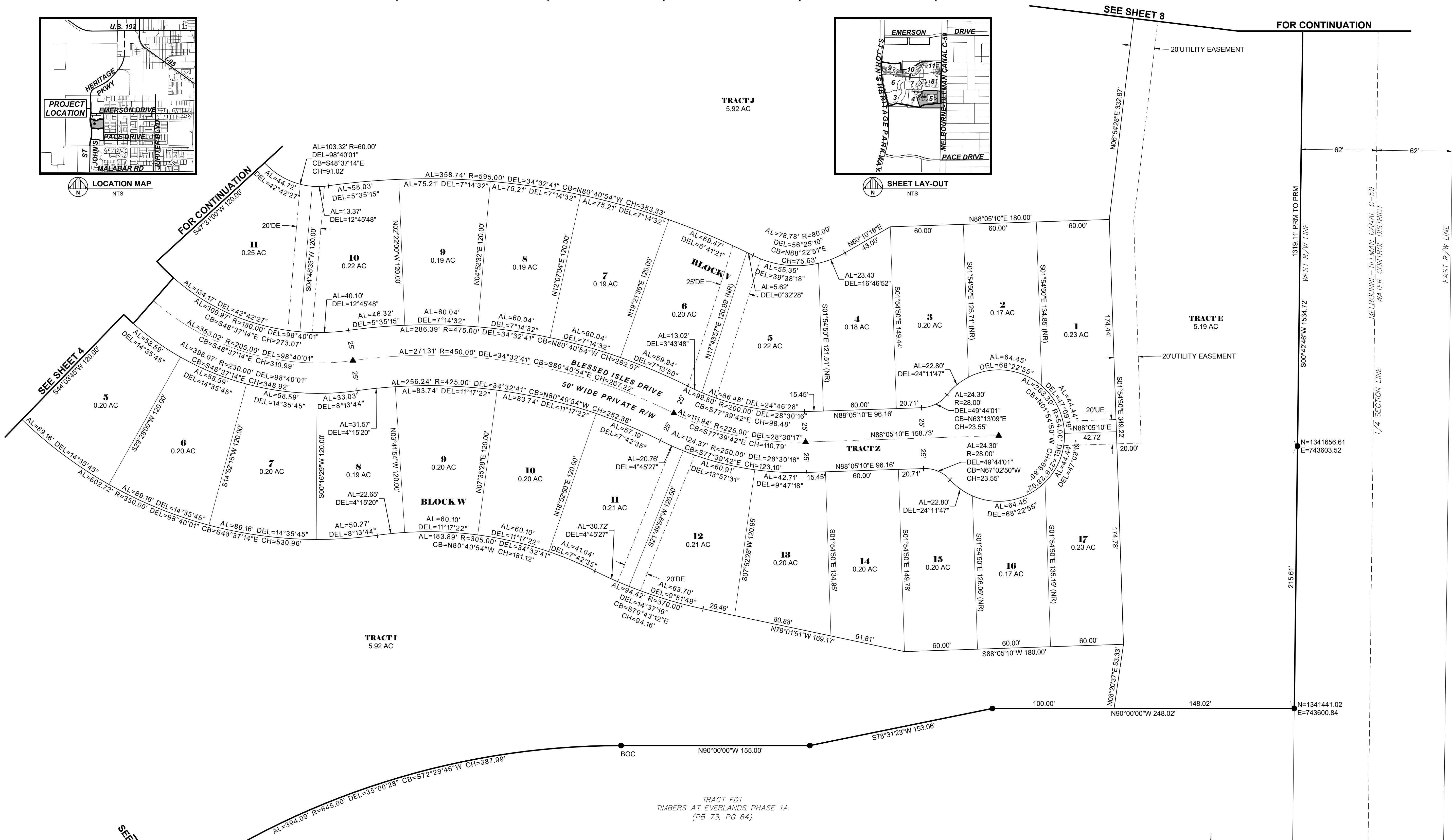
PLAT BOOK _____, PAGE _____
SHEET 5 OF 11
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST



LOCATION MAP
NTS



SHEET LAY-OUT
NTS



ABBREVIATIONS

' MINUTES/FEET
" SECONDS/INCHES
° DEGREES
AL ARC LENGTH
CB CHORD BEARING
CH CHORD LENGTH
CM CONCRETE MONUMENT
DEL CENTRAL/DELTA ANGLE
DE DRAINAGE EASEMENT (PRIVATE)
E EAST

ABBREVIATIONS

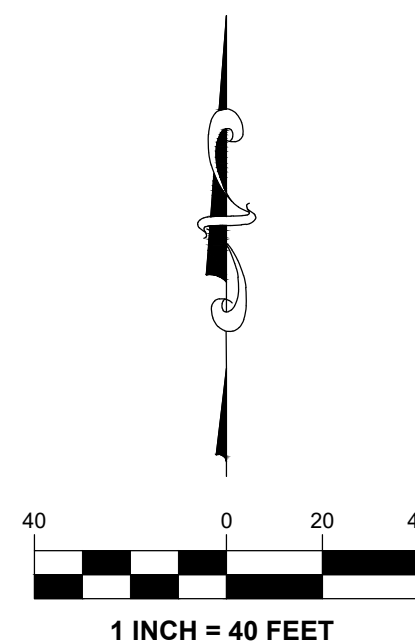
EL ELEVATION
F.B.E. FENCE AND BERM EASEMENT
FT FOOT/FEET
N NORTH
N&D NAIL AND DISK
(NR) NOT RADIAL
NTS NOT TO SCALE
OR/ORB OFFICIAL RECORDS BOOK
PB PLAT BOOK
PCP PERMANENT CONTROL POINT

ABBREVIATIONS

PG(S) PAGE(S)
PSE PRIVATE SIDEWALK EASEMENT
UE PUBLIC UTILITY EASEMENT
R RADIUS
R/W RIGHT-OF-WAY
S SOUTH
SSE SANITARY SEWER EASEMENT
TYP TYPICAL
W WEST

SURVEY SYMBOL LEGEND

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CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901
PHONE: (321) 725-3074 FAX: (321) 725-1109
CERTIFICATE OF BUSINESS AUTHORIZATION #002
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004065

DATE: 07/12/23
DESIGN/DRAWN: LEH/EAK
DRAWING#10860600_304_005
PROJECT# 10860.600

BEING A REPLAT OF A PORTION OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

EMERSON DRIVE

ST. JOHN'S HERITAGE PARKWAY

MELBOURNE-TILMAN CANAL C-39

PACE DRIVE

Map of the 11th Ward showing numbered precincts 3 through 11. Precinct 7 is centrally located and shaded.

OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PCP	PERMANENT CONTROL POINT
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PRC	POINT OF REVERSE CURVE
SE	PRIVATE SIDEWALK EASEMENT
UE	PUBLIC UTILITY EASEMENT
R	RADIUS
R/W	RIGHT-OF-WAY
S	SOUTH
TYP	TYPICAL
W	WEST

 <p>B.S.E. CONSULTANTS, INC. CONSULTING - ENGINEERING - LAND SURVEYING 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901 PHONE: (321) 726-3344 FAX: (321) 726-1159 CERTIFICATE OF BUSINESS AUTHORIZATION 4905 CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB00004905</p>	<p>DATE: 07/12/23 DESIGN/DRAWN: LEH/EAK DRAWING#10860600_304_007 PROJECT# 10860.600</p>
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PLAT BOOK _____, PAGE _____
SHEET 8 OF 11
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST

A map of the project area showing the intersection of Emerson Drive and Pace Drive. The project location is highlighted with a shaded rectangle. Major roads shown include U.S. 192, Heritage Pkwy, 195, John St, and Malabar Rd. The map also shows various residential lots and streets in the surrounding area.

 **LOCATION MAP**
NTS

EMERSON DRIVE

ST. JOHN-SHERIDAN PARK WAY

MELBOURNE-TILGHAM CANAL C-38

PACE DRIVE

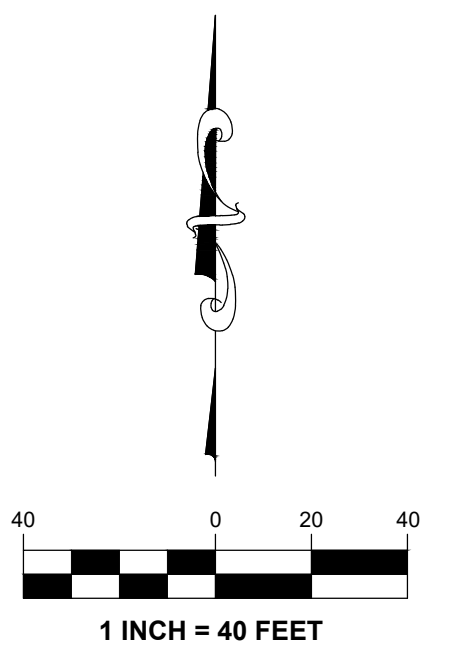
9 10 11

6 7 8

3 4 5

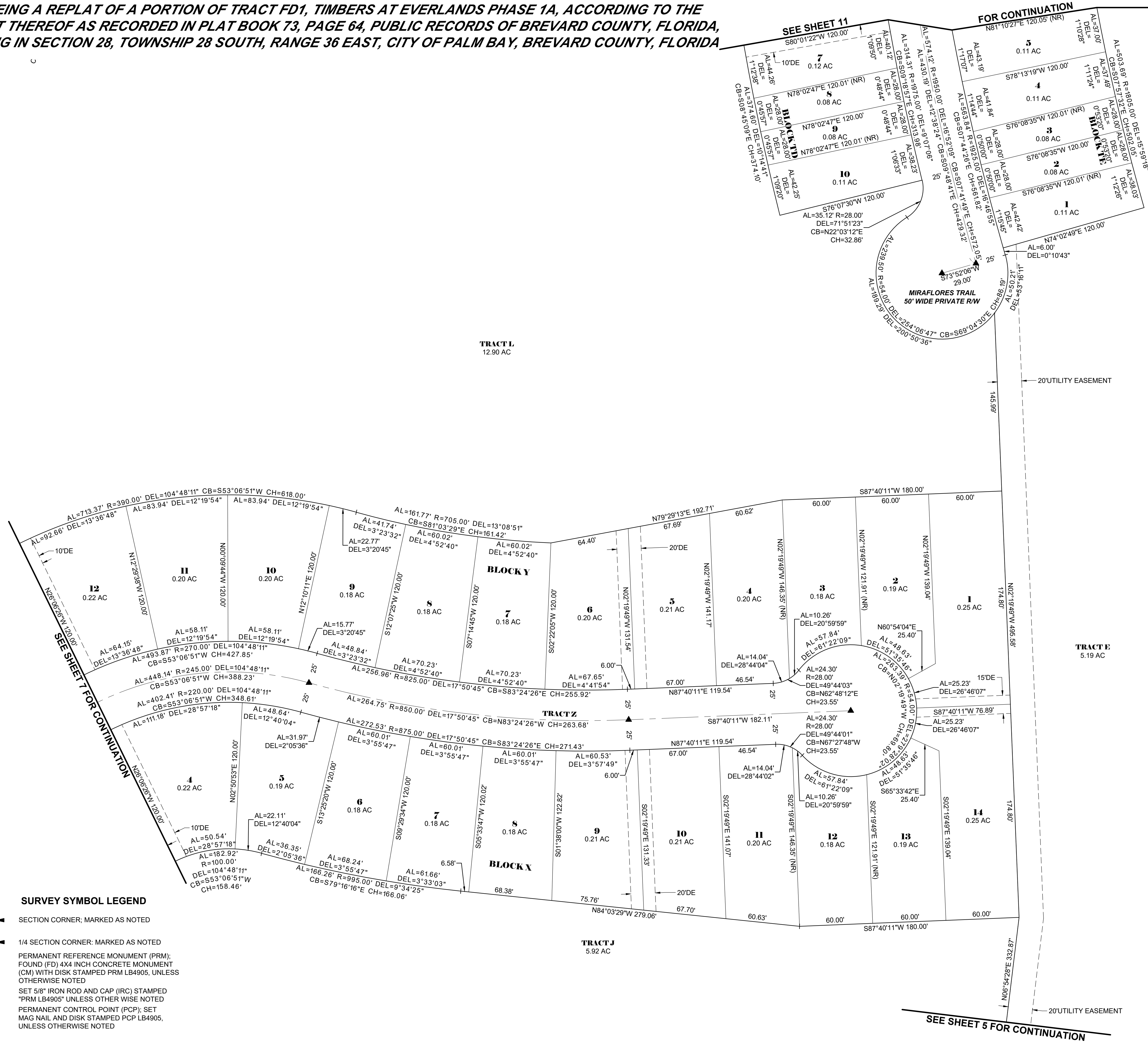
 **SHEET LAY-OUT**
NTS

'	MINUTES/FEET
"	SECONDS/INCHES
°	DEGREES
AC	ACRES
AL	ARC LENGTH
BOC	BEGINNING OF CURVE
CB	CHORD BEARING
CH	CHORD LENGTH
CM	CONCRETE MONUMENT
DEL	CENTRAL/DELTA ANGLE
DE	DRAINAGE EASEMENT (PRIVATE)
E	EAST
EOC	END OF CURVE
FD	FOUND
FT	FOOT/FEET
N	NORTH
N&D	NAIL AND DISK
(NR)	NOT RADIAL
NTI	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
NTS	NOT TO SCALE
OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PCP	PERMANENT CONTROL POINT
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PRC	POINT OF REVERSE CURVE
SE	PRIVATE SIDEWALK EASEMENT
UE	PUBLIC UTILITY EASEMENT
R	RADIUS
R/W	RIGHT-OF-WAY
S	SOUTH
TYP	TYPICAL
W	WEST



- THIS PLAT PREPARED BY -

 <p>B.S.E. CONSULTANTS, INC. CONSULTING - ENGINEERING - LAND SURVEYING 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901 PHONE: (321) 725-1344 FAX: (321) 725-1344 CERTIFICATE OF BUSINESS AUTHORIZATION: 4905 CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: L8004905</p>	<p>DATE: 07/12/23 DESIGN/DRAWN: LEH/EAK DRAWING#10860600_304_008 PROJECT# 10860.600</p>
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SECTION CORNER; MARKED AS NOTED

1/4 SECTION CORNER: MARKED AS NOTED

PERMANENT REFERENCE MONUMENT (PRM);
FOUND (FD) 4X4 INCH CONCRETE MONUMENT
(CM) WITH DISK STAMPED PRM LB4905, UNLESS
OTHERWISE NOTED

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PERMANENT CONTROL POINT (PCP); SET
MAG NAIL AND DISK STAMPED PCP LB4905,
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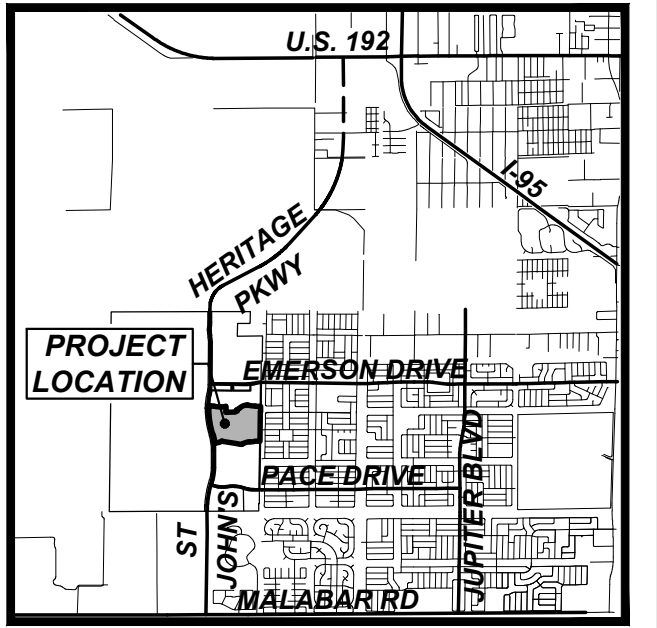
MAG NAIL AND DISK STAMPED PCP LB4905
UNLESS OTHERWISE NOTED

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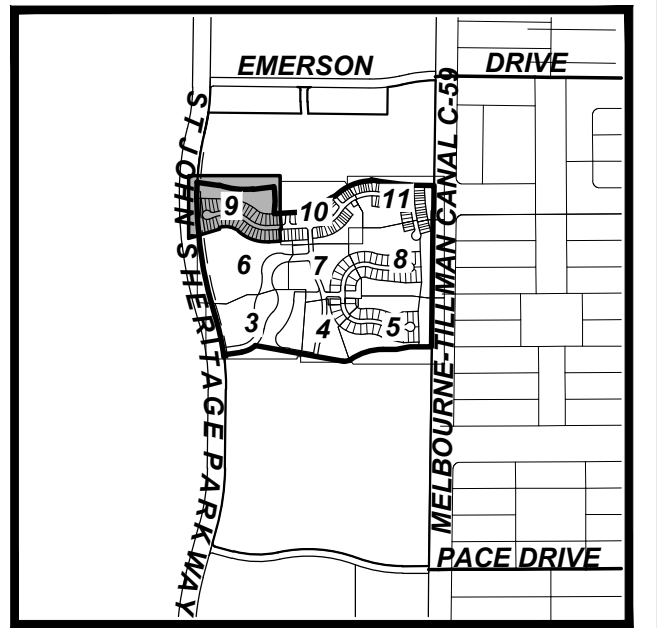
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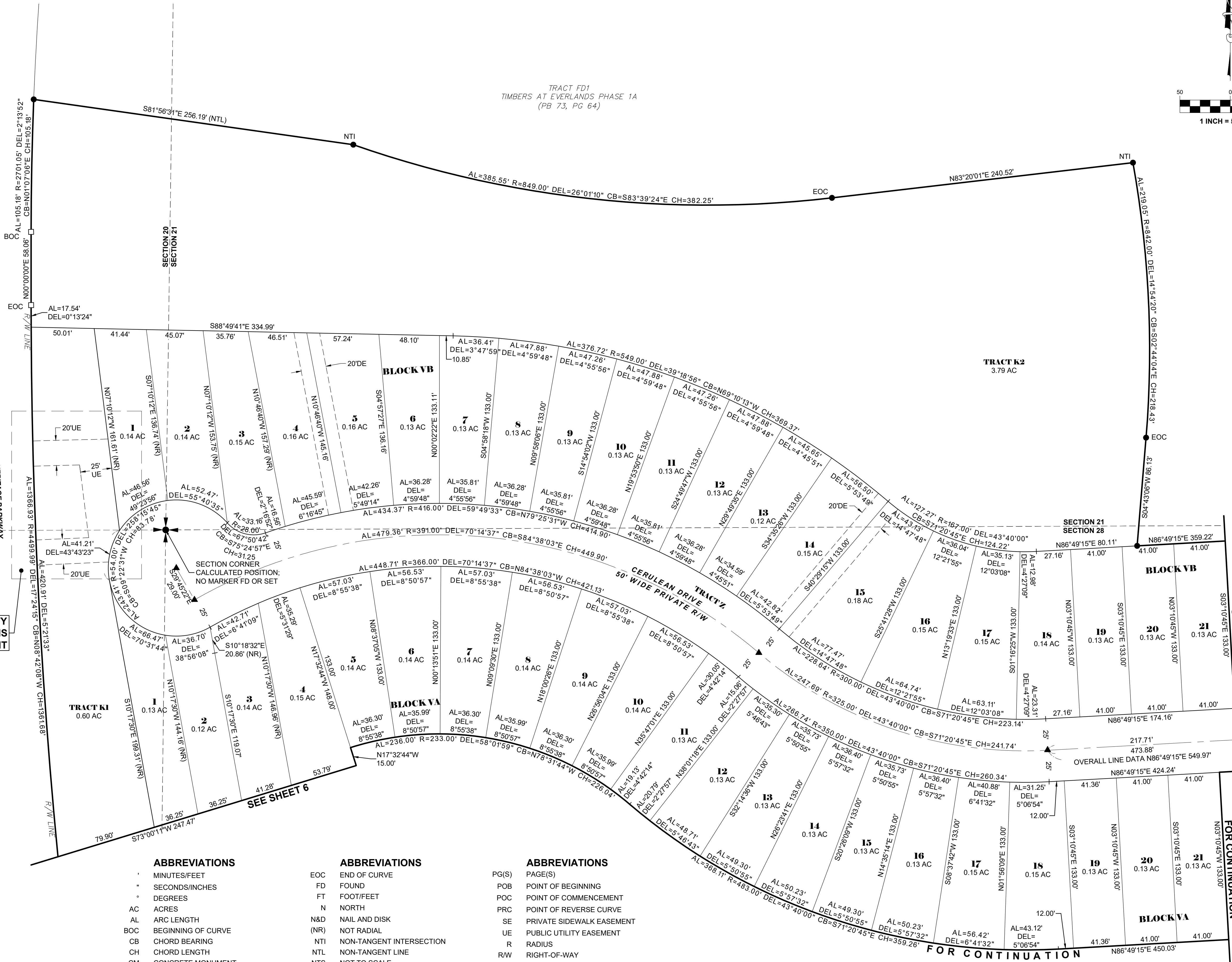
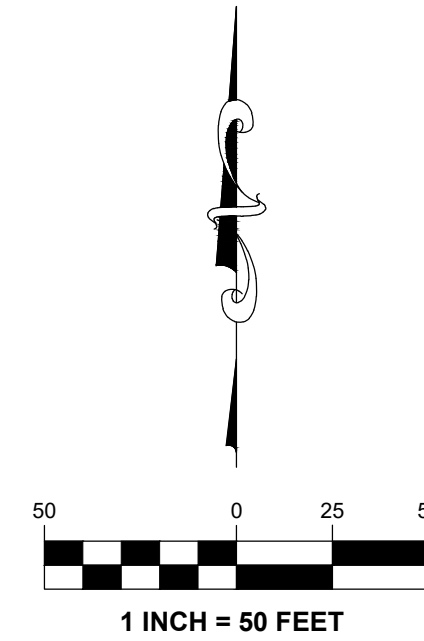
PLAT BOOK _____, PAGE _____
SHEET 09 OF 11
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST



LOCATION MAP
NTS

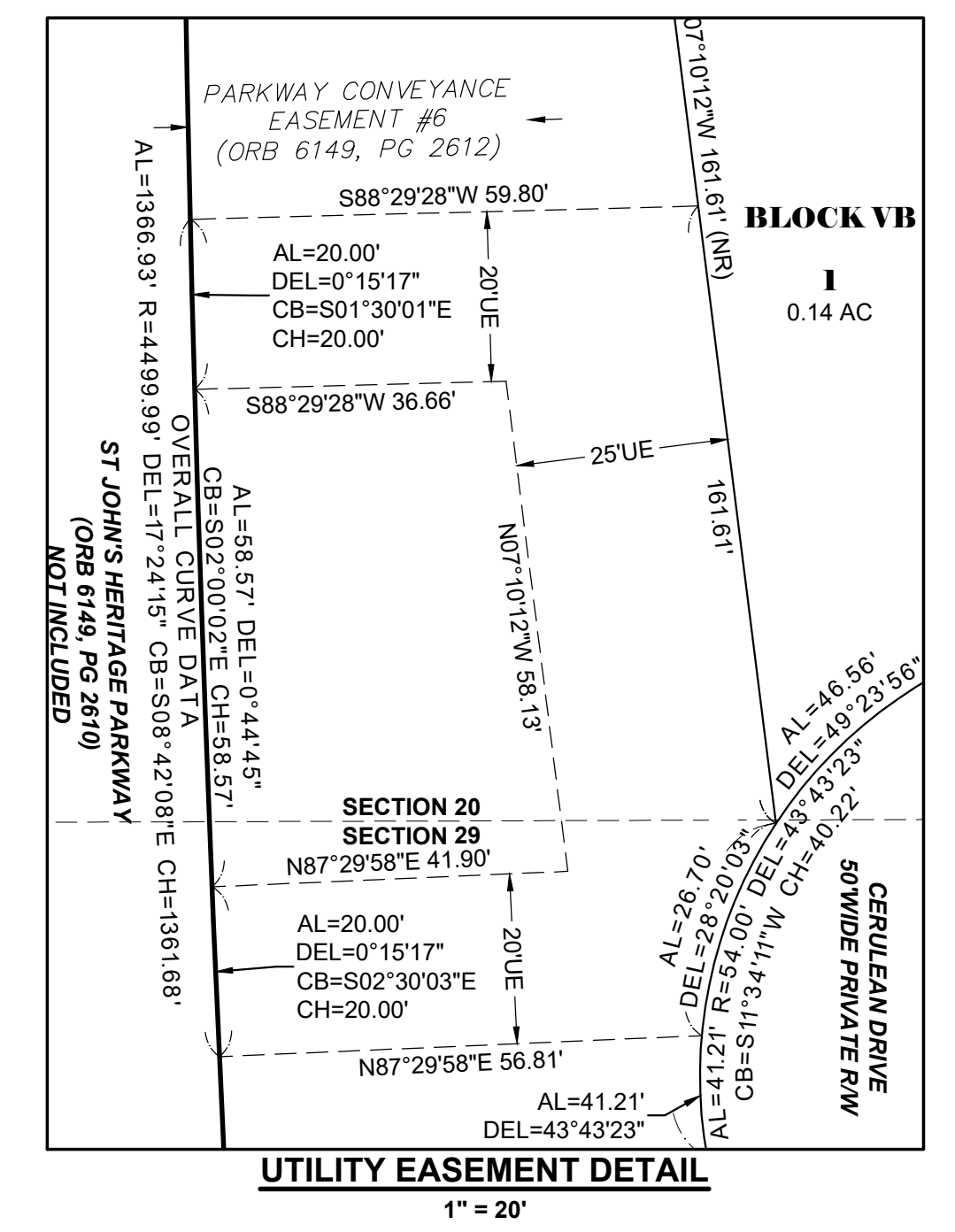


SHEET LAY-OUT
NTS



SURVEY SYMBOL LEGEND

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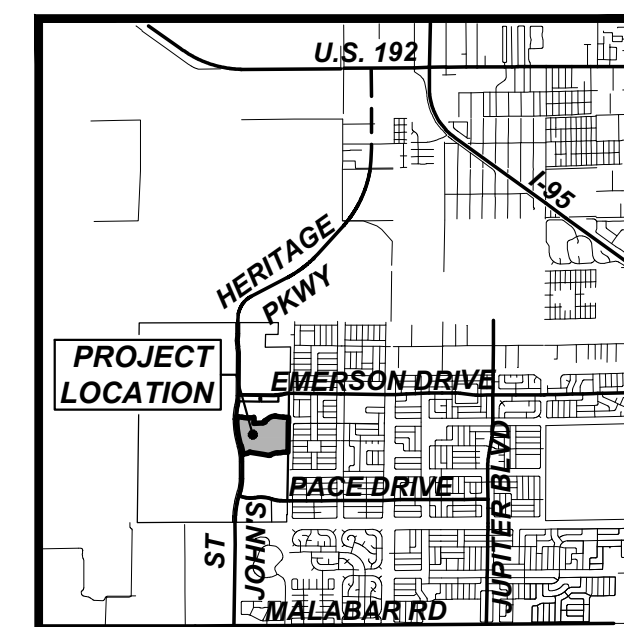
UTILITY EASEMENT DETAIL
1" = 20'

- THIS PLAT PREPARED BY -

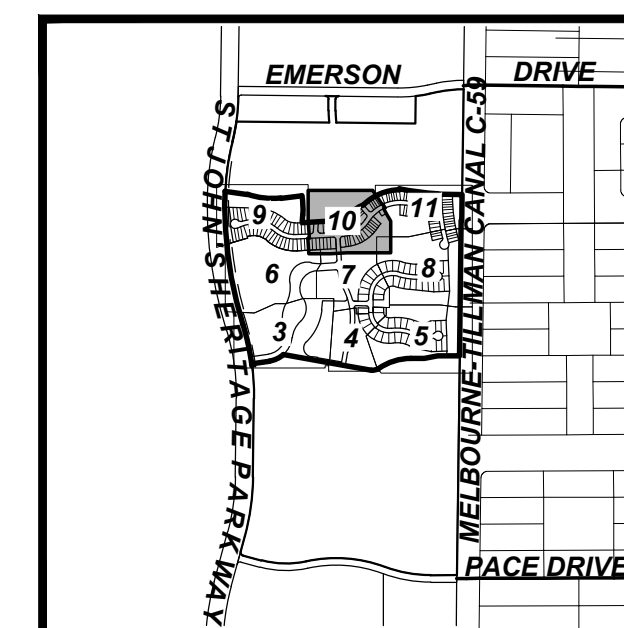
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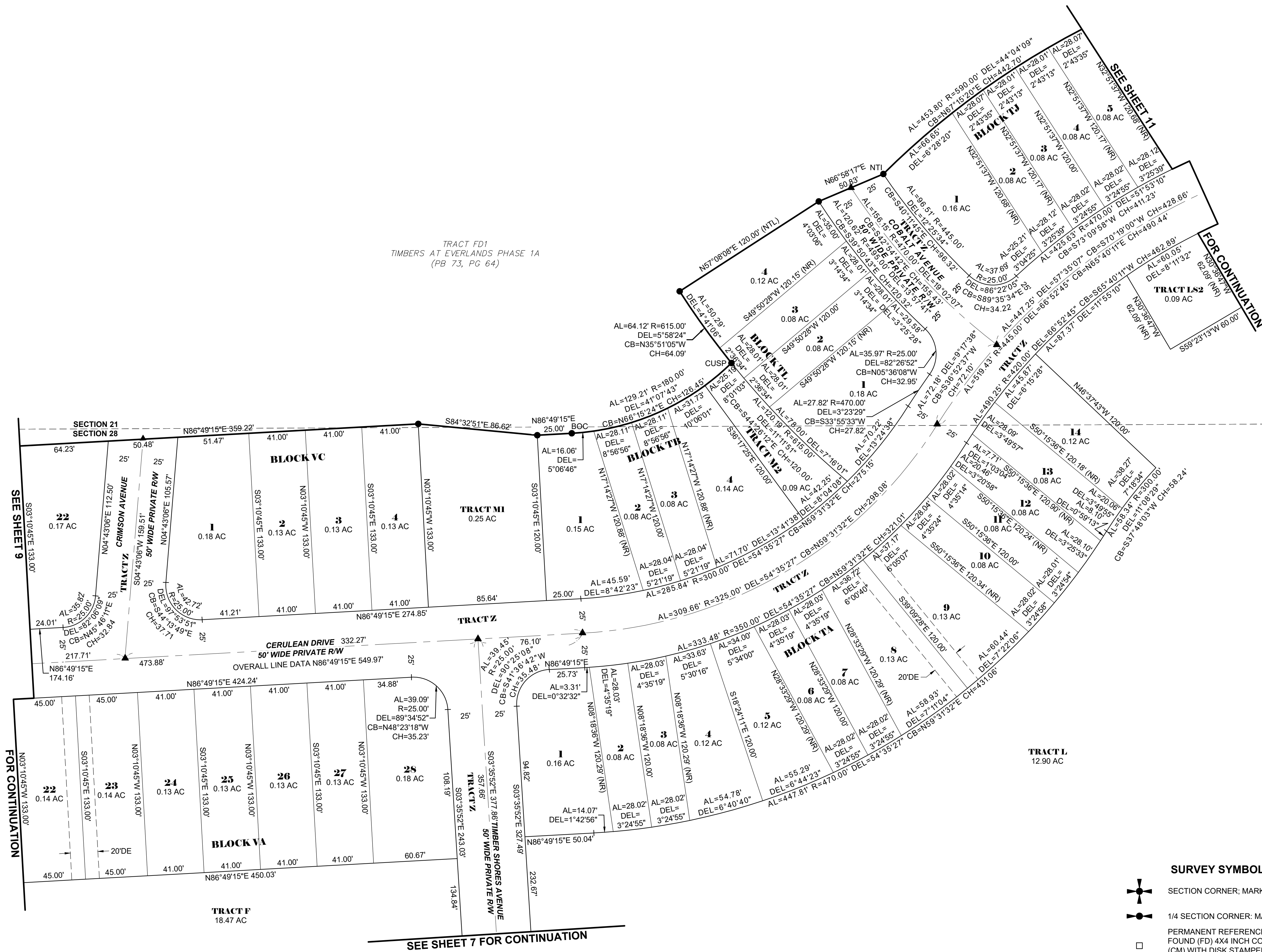
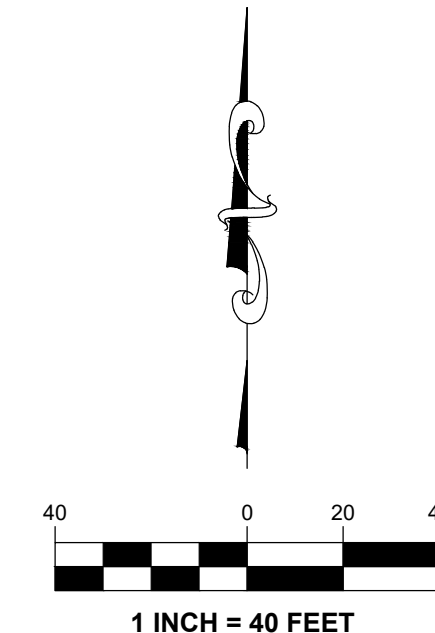
PLAT BOOK _____, PAGE _____
SHEET 10 OF 11
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST



LOCATION MAP
NTS



SHEET LAY-OUT
NTS



ABBREVIATIONS

- MINUTES/FEET
- SECONDS/INCHES
- DEGREES
- AC ACRES
- AL ARC LENGTH
- BOC BEGINNING OF CURVE
- CB CHORD BEARING
- CH CHORD LENGTH
- CM CONCRETE MONUMENT
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- EOC END OF CURVE
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- N&D NAIL AND DISK
- (NR) NOT RADIAL
- NTI NON-TANGENT INTERSECTION
- NL NON-TANGENT LINE
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SURVEY SYMBOL LEGEND

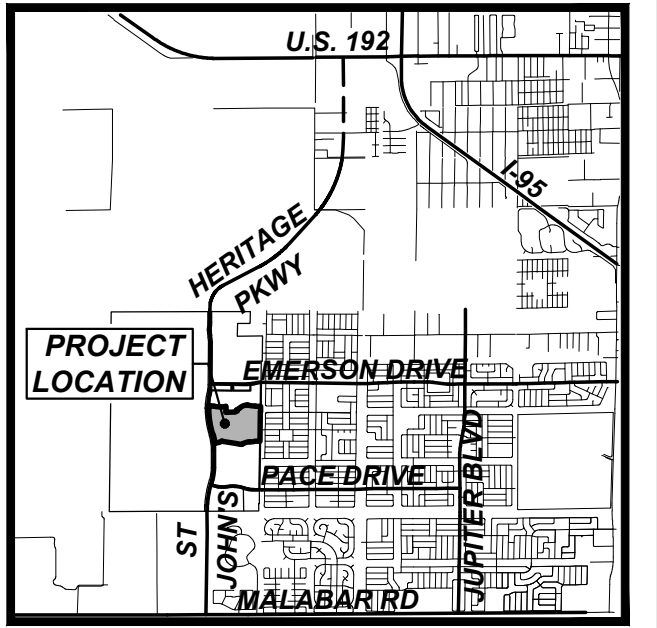
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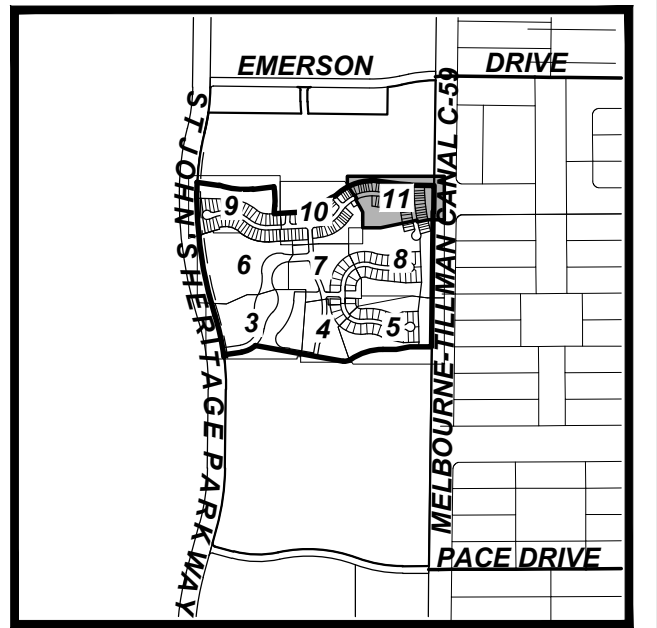
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PLAT BOOK _____, PAGE _____
SHEET 11 OF 11
SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST



LOCATION MAP
NTS



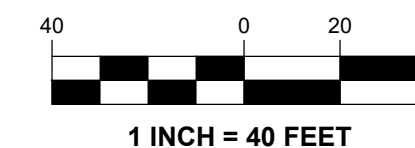
SHEET LAY-OUT
NTS

ABBREVIATIONS

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B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, PALM BEACH, FL 33480
PHONE: (561) 725-3074 FAX: (561) 725-1109
CERTIFICATE OF BUSINESS AUTHORIZATION: LB0004065

DATE: 07/12/23
DESIGN/DRAWN: LEH/EAK
DRAWING#10860600_304_011
PROJECT# 10860.600

OPINION OF TITLE

To: CITY OF PALM BAY

With the understanding that this Opinion of Title is being issued to the City of Palm Bay, Florida, as inducement for acceptance of a proposed final subdivision plat ("Plat") covering the real property, hereinafter described, it is hereby certified that I have examined North American Title Insurance Company Property Information Report under File No. 2023-03946-FL, covering the period from the beginning through the 14th day of June, 2023, at the hour of 12:00 a.m. This certification of ownership is being issued to the City of Palm Bay, Florida, in accordance with the Uniform Title Standards of the Real Property and Trust Law Section of the Florida Bar, and Chapter 177.041, Florida Statutes. The legal description for the land subject to the above captioned Plat is more particularly described as follows (the "Real Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

DRP FL 6, LLC, a Delaware limited liability company (the "Company")

Subject to the following encumbrances, liens, and other exceptions:

1. RECORDED MORTGAGES:

None.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

None.

3. GENERAL EXCEPTIONS:

1. All taxes for the year 2023 and subsequent years, which are not yet due and payable.
2. Rights of persons other than the above owners who are in possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded labor, mechanics' or materialmen's liens.
5. Zoning and other restrictions imposed by governmental authority.

6. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.
7. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the property.

4. **SPECIAL EXCEPTIONS:**

1. Notice of Establishment of the Everlands Community Development District in Official Records Book 8693, Page 2281, as amended in Official Records Book 9271, Page 2431.
2. Final Judgment in Official Records Book 9257, Page 1663 and Official Records Book 9671, Page 1011.
3. Lien of Record of the Everlands Community Development District in Official Records Book 9298, Page 220.
4. True-Up Agreement in Official Records Book 9298, Page 223.
5. Declaration for Everlands recorded in Official Records Book 9466, Page 1511, but omitting any such covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C. Sec. 3604 or Sec. 3605, unless exempt under Title 42 U.S.C. Such Declaration does establish and provide without limitation for easements, liens, charges, and assessments.
6. Ordinance No. 85-49 in Official Records Book 2756, Page 10.
7. Ordinance No. 2003-32 in Official Records Book 5030, Page 541.
8. Ordinance No. 2004-37 in Official Records Book 5352, Page 1548.
9. Terms and conditions of Reserved Easements and License Rights Agreement recorded in Official Records Book 5468, Page 6896, as affected by First Amendment recorded in Official Records Book 5507, Page 1769, as corrected by Corrected First Amendment recorded in Official Records Book 5509, Page 439.
10. Declaration of Easements in Official Records Book 6149, Page 2612, as supplemented in Official Records Book 8915, Page 1507.
11. Resolution 2021-65 in Official Records Book 9408, Page 2279.
12. Memorandum of Option Agreement Recorded in OR Book 9521, Page 2902.

13. Plat of Timbers at Everland Phase 1A in Plat Book 00073, Page 0064.
14. Notice of Environmental Resource Permit in Official Records Book 8583, Page 198.
15. Declaration for the Timbers at Everlands in Official Records Book 9766, Page 425.
16. Any lien or right to a lien for labor, services or materials provided in connection with the construction of the improvements referred to in the Notices of Commencement:
 - a. Recorded on April 25, 2023 in Official Records Book 9771, Page 781.
 - b. Recorded on April 25, 2023 in Official Records Book 9771, Page 783.

All recordings herein refer to the Public Records of Brevard County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following parties must join in the Plat in order to make the plat a valid and binding covenant on the lands described herein:

<u>Name</u>	<u>Interest</u>
DRP FL 6, LLC, a Delaware limited liability company	Owner

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable Plat.

Respectfully submitted this 28th day of June, 2023.



Nicholas G. Milano
Attorney at Law
Florida Bar No. 975788
Holland & Knight LLP
P.O. Box 14070 (Zip Code 33302-4070)
515 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, FL 33301
Telephone: (954) 468-7804

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of X physical presence or _____ online notarization, this 28th day of June, 2023, by Nicholas G. Milano, who is personally known to me.





Notary Public

EXHIBIT "A"

DESCRIPTION OF TIMBERS AT EVERLANDS PHASE 2

A PORTION OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT FD1 AND RUN S00°44'56"W, ALONG THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, A DISTANCE OF 1193.64 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES; 1) THENCE S00°44'56"W, A DISTANCE OF 295.72 FEET; 2) THENCE S89°45'59"W, A DISTANCE OF 7.00 FEET; 3) THENCE S00°42'46"W, A DISTANCE OF 1534.72 FEET; THENCE N90°00'00"W, A DISTANCE OF 248.02 FEET; THENCE S78°31'23"W, A DISTANCE OF 153.06 FEET; THENCE N90°00'00"W, A DISTANCE OF 155.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 645.00 FEET , A CENTRAL ANGLE OF 35°00'28", A CHORD BEARING OF S72°29'46"W, AND A CHORD LENGTH OF 387.99 FEET), A DISTANCE OF 394.09 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 105.00 FEET , A CENTRAL ANGLE OF 45°07'04", A CHORD BEARING OF S77°33'05"W, AND A CHORD LENGTH OF 80.56 FEET), A DISTANCE OF 82.68 FEET TO THE END OF SAID CURVE; THENCE N79°53'23"W, A DISTANCE OF 273.54 FEET TO THE NORTHEAST CORNER OF TRACT I, TIMBERS AT EVERLANDS PHASE 1C, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK ___, PAGE ___, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID PLAT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) THENCE CONTINUE N79°53'23"W, A DISTANCE OF 738.81 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 300.00 FEET , A CENTRAL ANGLE OF 33°30'05", A CHORD BEARING OF S64°44'04"W, AND A CHORD LENGTH OF 172.93 FEET), A DISTANCE OF 175.41 FEET TO THE END OF SAID CURVE; 3) THENCE S81°29'07"W, A DISTANCE OF 180.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET , A CENTRAL ANGLE OF 88°37'59", A CHORD BEARING OF S37°10'07"W, AND A CHORD LENGTH OF 34.93 FEET), A DISTANCE OF 38.67 FEET TO A CUSP OF CURVE AND A POINT ON THE CURVED EAST RIGHT-

OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, (A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE EAST RIGHT-OF-WAY OF SAID ST JOHNS HERITAGE PARKWAY THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST, AND HAVING A RADIUS OF 2700.00 FEET , A CENTRAL ANGLE OF 10°15'23", A CHORD BEARING OF N12°16'34"W, AND A CHORD LENGTH OF 482.67 FEET), A DISTANCE OF 483.31 FEET TO A POINT OF REVERSE CURVATURE; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 4500.00 FEET , A CENTRAL ANGLE OF 17°24'15", A CHORD BEARING OF N08°42'08"W, AND A CHORD LENGTH OF 1361.68 FEET), A DISTANCE OF 1366.93 FEET TO THE END OF SAID CURVE; 3) THENCE N00°00'00"E, A DISTANCE OF 58.06 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST, AND HAVING A RADIUS OF 2700.00 FEET , A CENTRAL ANGLE OF 2°13'55", A CHORD BEARING OF N01°07'06"E, AND A CHORD LENGTH OF 105.18 FEET), A DISTANCE OF 105.18 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S81°56'31"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 256.19 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH, AND HAVING A RADIUS OF 849.00 FEET , A CENTRAL ANGLE OF 26°01'10", A CHORD BEARING OF S83°39'24"E, AND A CHORD LENGTH OF 382.25 FEET), A DISTANCE OF 385.55 FEET TO THE END OF SAID CURVE; THENCE N83°20'01"E, A DISTANCE OF 240.52 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST, AND HAVING A RADIUS OF 842.00 FEET , A CENTRAL ANGLE OF 14°54'20", A CHORD BEARING OF S02°44'04"E, AND A CHORD LENGTH OF 218.43 FEET), A DISTANCE OF 219.05 FEET TO THE END OF SAID CURVE; THENCE S04°43'06"W, A DISTANCE OF 86.13 FEET; THENCE N86°49'15"E, A DISTANCE OF 359.22 FEET; THENCE S84°32'51"E, A DISTANCE OF 86.62 FEET; THENCE N86°49'15"E, A DISTANCE OF 25.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 180.00 FEET , A CENTRAL ANGLE OF 41°07'43", A CHORD BEARING OF N66°15'24"E, AND A CHORD LENGTH OF 126.45 FEET), A DISTANCE OF 129.21 FEET TO A CUSP OF CURVE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 615.00 FEET, A CENTRAL ANGLE OF 5°58'24", A CHORD BEARING OF N35°51'05"W, AND A CHORD LENGTH OF 64.09 FEET), A DISTANCE OF 64.12 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHEAST; THENCE N57°08'08"E ALONG SAID NON-TANGENT LINE, A DISTANCE OF 120.00 FEET; THENCE N66°58'17"E, A DISTANCE OF 50.83 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND

HAVING A RADIUS OF 590.00 FEET , A CENTRAL ANGLE OF 44°04'09", A CHORD BEARING OF N67°15'20"E, AND A CHORD LENGTH OF 442.70 FEET), A DISTANCE OF 453.80 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTH; THENCE N06°39'00"W ALONG SAID NON-TANGENT LINE, A DISTANCE OF 10.48 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 3700.00 FEET , A CENTRAL ANGLE OF 6°46'21", A CHORD BEARING OF S82°40'29"E, AND A CHORD LENGTH OF 437.09 FEET), A DISTANCE OF 437.35 FEET TO THE END OF SAID CURVE; THENCE S82°35'08"E, A DISTANCE OF 50.34 FEET; THENCE S89°38'50"E, A DISTANCE OF 228.86 FEET TO THE POINT OF BEGINNING. CONTAINING 107.05 ACRES, MORE OR LESS.

Project Details: FS23-00008

Project Type: Subdivisions & Plats Final Plat

Project Location: **Palm Bay, FL**
Milestone: **Submitted**
Created: **7/12/2023**
Description: **Timbers at Everlands Phase 2**
Assigned Planner: **Alexandra Bernard**

Contacts

Contact	Information
Owner/Applicant	DRP FL 6 LLC c/o DW General Partner, LLC-Brian Clauson-Authorized Signatory 590 MADISON AVE, FL 13 NEW YORK, NY 10022 (212) 751-5949 brian.clauson@domainrealestatepartners.com
Legal Representative	Scott M. Glaubitz 312 S. Harbor City Blvd., Suite # 4 Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907 alexandra.bernard@palmbayflorida.org
Submitter	BSE Consultants, Inc. 312 S Harbor City Blvd Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com

Fields

Field Label	Value
Block	*
Lot	FD.1
Section Township Range	28-28-36
Subdivision	YS
Year Built	
Use Code	9911
Use Code Desc	VACANT SINGLE-FAMILY PLATTED > 5 AC

Project Details: FS23-00008

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	3032616
Flu Description	Single Family Residential
Flu Code	SFR
Zoning Description	Agricultural Residential
Zoning Code	AU (COUNTY)
Total Lots Proposed by Use	196 total (62 60-foot wide sf, 54 villas, 32 4-unit TH, and 48 6-unit TH)
Intended Use of Property	Residential
Proposed Subdivision Name	Timbers at Everlands Phase 2
Submitted Preliminary Subdivision?	Yes
Size of Area Covered (acres)	
Is Submitter the Representative?	False
Tax Account Numbers	3032616
Parcel Number	28-36-28-YS-*-FD.1
Action Letter Date	

July 7, 2023

Re: Letter of Authorization

As the property owner of the site legally described as:

See attached

I, Owner Name: DRP FL 6, LLC c/o DW General Partner, LLC- Brian Clauson-Authorized Signatory

Address: 590 Madison Ave FL 13

Telephone: 212-751-5949

Email: brian.clauson@domainrealestatepartners.com

hereby authorize:

Representative: Scott M. Glaubiz P.E., P.L.S (or other B.S.E Consultants, Inc. representative)

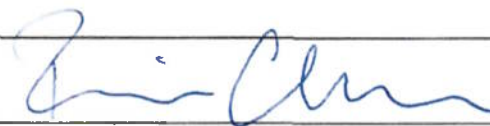
Address: 312 South Harbor City Blvd, Suite # 4, Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

to represent the request(s) for:

Timbers (Ika Medely)- Final Plat



(Property Owner Signature)

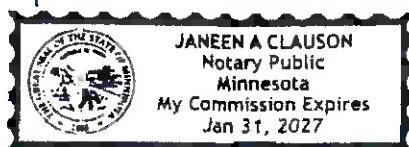
STATE OF Minnesota

COUNTY OF Dakota

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7th day of July, 2023 by

Brian Clauson

, property owner.



Janeen A. Clauson

Janeen A. Clauson

, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

DESCRIPTION OF TIMBERS AT EVERLANDS PHASE 2

A PORTION OF TRACT FD1, TIMBERS AT EVERLANDS PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 64, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Domain Real Estate Partners, LLC

WRITTEN CONSENT OF THE SOLE MEMBER

March 4, 2022

The undersigned sole Member of Domain Real Estate Partners, LLC (the “Member”) of **Domain Real Estate Partners, LLC**, a Delaware limited partnership (the “Company”), does hereby consent to the taking of the following actions pursuant to the Company’s Second Amended and Restated Limited Liability Company Agreement dated as of January 1, 2019 (the “Operating Agreement”) on behalf of the Company and of the Company’s subsidiaries. Terms not defined herein have the definitions ascribed to them in the Operating Agreement.

RESOLVED, that Brian Clauson hereby is appointed an authorized signatory of the Company and of the Company’s subsidiaries; and hereby is authorized and empowered with full power and authority to enter into the following documents on behalf of the Company and its subsidiaries:

- (1) **Day-to-day project progress and approval documents requiring signature(s) due to DREP’s ownership position**, such as: entitlement and zoning submittals, improvement plan submittals, construction permits, public and/or private utility easements and service agreements, owner of record verifications, wetland and protected area permits, agency financial assurances, public financing district applications, public construction bid documents, development agreements, and other documents in furtherance of the approved Business Plan. NOTE: This is not meant to be comprehensive list, only examples of some (not all) of the documents that will require signatures and fall within Brian Clauson’s signing authority.
 - (2) **Final or Technical Site Plans, and Preliminary and Final Plats;**
 - (3) **Settlement Statements and Property Deeds**, both of which will require review and approval by the respective title companies prior to Brian Clauson’s signature(s);
 - (4) **Insurance certs**, covering horizontal and vertical construction liabilities; and
 - (5) **HOA formation documents**, inclusive of all project-specific documents required;
- and it is

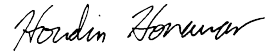
FURTHER RESOLVED that the Company hereby ratifies in all respects all actions taken by the foregoing person on behalf of and in the name of the Company prior to the date hereof; and it is

FURTHER RESOLVED that the resolutions set forth in this “Written Consent of the Sole Member” shall remain in effect until rescinded by the Member; and it is

FURTHER RESOLVED that the resolutions set forth in this “Written Consent of the Sole Member” shall not limit or restrict in any way the rights, powers and authority of the Member under the Operating Agreement.

IN WITNESS WHEREOF, the undersigned sole Member of the Company, has executed his consent as of the March 4, 2022.

Domain Holdings II, LLC

A handwritten signature in cursive script, appearing to read "Houdin Honarvar".

Houdin Honarvar
Authorized Person

AUTHORIZED LIST OF SIGNATORIES

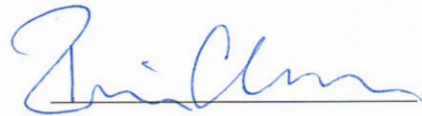
August 10, 2022

The undersigned, Houdin Honarvar, Authorized Signatory of DW General Partner, LLC, the manager of DRP FL 6, LLC, hereby certifies that each of the following individuals is duly authorized to give instructions and sign documents on behalf of DRP FL 6, LLC. The signature set forth opposite his or her name is his or her genuine signature.

NAME

Brian Clauson

SIGNATURE



IN WITNESS WHEREOF, the undersigned has hereunto set his hand on the date first above written.

DW GENERAL PARTNER, LLC

By: Houdin Honarvar

Name: Houdin Honarvar

Title: Authorized Signatory

Acknowledgement Log

Header:

Legal Acknowledgement

Text:

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Accepted By:

BSE Consultants

On:

7/12/2023 11:05:04 AM

☒ FS23-00008

Select Language ▼



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

Customer: CITY OF PALM BAY

Ad No.: 0005808218

Address: SUITE 201
PALM BAY FL 32907
USA

Pymt Method Invoice
Order Amount 261.59

Run Times: 1

No. of Affidavits: 0

Run Dates: 08/25/23

Text of Ad:

Ad#5807 08/25/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING
Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on September 5, 2023, and by the City Council on September 19, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):
1. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE
2. **FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW
3. **CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW
4. **FS23-00007 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)
A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW
5. **FS23-00008 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)
A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2
A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW

b. 123-00023 – City of Palm Bay
(Growth Management Department)
A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance
**Indicates quasi-judicial request(s).
If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.
Chandra Powell
Planning Specialist



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Stephen White, Senior Planner

DATE: September 5, 2023

SUBJECT: T23-00023 – Fences and Walls - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance

ATTACHMENTS:

Description

- ▣ T23-00023 - Staff Report
- ▣ T23-00023 - Application
- ▣ T23-00023 - Legal Ad



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Stephen White, Senior Planner

CASE NUMBER

T23-00023

PLANNING & ZONING BOARD HEARING

DATE September 5, 2023

APPLICANT

City of Palm Bay

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls permitted and Section 170.119, Fence and Wall Maintenance to provide clear provide language on fence materials and maintenance.

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

SURROUNDING ZONING & USE OF LAND

North

Not Applicable

East

Not Applicable

South

Not Applicable

West

Not Applicable

BACKGROUND:

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls permitted and Section 170.119, Fence and Wall Maintenance to provide clear provide language on fence materials and maintenance.

Growth Management in coordination with Code Compliance, identified a conflict with the Code of Ordinances pertaining to fence and wall material and upkeep. The proposed amendment will ensure that like material will be used to repair damaged fences and keep from mixing and matching materials.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~striketrough~~ format.

PURPOSE

Section 170.113, Types of Fences and Walls permitted provides the parameters for the types of fencing and materials authorized to be erected within the City of Palm Bay. Section 170.119, Fence and Wall Maintenance outline the proper maintenance procedures to maintain and repair fences and walls in their original upright condition.

ANALYSIS:

In conducting an analysis of the Code of Ordinances in relations to fences and walls, clarification was needed to ensure fences are constructed with the same material around the property and ensure fences remain in their original and upright form as permitted by the City of Palm Bay Growth Management Department.

Growth Management drafted language in coordination with Code Compliance to ensure fences are installed entirely of like materials. This will now ensure wood fences are entirely wood and vinyl fences or entirely vinyl. It will not allow for the mixing and matching of such materials.

Additionally, language was added to ensure all walls and fences are maintained in accordance with their original upright materials. It will require fences to be repaired or replaced with the same permitted materials unless a new permit is issued to replace the entire fence.

STAFF RECOMMENDATION:

Staff recommends case T23-00023 for approval.

TITLE XVII: LAND DEVELOPMENT CODE

Chapter 170: Construction Codes and Regulations

§ 170.113 TYPES OF FENCES AND WALLS PERMITTED.

Fences and walls constructed within the city shall conform to one (1) ~~or any combination~~ of the following:

(A) Type A. Wood fences constructed of rot- and termite-resistive species of wood or wood chemically pressure treated to resist rot and termite attack. All portions of a wooden fence shall display the finished face on the outside.

(B) Type B. Posts of pressure treated wood or non-corrodible metal and wire fences with a fabric of a minimum of twelve and one-half (12½) gauge galvanized or other non-corrodible metal.

(C) Type C. Ornamental iron.

(D) Type D. Concrete or masonry.

(E) Type E. Plastic.

(F) Type F. Barbed Wire. Barbed wire may only be permitted upon lands that are zoned GC, General Commercial, LI, Light Industrial and Warehousing and HI, Heavy Industrial Zoning Districts.

§ 170.119 FENCE AND WALL MAINTENANCE.

(A) All fences shall be maintained in their original upright condition.

(B) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed or erected.

(C) Missing boards, iron work, wire fabric or posts shall be replaced in a timely manner with material of the same type and quality.

>>(D) All fences will be secured and held upright with the same materials as originally constructed and indicated on Miscellaneous Structure application.<<

Project Details: T23-00023

Project Type: **Code Textual Amendment**

Project Location: ,
Milestone: **Submitted**
Created: **7/25/2023**
Description: **Fences and Walls**
Assigned Planner:

Contacts

Contact	Information
Submitter	Stephen White 120 Malabar Rd Palm Bay, FL 32907 (321) 952-3400 stephen.white2@palmbayflorida.org
Supplemental Contact	Jesse Anderson 120 Malabar Rd Palm Bay , FL 32907 (321) 925-3400 jesse.anderson@palmbayflorida.org
Assigned Planner	

Fields

Field Label	Value
Section Proposed to be Changed	170.113 170.119
Proposed Language	See attached
Justification for Proposed Change	Removing "or any combination" will eliminate owners from utilizing different types of materials to construct or repair a fence, therefore improving the beautification in the city.
Ordinance Number	



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
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Customer: CITY OF PALM BAY

Ad No.: 0005808218

Address: SUITE 201
PALM BAY FL 32907
USA

Pymt Method Invoice
Order Amount 261.59

Run Times: 1

No. of Affidavits: 0

Run Dates: 08/25/23

Text of Ad:

Ad#5807 08/25/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING
Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on September 5, 2023, and by the City Council on September 19, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):
1. CP23-00014 - KEW LLC, Michael Erdman (Kimberly B. Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial
Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE
2. **FD23-00007 - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)
A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development
A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW
3. **CU23-00003 - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.)
A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances
A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW
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