

4. Request by Palm Bay StorNow, LLC, for preliminary subdivision plan approval for a proposed two-lot commercial subdivision to be known as 'Palm Bay StorNow', which property is located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway, in CC (Community Commercial District) zoning (9.75 acres) (Case PS24-00002). (Quasi-Judicial Proceeding)



MEMORANDUM

TO:	Honorable Mayor and Members of the City Council
FROM:	Suzanne Sherman, City Manager
THRU:	Lisa Frazier, AICP, Growth Management Director
DATE:	June 25, 2024
RE:	**PS24-00002 - Palm Bay StorNow – Palm Bay StorNow, LLC, Paul Nevins (Scott M. Glaubitz, P.E., BSE Consultants, Inc., Rep.) - A Preliminary Subdivision Plan to allow for a proposed 2-lot commercial subdivision to be known as Palm Bay StorNow. Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

SUMMARY:

Paul Nevins and Palm Bay StorNow, LLC (BSE Consultants, Inc., Rep.) has submitted for a Preliminary Subdivision Plat approval to create a 2-lot commercial subdivision to be known as Palm Bay StorNow. The site is located north of and adjacent to Malabar Road NW, west of St. Johns Heritage Parkway.

The proposed plat is for a 2-lot commercial subdivision within a Community Commercial zoning district. Tract A is being dedicated for right-of-way expansion along Malabar Road NW. A site plan has been approved for development of a self-storage facility and stormwater system on Lot 1, along with a private lift station on Tract LS-1. Lot 2 consists of approximately 2.44 acres for future development.

To receive Preliminary Plat approval, the proposal must meet the requirements of Chapter 184 of the Palm Bay Code of Ordinances. Upon review of the submitted materials, the Preliminary Plat request is in substantial conformance with the applicable requirements of this chapter. Per Section 184.07, City Council can approve, approve with conditions, or disapprove such requests.

Technical staff review comments have all been addressed.

REQUESTING DEPARTMENTS:

Growth Management

STAFF RECOMMENDATION:

Staff recommends approval.

Planning & Zoning Board Recommendation:

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion by Mr. Good, **Seconded** by Ms. Jordan to submit Case PS24-00002 to the City Council for approval.

Result: Carried 7 to 0

Aye: Olszewski, Good, Boerema, Jaffe, Jordan, McLeod, Warner

Nay: None

Abstain: None

ATTACHMENTS:

1. Staff Report
2. Plat
3. Survey
4. Title Opinion
5. Application
6. Letter of Authorization
7. Legal Acknowledgement
8. 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, Principal Planner

CASE NUMBER

PS24-00002

PLANNING & ZONING BOARD HEARING DATE

June 5, 2024

PROPERTY OWNER & APPLICANT

Palm Bay Stornow, LLC., Paul Nevins
(Scott M. Glaubitz, P.E., BSE Consultants,
Inc., Rep.)

PROPERTY LOCATION/ADDRESS

Tax Parcel 750, Section 32, Township 28, Range 36,
Brevard County, Florida. Located north of and
adjacent to Malabar Road NW, in the vicinity west of
St. John's Heritage Parkway NW; Tax Account
2865684

SUMMARY OF REQUEST

The applicant requests Preliminary Subdivision Plan approval for a proposed 2-lot commercial subdivision to be called Palm Bay Stornow.

Existing Zoning

CC, Community Commercial

Future Land Use

COM, Commercial

Site Improvements

Vacant Land

Site Acreage

Approximately 9.75 acres

SURROUNDING ZONING & USE OF LAND**North**

GU, General Use Holding; Heritage High School

East

GU, General Use Holding; Heritage High School

South

AU, Agricultural Residential (Brevard County); Vacant Land

West

GU, General Use Holding; Heritage High School

COMPREHENSIVE PLAN**COMPATIBILITY**

Yes, the Future Land Use is Commercial.

BACKGROUND:

The applicant requests Preliminary Subdivision Plan (Preliminary Plat) approval to allow a proposed 2-lot commercial subdivision to be called Palm Bay Stornow. The property is located north of and adjacent to Malabar Road NW, in the vicinity west of St. John's Heritage Parkway NW, specifically, Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. The property is zoned CC, Community Commercial, and is vacant land.

The preliminary plat is a map indicating the proposed layout of the development and related information to show consistency with the subdivision requirements in accordance with Chapter 184 of the Palm Bay Code of Ordinances. The final plat will also go through the public hearing process for final approval.

ANALYSIS:

The proposed plat is for a 2-lot commercial subdivision within a Community Commercial zoning district. Tract A is being dedicated for right-of-way expansion along Malabar Road NW. A site plan has been approved for development of a self-storage facility and stormwater system on Lot 1, along with a private lift station on Tract LS-1. Lot 2 consists of approximately 2.44 acres for future development.

CONDITIONS:

In order to receive Preliminary Subdivision Plan approval, the proposal must meet the subdivision requirements of Chapter 184 of the City of Palm Bay's Code of Ordinances. Upon review, the request is in conformance with the applicable requirements.

STAFF RECOMMENDATION:

Case PS24-00002 meets the criteria for a Preliminary Subdivision Plan and staff recommends approval.



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



AERIAL LOCATION MAP

CASE: PS24-00002 & FS24-00003

Subject Property

North of and adjacent to Malabar Road NW, in the vicinity west of St. John’s Heritage Parkway



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



FUTURE LAND USE MAP

CASE: PS24-00002 & FS24-00003

Subject Property

North of and adjacent to Malabar Road NW, in the vicinity west of St. John's Heritage Parkway

Future Land Use Classification

COM - Commercial Use



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



ZONING MAP

CASE: PS24-00002 & FS24-00003

Subject Property

North of and adjacent to Malabar Road NW, in the vicinity west of St. John's Heritage Parkway

Zoning District

CC - Community Commercial

PALM BAY STORNOW

SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST

PALM BAY, BREVARD COUNTY, FLORIDA

PRELIMINARY PLAT

PLAT BOOK _____ PAGE _____
 SHEET 1 OF 1
 SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that WILLARD PALMER TRUST, being the owner in fee simple of the lands described herein as

PALM BAY STORNOW

Hereby dedicates said lands for the use and purpose therein described and further dedicates to the City of Palm Bay, Florida, an ingress and egress easement over and across the lands platted herein for law enforcement, emergency access and emergency maintenance. No other easements are dedicated or granted to the public.

By: _____
 PALM BAY STORNOW LLC

Attest: _____
 Signature

Printed Name

Attest: _____
 Signature

Printed Name

PALM BAY STORNOW LLC
 1038 BELCHER ROAD SOUTH
 LARGO, FL 33771

STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization, this _____ by _____ of the above named limited liability company, on behalf of the above named limited liability company, who is _____ personally known to me _____ has produced _____ as identification.

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

NOTARY PUBLIC _____

Notary Public, State of Florida
 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 03/25/2024 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 the City of Palm Bay, Brevard County, Florida.

Registration Number 5611
 LESLIE E. HOWARD
 E.S.S. 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. Haik, Professional Surveyor & Mapper, Florida License # L58356

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

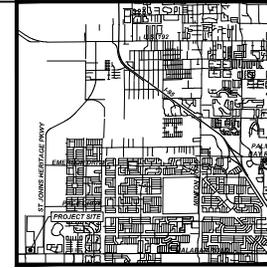
ATTEST:

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.



LOCATION MAP
 NTS

ABBREVIATIONS

ESMT EASEMENT
 ORC/RB OFFICIAL RECORDS BOOK
 PG(S) PAGE(S)
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 RW RIGHT-OF-WAY

LEGEND

PERMANENT REFERENCE MONUMENT (PRM); SET 4X4 INCH CONCRETE MONUMENT WITH DIK STAMPED PRM LOGBOOK, UNLESS OTHERWISE NOTED

PLAT NOTES

- BEARING REFERENCE IS ASSUMED BEARING OF S89°44'45"W ON THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.
- SURVEY MONUMENTATION WITHIN THE SUBDIVISION SHALL BE SET IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.09(16).
- ALL LOT DRAINAGE IS PRIVATE AND IS TO BE MAINTAINED BY THE INDIVIDUAL LOT OWNER OR THE DECLARED MAINTENANCE ENTITY (I.E. PROPERTY OWNER 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.
- TRACT A IS HEREBY DEDICATED TO THE CITY OF PALM BAY FOR ADDITIONAL RIGHT-OF-WAY FOR MALABAR ROAD. THE CITY HAS THE ABILITY TO TRANSFER THEIR RIGHTS TO THIS ADDITIONAL RIGHT-OF-WAY TO BREVARD COUNTY AT A TIME OF THEIR COMMENCEMENT.
- TRACT LS1 IS HEREBY DEDICATED FOR THE INSTALLATION, CONSTRUCTION, OPERATION, AND MAINTENANCE OF A LIFT STATION MANAGEMENT SYSTEM FOR THE BENEFIT OF LOTS 1 & 2 AS SHOWN AND DEFINED HEREON AND SHALL BE OWNED, OPERATED AND MAINTAINED BY THE PROPERTY OWNERS' ASSOCIATION.

TRACT TABLE

TRACT ID	AREA (ACRES)	TRACT USE	OWNERSHIP AND MAINTENANCE ENTITY
TRACT A	0.58	RIGHT-OF-WAY	CITY OF PALM BAY
TRACT LS1	0.14	LIFT STATION	PROPERTY OWNERS' ASSOCIATION

SITE DATA

PARCEL ID: 23-36-32-400-750

ZONING

COMMUNITY COMMERCIAL DISTRICT (CC)

FUTURE LAND USE

COMMERCIAL (COM)

SITE ZONE

SITE IS LOCATED IN FLOOD ZONE AE

SETBACKS

	REQUIRED	PROVIDED
FRONT	30'	±352'
EAST SIDE	10'	±510'
WEST SIDE	10'	±155'
REAR	25'	±73'

LOT AND STRUCTURE REQUIREMENTS

MINIMUM LOT AREA:	12,500 SQUARE FEET
MINIMUM LOT WIDTH:	100 FEET
MINIMUM LOT DEPTH:	125 FEET
MAXIMUM BUILDING COVERAGE:	35%
MINIMUM FLOOR AREA:	300 SQUARE FEET
MAXIMUM HEIGHT:	70 FEET

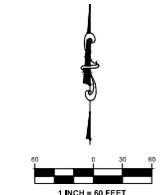
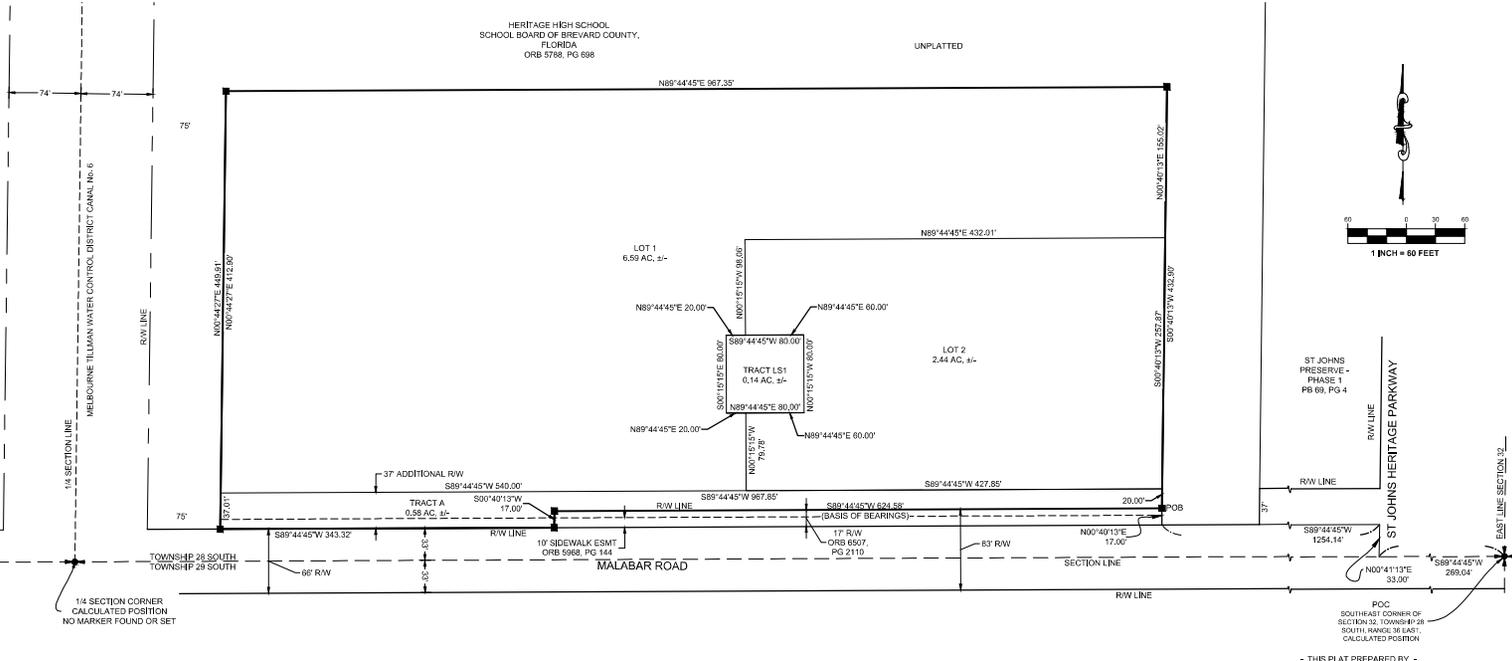
LEGAL DESCRIPTION

THAT CERTAIN PARCEL OF LAND KNOWN AS PARCEL B, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5843, PAGE 1195, AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND RUN S89°44'45"W, ALONG THE SOUTH LINE OF SAID SECTION 32, A DISTANCE OF 269.04 FEET; THENCE N00°41'13"E, A DISTANCE OF 33.00 FEET; THENCE S89°44'45"W, A DISTANCE OF 1254.14 FEET; THENCE N00°40'17"E, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°44'45"W, ALONG THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 624.58 FEET; THENCE S00°40'13"W, A DISTANCE OF 17.00 FEET; THENCE S89°44'45"W, AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 343.32 FEET; THENCE N09°44'27"E, PARALLEL TO AND 75 FEET EAST OF (AS MEASURED PERPENDICULARLY) THE EAST RIGHT-OF-WAY LINE OF WATER CONTROL DISTRICT OF SOUTH BREVARD CANAL NUMBER 6, A DISTANCE OF 449.91 FEET; THENCE N89°44'42"E, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 967.35 FEET; THENCE S00°49'13"W, A DISTANCE OF 432.90 FEET TO THE POINT OF BEGINNING, CONTAINING 9.75 ACRES, MORE OR LESS.

HERITAGE HIGH SCHOOL
 SCHOOL BOARD OF BREVARD COUNTY,
 FLORIDA
 ORB 5788, PG 688

UNPLATTED



NOTE: THIS PLAT AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEFINITION 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.

- THIS PLAT PREPARED BY -
B.S.E. CONSULTANTS, INC.
 CONSULTING ENGINEERING AND PLANNING
 312 SOUTH HARBOR CITY BOULEVARD, SUITE #4
 MELBOURNE, FLORIDA 32901
 DATE: 03/25/2024
 DESIGN DRAWING: LEH/AH
 DRAWING#: 11619_300_001
 PROJECT#: 11619

H:\Projects_Fed\11619\Drawings\11619_100_001.dwg January 6, 2023 11:35:31 AM LHH

HERITAGE HIGH SCHOOL
SCHOOL BOARD OF BREVARD COUNTY, FLORIDA
ORB 5788, PG 698

SET 1/2" IRON ROD AND CAP ID# LB4905
UNLESS OTHERWISE NOTED

REVISED 10/08/2022: ADDED CERTIFICATION
REVISED 12/21/2022: CORRECTED BEARING
FROM SECTION LINE TO R/W LINE; REVISED
BEARING REFERENCE; ADDED FLOOD ZONE
INFORMATION
REVISED 01/06/2023: REVISED DESCRIPTION

ABBREVIATIONS

AC	ACRES
ESMT	EASEMENT
ID#	IDENTIFICATION NUMBER
IRC	IRON ROD AND CAP
OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PCP	PERMANENT CONTROL POINT
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PVC	POLYVINYL CHLORIDE
R/W	RIGHT-OF-WAY
TYP	TYPICAL



PALM BAY STORNOW BOUNDARY SURVEY

ORB 9633, PG 490
9.75 AC, +/-

WELL (A)

WELL (B)

POLE
BARN

10' SIDEWALK ESMT
ORB 5968, PG 144

N00°40'13"E
17.00'

CONCRETE DRIVEWAY

18" PVC

CONCRETE DRIVEWAY

R/W LINE S89°44'45"W 624.58'

CHAINLINK
FENCE

ST JOHNS
PRESERVE -
PHASE 1
PB 69, PG 4

R/W LINE
ST JOHNS HERITAGE PARKWAY

EAST LINE SECTION 32

R/W LINE S89°44'45"W 1254.14'

R/W LINE S89°44'45"W 269.04'

POC
SOUTHEAST CORNER OF
SECTION 32, TOWNSHIP 28
SOUTH, RANGE 36 EAST,
CALCULATED POSITION

SURVEY NOTES:

SURVEY OF A PARCEL OF LAND IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

SURVEY FOR BOUNDARY ONLY.

OTHER THAN AS MAY BE SHOWN AND/OR NOTED HEREON, IMPROVEMENTS AND/OR UTILITIES, WHETHER ABOVEGROUND OR UNDERGROUND, ARE NOT LOCATED OR SHOWN ON THIS SURVEY.

BEARING REFERENCE: ASSUMED BEARING OF S89°44'45"W ON THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

THIS SURVEY IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.

THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELD WORK: 8/26/2022

THIS SURVEY IS CERTIFIED TO:
PALM BAY STORNOW, LLC, FALLACE & LARKIN, LC AND
COMMONWEALTH LAND TITLE INSURANCE COMPANY

THIS PROPERTY IS LOCATED IN FLOOD ZONE "AE" WITH A
BASE FLOOD ELEVATION (BFE) OF 20, NAVD88 DATUM,
ACCORDING TO THE FIRM FLOOD INSURANCE RATE MAP,
MAP NUMBERS 12009C0590G AND 12009C0655G, MAPS
REVISED MARCH 17, 2014.



Digitally signed by
Leslie E
Howard
Date:
2023.01.20
09:27:17 -05'00'

SCOTT M. GLAUBITZ
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NUMBER 4151

LESLIE E. HOWARD
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 5611



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901
PHONE (321) 725-3674 FAX: (321) 725-1159
CERTIFICATE OF BUSINESS AUTHORIZATION #905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 08/31/2022
DESIGN/DRAWN: LEH/KC
DRAWING# 11619_100_001
PROJECT# 11619
SHEET 1 OF 1

LEGAL DESCRIPTION:

THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 9633, PAGE 490, AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND RUN S89°44'45"W, ALONG THE SOUTH LINE OF SAID SECTION 32, A DISTANCE OF 269.04 FEET; THENCE N00°41'13"E A DISTANCE OF 33.00 FEET; THENCE S89°44'45"W, A DISTANCE OF 1254.14 FEET; THENCE N00°40'13"E, A DISTANCE OF 17.00 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6507, PAGE 2110, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S89°44'45"W, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 624.58 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6507, PAGE 2110; THENCE S00°40'13"W, A DISTANCE OF 17.00 FEET; THENCE S89°44'45"W, AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 343.32 FEET; THENCE N00°44'27"E, PARALLEL TO AND 75.00 FEET EAST OF, (AS MEASURED PERPENDICULARLY), THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER 6, A DISTANCE OF 449.91 FEET; THENCE N89°44'45"E, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 967.35 FEET; THENCE S00°40'13"W A DISTANCE OF 432.90 FEET TO THE POINT OF BEGINNING. CONTAINING 9.75 ACRES, MORE OR LESS.



PHILLIPS, HAYDEN & LABBEE, LLP

March 27, 2024

VIA EMAIL ONLY

City of Palm Bay
Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
Email: landdevelopmentweb@pbfl.org

Re: PROPOSED PLAT OF PALM BAY STORNOW
Owner: Palm Bay StorNow, LLC
Address: Malabar Road SW, Palm Bay, Brevard County, FL
Parcel I.D. No.: 28-36-32-00-750
Our File No.: 10074-0002

Ladies and Gentlemen:

This letter will certify that Phillips, Hayden & Labbee, LLP (the “Law Firm”), as agent for Chicago Title Insurance Company (the “Title Company”), has made a search of the Public Records of Brevard County, Florida, through March 19, 2024 at 5:00 p.m. (the “Effective Date”) on real property described and shown on the proposed Plat of Palm Bay StorNow (the “Property”). 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 Section 177.041, Florida Statutes.

The legal description of the Property reads as follows:

THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 9633, PAGE 490, AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND RUN S89°44'45"W, ALONG THE SOUTH LINE OF SAID SECTION 32, A DISTANCE OF 269.04 FEET; THENCE N00°41'13"E A DISTANCE OF 33.00 FEET; THENCE S89°44'45"W, A DISTANCE OF 1254.14 FEET; THENCE N00°40'13"E, A DISTANCE OF 17.00 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6507, PAGE 2110, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S89°44'45"W, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 624.58 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS

March 27, 2024

Page 2

BOOK 6507, PAGE 2110; THENCE S00°40'13"W, A DISTANCE OF 17.00 FEET; THENCE S89°44'45"W, AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 343.32 FEET; THENCE N00°44'27"E, PARALLEL TO AND 75.00 FEET EAST OF, (AS MEASURED PERPENDICULARLY), THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER 6, A DISTANCE OF 449.91 FEET; THENCE N89°44'45"E, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 967.35 FEET; THENCE S00°40'13"W A DISTANCE OF 432.90 FEET TO THE POINT OF BEGINNING.

As of the Effective Date, we find that the record fee simple owner of the Property is Palm Bay StorNow, LLC, a Florida limited liability company, by virtue of Warranty Deed recorded in Official Records Book 9633, Page 490, of the Public Records of Brevard County, Florida. Palm Bay StorNow, LLC is the same entity that appears as owner in the dedication of the proposed Plat of Palm Bay StorNow.

The title search has revealed the following liens affecting title to the Property:

1. Notice of Commencement recorded November 1, 2023 in Official Records Book 9921, Page 2654, of the Public Records of Brevard County, Florida.

The title search has revealed the following other matters affecting title to the Property:

1. Resolution 2022-11 of the City of Palm Bay recorded in Official Records Book 9463, Page 2469, of the Public Records of Brevard County, Florida;
2. Recorded Notice of Environmental Resource Permit recorded in Official Records Book 9853, Page 535, of the Public Records of Brevard County, Florida;
3. City of Palm Bay Water and Wastewater System Agreement recorded in Official Records Book 9880, Page 1287, of the Public Records of Brevard County, Florida.

Please do not hesitate to contact me directly with any questions you may have regarding any of the foregoing.

Sincerely,

PHILLIPS, HAYDEN & LABBEE, LLP

David R. Phillips

David R. Phillips, Esq.

Email: david@phlfirm.com

cc: Palm Bay StorNow, LLC (via email only)

Project Details: PS24-00002

Project Type: Subdivisions & Plats Preliminary Subdivision Plan

Project Location: Palm Bay, FL
Milestone: Submitted
Created: 1/30/2024
Description: Palm Bay StorNow
Assigned Planner: Tania Ramos

Contacts

Contact	Information
Owner/Applicant	PALM BAY STORNOW LLC - Paul Nevins 1038 BELCHER RD S LARGO, FL 33771 (941) 735-9033 Pnevins@parstorage.com
Legal Representative	Scott M. Glaubitz 312 S. Harbor City Blvd., Suite # 4 Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com
Assigned Planner	Tania Ramos FL tania.ramos@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	750
Lot	
Township Range Section	28-36-32
Subdivision	00
Year Built	
Use Code	9909
Use Code Desc	VACANT RESIDENTIAL LAND (SINGLE-FAMILY, UNPLATTED)

Project Details: PS24-00002

Lot Size	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2865684
Flu Description	Commercial
Flu Code	COM
Zoning Description	Community Commercial
Zoning Code	CC
Proposed Subdivision Name	Palm Bay StorNow
Size of Area Covered (acres)	
Total Lots Proposed by Use	2 total; Lot 1 - self storage, Lot 2 - future development
Intended Use of Property	Lot 1 - self storage, Lot 2 - future development permitted in CC zoning
Are You a Property Owner of Record?	False
Tax Account Numbers (s)	2865684
Parcel Number (s)	28-36-32-00-750
Action Letter Date	
Action Letter Status	

Sept 12, 20 23

Re: Letter of Authorization

As the property owner of the site legally described as:

See attached

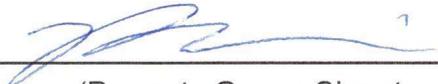
I, Owner Name: Paul Nevins / Palm Bay StorNow, LLC
Address: 1038 Belcher Rd S, Largo, FL 33771
Telephone: (941)735-9033
Email: Pnevins@parstorage.com

hereby authorize:

Representative: Scott M. Glaubitz, P.E., P.L.S (or other B.S.E Consultants representative)
Address: 312 S. Harbor City Blvd., Melbourne, FL 32901
Telephone: 321-725-3674
Email: info@bseconsult.com

to represent the request(s) for:

Preliminary Plat Application and Final Plat Application

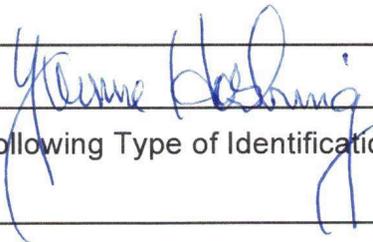


(Property Owner Signature)

STATE OF Florida

COUNTY OF Piellas

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 12 day of September, 20 23 by Paul Nevins, property owner.



Notary Public

Personally Known or Produced the Following Type of Identification:



LEGAL DESCRIPTION:

THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 9633, PAGE 490, AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND RUN S89°44'45"W, ALONG THE SOUTH LINE OF SAID SECTION 32, A DISTANCE OF 269.04 FEET; THENCE N00°41'13"E A DISTANCE OF 33.00 FEET; THENCE S89°44'45"W, A DISTANCE OF 1254.14 FEET; THENCE N00°40'13"E, A DISTANCE OF 17.00 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6507, PAGE 2110, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S89°44'45"W, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 624.58 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6507, PAGE 2110; THENCE S00°40'13"W, A DISTANCE OF 17.00 FEET; THENCE S89°44'45"W, AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 343.32 FEET; THENCE N00°44'27"E, PARALLEL TO AND 75.00 FEET EAST OF, (AS MEASURED PERPENDICULARLY), THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER 6, A DISTANCE OF 449.91 FEET; THENCE N89°44'45"E, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 967.35 FEET; THENCE S00°40'13"W A DISTANCE OF 432.90 FEET TO THE POINT OF BEGINNING. CONTAINING 9.75 ACRES, MORE OR LESS.

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:

1/30/2024 10:49:31 AM

PS24-00002

Select Language | ▼

GM

Oca
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Chandra Powell
attn: Accounts Payable
City Of Palm Bay
120 Malabar Rd Se
Palm Bay FL 32907-3009

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

05/24/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 05/24/2024

5.15.27

My commission expires

Publication Cost:	\$275.24	
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THIS IS NOT AN INVOICE!
for payment remittance.

MAY 28 2024

ANCY HEYRMAN
Notary Public
State of Wisconsin

**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 June 5, 2024, and by the City Council on June 25, 2024, 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. ****V24-00003 - Grapefruit League Land Group LLC, Gerard O'Halloran (Jake Wise, P.E., Construction Engineering Group, Rep.)**

A Variance to allow a proposed parking area to encroach 9.5 feet into the 25-foot rear parking setback, as established by Section 185.042(F)(7)(d) of the Palm Bay Code of Ordinances.

Tract 1, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 9.18 acres. Located south of and adjacent to Emerson Drive NW, in the vicinity west of Glencove Avenue NW

2. ****V24-00004 - Grapefruit League Land Group LLC, Gerard O'Halloran (Jake Wise, P.E., Construction Engineering Group, Rep.)**

A Variance request to allow a proposed 30-foot-high structure to exceed the 25-foot maximum height requirement by 5 feet, as established by Section 185.042(F)(6) of the Palm Bay Code of Ordinances.

Tract 1, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 9.18 acres. Located south of and adjacent to Emerson Drive NW, in the vicinity west of Glencove Avenue NW

3. ****Z23-00015 - Kathleen Jones Trustee; RRLS LLC; RTLD LLC; PSP of Brevard LLC (Jake Wise, P.E., Construction Engineering Group, Rep.)**

A Zoning Change from a GU, General Use Holding District to a CC, Community Commercial District.

Tax Parcel 754, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 3 acres. Located west of and adjacent to Cogan Drive SE, north of and adjacent to Melbourne-Tillman Water Control District Canal 42

4. ****CU23-00019 - Kathleen Jones Trustee; RRLS LLC; RTLD LLC; PSP of Brevard LLC (Jake Wise, P.E., Construction Engineering Group, Rep.)**

A Conditional Use to allow for a proposed self-storage facility in accordance with Section 185.043(D)(9) of the Palm Bay Code of Ordinances.

Tax Parcel 754, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 3 acres. Located west of and adjacent to Cogan Drive SE, north of and adjacent to Melbourne-Tillman Water Control District Canal 42

5. ****PS24-00002 - Palm Bay StorNow, LLC, Paul Nevins (Scott M. Glaubitz, P.E., BSE Consultants, Inc., Rep.)**

A Preliminary Subdivision Plan to allow for a proposed 2-lot commercial subdivision to be known as Palm Bay StorNow.

Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

6. ****FS24-00003 - Palm Bay StorNow, LLC, Paul Nevins (Scott M. Glaubitz, P.E., BSE Consultants, Inc., Rep.)**

A Final Plat to allow for a proposed 2-lot commercial subdivision to be known as Palm Bay StorNow.

Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

****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 proceed-

Bay Land
(321) 733-
questions
cases.