

From: [Schmadeke, Adrienne](#)
To: [Jones, Jennifer](#); [Lewis, Sally A](#)
Cc: [Bellak, Christine](#); [Woodard, Patrick](#)
Subject: FW: Petition to Brevard County Board of Commissioners to deny 20Z00036
Date: Saturday, March 20, 2021 1:47:20 PM
Attachments: [Petition to Board of County Commissioners 20Z00036.docx](#)
[Petition Signatures.pdf](#)
[BCPA pics.pdf](#)
[drone.pdf](#)
[BDP 08082006 RU1-11.pdf](#)

Jennifer and Sally,

We also have this email and attachments from "Julie U" to disclose for March 23, 2021 agenda item H.2.

Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Executive Assistant to Commissioner Smith
Brevard County, District 4
[321.633.2044](tel:321.633.2044) | Adrienne.Schmadeke@brevardfl.gov

2725 Judge Fran Jamieson Way, Bldg. C - Suite 214,
Viera, FL 32940

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: Julie U <julielynn898@gmail.com>
Sent: Friday, March 19, 2021 3:34 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; D5.Commissioner@brevard.gov
Subject: Petition to Brevard County Board of Commissioners to deny 20Z00036

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioners of Brevard County, Florida,
The residents are requesting the Board Members deny #20Z00036 and retain the RU1-11 zoning.

Please view the attached petition and supporting documents.

Attached are:

1. Petition To Brevard County Board of Commissioners to Deny #2Z00036.
2. Signatures in support of petition.
3. Maps of Cedar Lake Drive, Broadway Boulevard and Clearview Drive through Brevard County Property Appraiser's website.
4. Drone pictures of Cedar Lake, Vineland, and subject property.
5. August 8, 2006, Board approved Binding Development Plan for RU1-11 (ORB: 6583/0716).

We thank you for your time and consideration.

PETITION TO BREVARD COUNTY COMMISSIONERS

TO DENY 20Z00036

We the undersigned owners of property and residents affected by the requested Application for Zoning Action, Comprehensive Plan Amendment, (PZ#20Z00036), do hereby request the Brevard County Board of Commissioners protect the interests of the families living in the established neighborhoods surrounding the subject property by DENYING the applicant's request.

Changing the current Binding Development Plan (BDP) from RU 1-11 to TR-1 would negatively affect the current community lifestyle, the safety of our CITIZENS, and the ecosystem by clear cutting and removing all natural habitats.

1. When the current BDP was approved by the Board of Commissioners on 08 August 2006, RU1-11 was to remain. At that time there were concerns from the citizens and Board Members due to the number hurricanes (2004) and the subject property's close proximity to the Indian River and coastline. The Community's position today remains the same as 2006 regarding RU1-11.
2. Broadway Boulevard, which is the main gateway to US 1 for hundreds of vehicular and pedestrian traffic, is tremendously busy with extremely large amounts of traffic. Each home has an average of 2-3 vehicles per home. Currently, the amount of traffic ingressing and egressing onto US 1 daily is:
 - a. Cedar Lake Drive has **27** homes; all utilize Broadway as ingress/egress.
 - b. There are approximately **35** homes on Boardway, that ingress/egress to US1.
 - c. There are **227** homes to the south of Broadway. (Monroe Avenue, Yarber Avenue, Wixie Street, Akorn Street, Cherry Avenue, Ronald Street, Garvin Street, Iris Street, Booth Street, and Robyn Street).
 - d. Rock Solid Rock LLC is a commercial mining facility located on JD's Place, west end of Broadway Blvd. Dump trucks/semi-trailers travel Broadway Blvd. **30-60** times a day to ingress/egress to US1.
 - e. Cliff Berry, Inc. (CBI) is located to the south of Broadway Blvd. at 5855 Industrial Drive. Trucks and tankers of various sizes travel Broadway for ingress/egress to US1.
 - f. Spring Street has **30** homes, Brevard Memorial Funeral Home, Brevard Memorial Park, and a business plaza at US 1. Vehicles located at homes on the west end of the street (6-15 vehicles) exit through Broadway Blvd.
 - g. Koala-T-Kare Learning Center located on Yarber Avenue, enrolls up to 115 children, and accesses US 1 through Broadway Boulevard on the southeast side.

3. Changing the current zoning and adding Cedar Lake Drive as access will negatively affect the vehicular traffic and pedestrian safety throughout the communities surrounding Broadway Boulevard, which is the main gateway to US1.
4. Clearview has **20** homes and the connected side streets (Codner Lane, Bowman Blvd, and Alice Lane) have an additional **20** homes. Forty homes exiting onto US 1 plus 154 Avenue has 20 homes and is extremely lower than adding 50-150 homes and the added vehicular traffic to Broadway Boulevard via Cedar Lake Drive. Additionally, Clearview Drive is a straight drive from subject property to US1 with a distance of .3 miles (520.6 yards).
5. The property owners whose signatures are attached strongly appeal to the Board of County Commissioners to deny septic tanks for future site plans on the subject property, and enforce the utilization of sewage due to the close proximity to Indian River Lagoon and the current issues.

BREVARD COUNTY Commissioners

Petition To: DENY 20200036

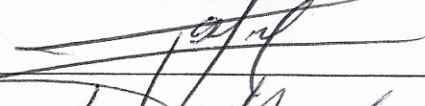
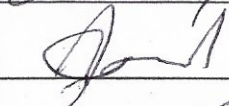
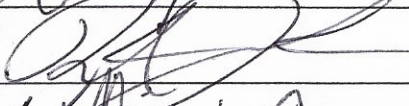
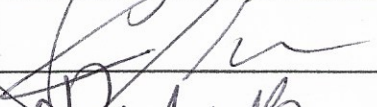
Printed Name	Address	Signature
Donna Ricker	293 Spring St.	Donna Ricker
James Dunleavy	307 Spring St.	James Dunleavy
Delann Cely	307 Spring St.	Delann Cely
TERRY Purcell	303 SPRING ST.	Terry Purcell
Jonc Aber	328 Spring St.	Jonc Aber
Yvonne VanPatten	328 Spring St.	Yvonne VanPatten
David Cobb	317 Wixie St	David Cobb
Tommy	4032 Merrillville	Tommy
Mark Hummer	316 Wixie Dr.	Mark Hummer
Keith Wiggins	310 Wixie	Keith Wiggins
	340 Spring St	
Mark Etzensperger	328 Broadway Blvd	Mark Etzensperger
Billy Boy	320 Broadway Blvd	Billy Boy
Mitchell Lawyer	348 Broadway Blvd	Mitchell Lawyer
Randy J Sosa SR	359 Broadway Blvd.	Randy J Sosa SR.
GEORGE DELCHER	5925 CEDAR LK	GEORGE DELCHER
RONALD J NELTON	5940 CEDAR LK	RONALD J NELTON
DENNIS POLAND	354 BROADWAY	Dennis Poland
Donald E Hunt	5953 Cedar Lake	Donald E Hunt

Petition To: BREVARD COUNTY BOARD OF COMM.
20200036 DENY

Printed Name	Address	Signature
STEWART LONG	5970 CEDAR LAKE DR	Stewart Long
Chandra Long	5970 Cedar Lake Dr.	Chandra Long
Cody Gorman	5929 Cedar Lake	Cody Gorman
Faith Phillippe	521 Clearview Dr	Faith Phillippe
Yohai Bashan	512 clearview Dr.	Yohai Bashan
Christine Clemonds	512 Clearview Dr.	Christine Clemonds
Shana Joseph	526 Clearview Dr.	Shana Joseph
Brenda Schipfer	526 Clearview Dr	Brenda Schipfer
Sue McWilliams	528 Clearview Dr.	Sue McWilliams
Robert McWilliams	528 CLEAR VIEW DR.	Robert McWilliams
Nancy Kozowski	522 Clearview	Nancy Kozowski
Pat Williams	522 Clearview Dr.	Pat Williams
Elva Kane	539 clearview Dr	Elva Kane
Russell Sharp	524 Clearview Dr	Russell Sharp
Steph Smith	525 Clearview Dr.	Steph Smith
JAMER CHITWOOD	528 BOOMAN BLVD	Jam Chitwood
Kathy Benson	527 Bowman Bl.	Kathy Benson
Louette Cox	287 Spring St	Louette Cox
Rose Rogers	291 Spring St	Rose Rogers

Petition To: BREVARD COUNTY Commissioners

RE: DENY PZ # 20200036

Printed Name	Address	Signature
Michelle Hunter	5420 Monroe Ave ^{Cocoa 32909}	Michelle Hunter
Charles R. Obrock	5947 Cedar Lake Dr.	Charles R. Obrock
HEATHER OBRICK	5947 Cedar Lake Dr	Heather E. Obrock.
JUAN C. HÁRQUEZ	5976 Cedar Lake DR	
Luisa Y. Aboulan	5976 Cedar Lake DR	Luisa Y. Aboulan
Alexandra Gligato	5976 Cedar Lake DR	
Luz Maria Castro	5976 Cedar Lake DR	Luz Maria Castro
Robert Johnson	5982 Cedar Lake Dr	
William Catron	5953 Cedar Lake Dr	William W. Catron
Ellis Brock	5952 Cedar Lake Dr	Ellis Brock
Don Pursen	5410 Monroe Ave	Don Pursen
Richard Hammons	360 Spring St.	R. Hammons
Tina M. Hammons	360 Spring St.	Tina M. Hammons
Judith Ann Ulrich	5965 Cedar Lake Dr	Judith Ann Ulrich
JERRY BURKE	5959 CEDAR LAKE DR	
Rachael Burke	5959 Cedar Lake	Rachael Burke
Dillon Burke	5954 Cedar Lake Dr	Dillon Burke
Reanna Burke	5959 Cedar Lake	Reanna Burke
Valerie Zawislak	5932 Cedar Lake Dr.	Valerie Zawislak

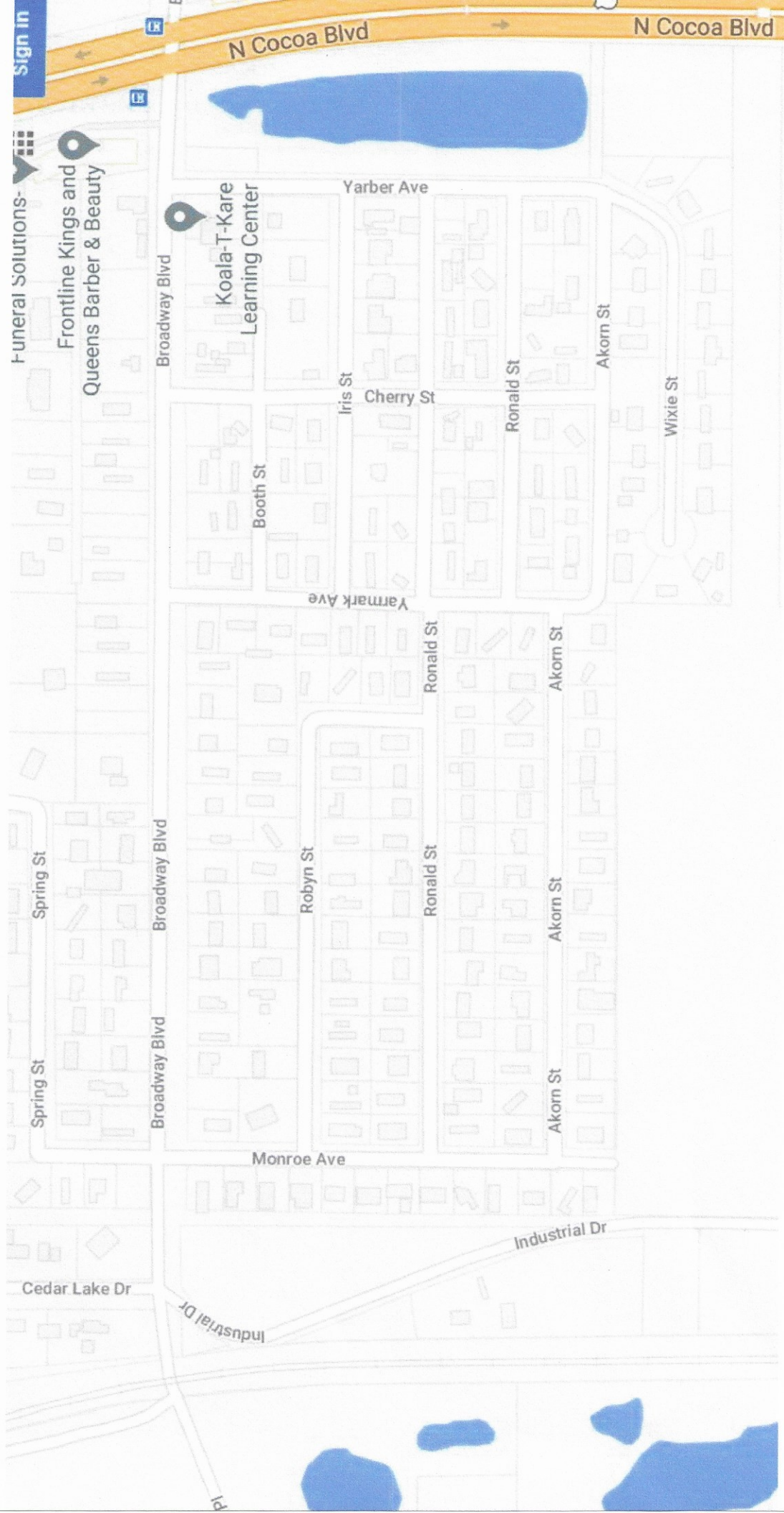
Petition To: BREVARD COUNTY COMMISSIONERS

DENY 20200036

Printed Name	Address	Signature
Cathrine Abernethy	5932 Cedar Lake Dr.	Cathrine Abernethy
Bruce Seaberg	5932 Cedar Lake Dr.	Bruce Seaberg
Joy Maltby	5932 Cedar Lake Dr.	Joy Maltby
KERN THOMPSON	5932 Cedar Lake	Kern Thompson
JUDY ATKINSON	5906 CEDAR LAKE	Judy Atkinson
John Hess	5906 Cedar Lake	John F. Hess
DALE SENN	5912 cedar Lake DR	Dale Senn
Martha Baker	5924 Cedar Lake Dr.	Martha Baker
John Spooner	364 Spring St.	John Spooner
William Molengar	5430 Monroe Ave.	W. Molengar
JOAN JONES	364 Spring St.	Joan Jones
BRIAN FYDA	7007 CARLOWE AVE	Brian Fyda
Charlene Fyda	7007 Carlowe Ave Pk	Charlene Fyda
David Albright	5965 Cedar Lake DR	David Albright
JUDITH Amstadt	5941 Cedar Lake Dr.	Judith Amstadt
THOMAS Amstadt	5941 Cedar Lake	Tom D. Amstadt







5971 Cedar Lake Dr,
Cocoa, FL 32927

Black Solid Rock

Yates Ln

Cedar Lake Dr

Cedar Lake Dr

Spring St

Google

Spring St

Brevard Memorial Park

Spring St

Spacecoast Flea Market

Jimmies us1
Takeout

Dan's Space
Coast TV Repair

N Cocoa Blvd

Cortrell Ave

Brevard Health
Alliance - Port St. John

Funeral Solutions-

Frontline Kings and

Anna Wilson Pl

Merchant Dr

Mahi Mahi

Redfish

Trikwade Ln

bp

1

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EON
Car Wash



Si



Prepared by: Suzanne Johns
RK Engineering
385 Pineda Court #200
Melbourne, FL 32940

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 5	#Names: 2	
Trust: 3.00	Rec: 41.00	Serv: 0.00
Deed: 0.00		Excise: 0.00
Mtg: 0.00		Int Tax: 0.00

BINDING DEVELOPMENT PLAN

THIS BINDING DEVELOPMENT PLAN (the "Agreement") is entered into this 8 day of August, 2006, by and between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (the COUNTY) and VINELAND ASSOCIATES, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY ("DEVELOPER"); and hereby replaces in its entirety the BINDING DEVELOPMENT PLAN recorded in official record book 3129 pages 1279-1287, Brevard County, Florida.

Witnesseth:

WHEREAS, DEVELOPER owns property (the "Property") located in Brevard County, Florida, as more particularly described in Exhibit A attached hereto and made a part hereto by this reference; and

WHEREAS, DEVELOPER desires to develop the Property as a residential single-family detached subdivision with RU-1-11 zoning and pursuant to the Brevard County Code, Appendix C-Zoning; and

WHEREAS, as part of its plan for development of the Property, DEVELOPER wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. County shall not be required or obligated in any way to construct any of the improvements COUNTY shall only be obligated to maintain roads and drainage located in public right-of-way or public drainage easements. It is the intent of the parties that DEVELOPER, its grantees, successors or assigns in interest, or some other association and/or assigns satisfactory to COUNTY, shall be responsible for the maintenance of all improvements except those improvements accepted for maintenance by COUNTY or any other governmental body.

RETURN: Clerk to the Board #27

2. DEVELOPER shall provide for aquifer recharge in accordance with all current applicable Brevard County regulations, the Brevard County Land Development Code and the Brevard County Comprehensive Land Plan.

3. DEVELOPER shall limit density to a maximum total of 154 lots, which shall consist of 86 in the northern parcel and 68 in the southern parcel, all subject to any wetlands preservation regulations of any governmental entity.

4. In the event that the subject property makes a vehicular connection to Clearview Dr., then the DEVELOPER shall submit final engineering plans to be reviewed and approved by Brevard County staff. DEVELOPER shall make improvements which may include but not be limited to the following paving improvements as part of Clearview Drive connection construction, (1) flatten the slope of Clearview Drive to 0.50% for a distance of 50 feet from its intersection with the edge of pavement with U.S. Highway 1, (2) install eastbound left and right turn lanes on Clearview Drive at the U.S. Highway 1 intersection. Furthermore, the county shall allow the developer to provide for beautification of Clearview Drive by installation of landscaping consisting of shrubs and trees within the right of way of Clearview Drive. Landscaping shall be located on the edge of the right of way within 3 feet of the right of way line. Any landscaping planted shall be perpetually maintained by the Home Owners Association on the subject Property.

5. Vehicular connection to Vineland Street from the property is prohibited.

6. DEVELOPER shall construct and install a 6' high opaque fence 15 feet north of the south boundary of the Property.

7. Access to the existing Cedar Lake Drive shall be limited to an emergency access for the benefit of Brevard County, with a locked gate. The locked gate shall be located north of the north propertyline of tax parcel 23-35-24-00-00756.9-0000.00, by this reference (parcel 756.9). Emergency access shall an unobstructed, 20-foot wide, all weather stablized base driving surface capable of supporting a 32 ton emergency vehicle and subject to approval by Brevard County staff. The emergency access provided to the County shall be located within a 25 foot wide emergency vehicle ingress egress easement to the benefit of Brevard County, Florida. The aforementioned emergency

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 ↑

vehicle ingress egress easement shall be dedicated to the COUNTY upon recording of a plat of the new subdivision (the "Plat") adjacent to Parcel 756.9.

8. DEVELOPER shall convey all of Parcel 756.9, to the adjacent property owners east and west of Parcel 756.9 concurrent with the granting of the emergency vehicle ingress egress easement to the county and acceptance by the county. All of that portion of Parcel 756.9 east of the centerline of the emergency vehicle ingress egress easement will be conveyed to the owner of the lot east of Parcel 756.9. All of that portion of Parcel 756.9 west of the centerline of the emergency vehicle ingress egress easement will be conveyed to the owner of the lot west of Parcel 756.9.

9. DEVELOPER shall design and construct the lot grading in such a manner that the front and rear lot drainage, excluding the subdivision perimeter landscape buffer and associated slopes required by county regulations, is directed away from any adjacent residential lots.

10. In the event that the DEVELOPER is able to secure a legal alternative vehicular connection for the Property approved by the county in lieu of Clearview Dr., then the Property shall not be required to provide a vehicular connection to Clearview Dr.

11. This agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property and be binding upon any persons, firm or corporation who may become the successor in interest, directly or indirectly, to the subject Property.

12. This Agreement shall not vest this project for concurrency purposes.

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

ATTEST:



Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940



Helen Voltz, Chair

As approved by the Board August 8, 2006

RETURN: Clerk to the Board #27

STATE OF FLORIDA §
COUNTY OF BREVARD §

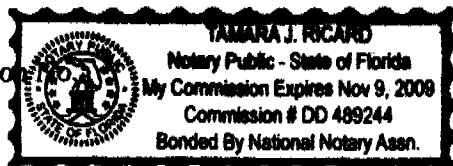
The foregoing instrument was acknowledged before me this 8 day of August, 2006, by Helen Votz, Chair of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires

Notary Public

SEAL

Commissioner



Tamara J. Ricard

(Name typed, printed or stamped)

WITNESSES:

DEVELOPER

Esther L. Davidson
Esther L. Davidson
(Witness Name typed or printed)

Bruce Jones
Bruce Jones
VINELAND ASSOCIATES, L.L.C., managing member

Angela A. Abbott
Angela A. Abbott
(Witness Name typed or printed)

STATE OF FLORIDA §

COUNTY OF BREVARD §

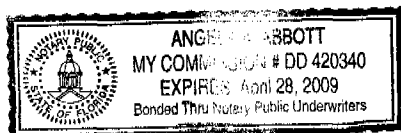
The foregoing instrument was acknowledged before me this 29th day of June, 2006, by Bruce Jones, as Managing Member of VINELAND ASSOCIATES, L.L.C. a Florida Limited Liability Company, who is personally known to me or who has produced N/A as identification.

My commission expires

Notary Public

SEAL

Commission No.:



(Name typed, printed or stamped)



Legal Description: Parcel 1

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 24 and run N.01 degrees 35'53"W. along the East line of said Section 24, a distance of 1,329.95 feet to the Southeast corner of the North 1/2 of the Southeast 1/4, the point of beginning; thence continue N.01 degrees 35'53"W., along said East line, a distance of 979.95 feet to a point located 350.0 feet South of the East 1/4 corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence S. 88 degrees 12'37"W., along the South line of said lands a distance of 1,170.07 feet to a point on the East Right of Way line of the Florida East Coast Railroad (a 100 foot right of way); thence S.20 degrees 05'13"E., along said East Right of Way line, a distance of 1,023.78 feet to a point on the South line of the North 1/2 of the Southeast 1/4; thence N.88 degrees 44'52"E., along said South line, a distance of 845.42 feet to the point of beginning.

Parcel 2:

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the point of beginning of the herein described parcel; from said point, run S.89 degrees 41'21"W., along the South line of Government Lot 1 to the East Right of Way of the Florida East Coast Railroad (a 100' right of way), a distance of 1286.68 feet; thence run N.18 degrees 32'20"W., along said East Right of Way to the South line of Delespine Grant, a distance of 666.48 feet; thence run N.75 degrees 10'20"E., along said South line of Delespine Grant, a distance of 1549.31 feet; thence run S.0 degrees 03'29"E., along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46 of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the point of beginning.

Together with:

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

Commence at the East 1/4 corner of said Section 24, and run S.01°35'53"E., along the East line of said Section 24, a distance of 350.17 feet; thence run S.88°12'37"W., a distance of 1064.74 feet to the POINT OF BEGINNING; thence continue S.88°12'37"W., a distance of 105.33 feet to a point on the East right of way line of Florida East Coast Railroad; thence run N.20°05'13"W., along said East right of way line, a distance of 368.53 feet; thence run N.88°11'50"E., a distance of 105.33 feet; thence run S.20°05'13"E., parallel to said East right of way line, a distance of 368.53 feet to the POINT OF BEGINNING, containing 0.846 acres.

Subject to all easements and rights of way of record.