



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.7.

11/7/2024

Subject:

Acceptance, Re: Binding Development Plan with Aaron Reninger (Kim Rezanka) (24Z00005) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

In accordance with Section 62-1157, it is requested that the Board of County Commissioners accept, and the Vice Chair sign, the Binding Development Plan.

Summary Explanation and Background:

A BDP (Binding Development Plan) is a voluntary agreement presented by the property owner to self-impose limits upon development of a property in support of a change of zoning or conditional use permit. Pursuant to Section 62-1157, a BDP shall be recorded in the public records within 120 days of the Board's approval of the zoning request. Following staff and legal review, the BDP is presented to the Board in recordable form as a Consent Agenda item to finalize the zoning action.

On October 3, 2024, the Board approved a change of zoning classification from RRMH-1 to RRMH-2.5, with a BDP. The conditions are:

- No more than 6 (six) units which meet the minimum standards of RRMH-2.5.
- Applicant shall satisfy the requirements of Article VII, Subdivision and Plats should the property be developed with more than 3 units.

The attached BDP includes these condition.

Clerk to the Board Instructions:

Upon recordation, please return two certified copies of the BDP to Planning and Development.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

November 8, 2024

M E M O R A N D U M

TO: Desiree Jackson, Zoning

RE: Item F.7., Binding Development Plan with Aaron Reninger

The Board of County Commissioners, in regular session on November 7, 2024, accepted and executed Binding Development Plan with Aaron Reninger for the property described in Exhibit A of the Binding Development Plan. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: Donna Scott
Kimberly Powell, Clerk to the Board

Encls. (2)

Resolution 24Z00005

On motion by Commissioner Tobia, seconded by Commissioner Goodson, the following resolution was adopted by a unanimous vote:

WHEREAS, Aaron Reninger requests a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RRMH-2.5 (Rural Residential Mobile Home) with a BDP (Binding Development Plan), on property described as Lot 3.02, Block 7, Indian River Park, as recorded in ORB 9151, Pages 1671 – 1672; Lot 6, Block 7, Indian River Park, as recorded in ORB 9194, Pages 1701 – 1702; Lot 5.03, Block 7, Indian River Park, as recorded in ORB 9717, Page 1300; Lot 5.05, Block 7, Indian River Park, as recorded in ORB 9191, Pages 473 – 474; Lot 5.04, Block 7, Indian River Park, as recorded in ORB 9792, Page 1730; and Lot 5.02, Block 7, Indian River Park, as recorded in ORB 9944, Page 2917, of the Public Records of Brevard County, Florida. **Section 22, Township 20, Range 34.** (17.01 acres) Located on the south side of Gandy Rd. and east of Hog Valley Rd. (4735 Gandy Rd., Mims); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be denied; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be denied; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RRMH-1 to RRMH2.5, with a BDP, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of November 13, 2024.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



Rita Pritchett, Vice Chair
Brevard County Commission

As approved by the Board on November 7, 2024.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – June 10, 2024 and August 12, 2024

BOCC Hearing- July 7, 2024; September 5, 2024; and October 3, 2024

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**



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Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

November 8, 2024

M E M O R A N D U M

TO: Recording

RE: Item F.7., Binding Development Plan with Aaron Reninger

The Board of County Commissioners, in regular session on November 7, 2024, accepted and executed Binding Development Plan with Aaron Reninger for the property described in the Binding Development Plan. Enclosed are original Binding Development Plan Agreement and Check No. 1470 for \$35.50.

Please record the Agreement in the Public Records and return the recorded instrument to this office.

Your continued cooperation is always appreciated.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

fes: Rachel M. Sadoff
Kimberly Powell, Clerk to the Board

Encls. (2)

RACHEL M. SADOFF
CLERK OF THE CIRCUIT COURT & COMPTROLLER
BREVARD COUNTY, FLORIDA



POST OFFICE BOX 2767
TITUSVILLE, FLORIDA 32781-2767
(321) 637-2006
WWW.BREVARDCLERK.US

Transaction #: 3756143
Receipt #: 63538909
Cashier Date: 11/13/2024 12:34:34 PM
Cashier Branch: Titusville - Six Story

Print Date:
11/13/2024 12:34:37 PM

CUSTOMER INFORMATION	TRANSACTION INFORMATION		PAYMENT SUMMARY	
KIMBERLY BONDER REZANKA PA 111 FURMAN RD MERRITT ISLAND, FL 32953	Date Received:	11/13/2024	Total Fees	\$35.50
	Source Code:	Titusville - Six Story	Total Payments	\$35.50
	Return Code:	Mail (U.S. Postal Service)	Balance Due:	\$0.00
	Trans Type:	Recording		

1 Payments

CHECK #1470

\$35.50

1 Recorded Items

AGREEMENT

BK/PG: 10199/1680 CFN: 2024226750 Date: 11/13/2024 12:34:33 PM

From: To

Recording @ 1st=\$10 Add'l=\$8.50 ea.

4

\$35.50

1 Miscellaneous Items

AGENT TRANSMITTAL

Prepared by: Kimberly B. Rezanka, Esq.
Address: Lacey Lyons Rezanka
1290 Rockledge Blvd. Ste 103
Rockledge, FL 32955

CFN 2024226750, OR BK 10199 PAGE
1680, Recorded 11/13/2024 at 12:34 PM, Rachel M.
Sadoff, Clerk of Courts, Brevard County
Pgs:4

BINDING DEVELOPMENT PLAN (BDP)

THIS AGREEMENT, entered into this 7th day of November, 2024 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Aaron Reninger, (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the Developer/Owner has requested the zoning classification of RRMH-2.5 and desires to develop the Property as a mobile home or tiny home community limited to six (6) units, pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting landowners and affected facilities or services; and


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

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. The Developer/Owner shall limit development to no more than six (6) units which meet the minimum standards of the RRMH-2.5 zoning classification, and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

4. The Developer/Owner shall satisfy the requirements of Article VII, Subdivisions and Plats, should the Property ever be developed with more than three (3) units.
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
7. 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 unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on 11/07/2024. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8, above.
10. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

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


Rachel M. Sadoff, Clerk of Court
(SEAL)

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

As approved by the Board on NOV 07 2024

Witness Name: Caitlin Lewis
(Witness Name typed or printed)
Address: 1290 US1
Rockledge, FL 32955

Rockledge, FL 32955

Address: 12901181

Rockledge FL 32955

1865 S. Banana River Drive, Merritt Island, FL 32952

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me, by means of ✓ physical presence or online notarization, this 31 day of October, 2024, by Aaron Reninger, who is personally known to me or who has produced as identification.

Commission No.: HH 459737

[Signature]

(Name typed, printed or stamped)

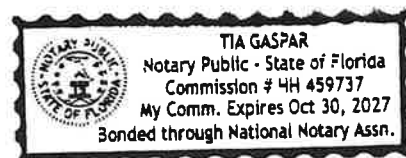


EXHIBIT "A"

LEGAL DESCRIPTIONS:

PARCEL ID: 20G-34-22-AI-7-3.02:

THE WEST HALF (W 1 /2) OF THE EAST HALF (E 1 /2) OF TRACT 3, BLOCK 7, SECTION 22, INDIAN RIVER PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 33, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND SITUATE IN TOWNSHIP 20 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, LESS THE NORTH TEN (10) FEET THEREOF FOR ROAD PURPOSES.

PARCEL ID: 20G-34-22-AI-7-6:

TRACT 6, BLOCK 7, SECTION 22, TOWNSHIP 20 SOUTH, RANGE 34 EAST, INDIAN RIVER PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE(S) 33, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PARCEL ID: 20G-34-22-AI-7-5.05:

THE WEST 1/2 OF THE NORTHEAST 1/4 OF TRACT 5, BLOCK 7, SECTION 22, TOWNSHIP 20 SOUTH, RANGE 34 EAST, ACCORDING TO THE PLAT OF INDIAN RIVER PARK, RECORDED IN PLAT BOOK 2, PAGE 33, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PARCEL ID: 20G-34-22-AI-7-5.03:

THE EAST 1/2 OF THE NORTHEAST 1/4 OF TRACT 5, BLOCK 7, SECTION 22, TOWNSHIP 20 SOUTH, RANGE 34 EAST, ACCORDING TO THE PLAT OF INDIAN RIVER PARK, RECORDED IN PLAT BOOK 2, PAGE 33, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PARCEL ID: 20G-34-22-AI-7-5.04:

THE EAST 1/2 OF THE SE 1/4 OF TRACT 5, BLOCK 7, SECTION 22, TOWNSHIP 20 SOUTH, RANGE 34 EAST, PLAT OF INDIAN RIVER PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 33, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PARCEL ID: 2DG-34-22-AI-7-5.02:

THE WEST 1/2 OF THE SE 1/4 OF TRACT 5, BLOCK 7, SECTION 22, TOWNSHIP 20 SOUTH, RANGE 34 EAST, PLAT OF INDIAN RIVER PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 33, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

REV. 10.25.24

STATE OF FLORIDA
COUNTY OF BREVARD

Aaron Reninger

_____, after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as
follows: See Attached Exhibit "A"

There are no mortgages on the above described property

Dated this _____ day of _____.

Signature

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this _____ day of _____, by
_____, who is personally known to me or who has
produced _____ as identification, and who did take an oath.

Notary Public:

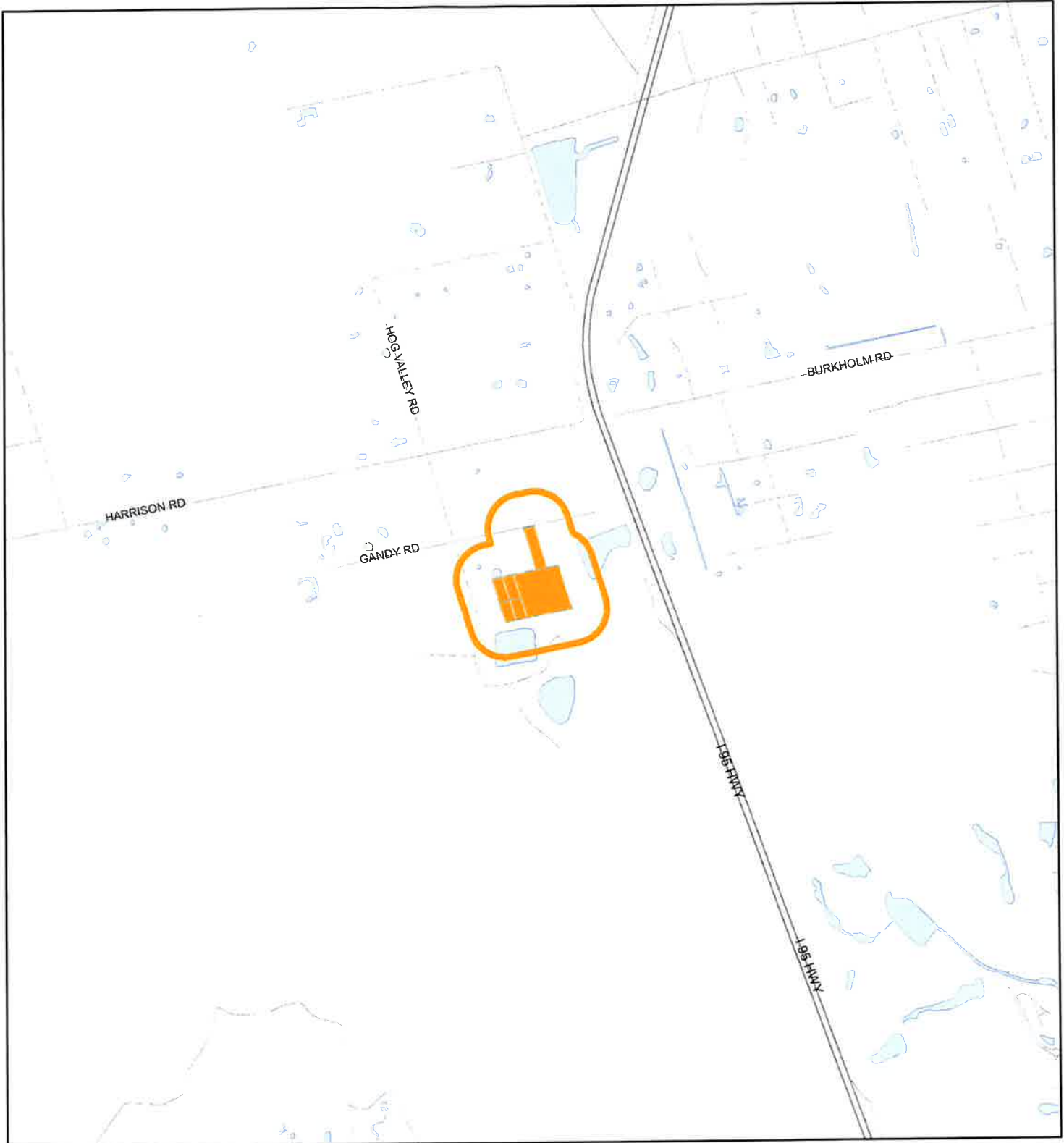
State of Florida at Large
My Commission Expires:

(SEAL)

LOCATION MAP

RENINGER, AARON

24Z00005





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/13/2024

-  Buffer
-  Subject Property

ZONING MAP

RENINGER, AARON

24Z00005



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/13/2024

- Subject Property
- Parcels
- Zoning

H. PUBLIC HEARINGS

Planning and Zoning Board / Local Planning Agency
Monday, August 12, 2024, at 3:00 p.m.

Brevard County Board of County Commissioners
Thursday, October 03, 2024, at 5:00 p.m.

Both at the
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida

(24Z00005) Aaron Reninger (Kim Rezanka) requests a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to TR-3 (Mobile Home Park) with an amended BDP (Binding Development Plan), on 17.01.0 acres, located on the south side of Gandy Rd. and east of Hog Valley Rd. (4735 Gandy Rd., Mims) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, & 2002232) (District 1)

P&Z Recommendation: Bartcher/Minneboo – Denial. The vote was unanimous.

BCC ACTION: Pritchett/Feltner with Goodson voting Nay. Approved the request for a change of zoning classification from RRMH-1 to RRMH2.5, with a BOP that limits it to six units and that the applicant has to satisfy the requirements for Article VII, Subdivision and Plats, should the property ever be developed with more than three units.