



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.1.

10/3/2024

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### Subject:

Acceptance Re: Binding Development Plan with Paul J. Turner and Jackie L. Allen (24Z00008) (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 authorize the Chair to execute, the Binding Development Plan for zoning application 24Z00008.

### Summary Explanation and Background:

A Binding Development Plan (BDP) 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. The Board's approval of the zoning action is not effective until the BDP is recorded. Following staff and legal review, the BDP is presented to the Board in recordable form as a Consent Agenda item in order to finalize the zoning action.

On August 1, 2024, the Board approved a change of zoning classification from RU-2-10 with a cap of 5 to RVP with a BDP with the following conditions:

- The property shall be limited to a density of ten (10) units per acre.

The attached BDP contains these conditions.

### Clerk to the Board Instructions:

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

**Resolution 24Z00008**

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

**WHEREAS, Paul Turner & Jackie Allen (Eddie Small)** request a change of zoning classification from RU-2-10(5) (Medium-Density Multiple-Family Residential) to RVP (Recreational Vehicle Park) with a BDP (Binding Development Plan), on property described as Tax Parcel 750, as recorded in ORB 7998, Pages 1034 – 1035, of the Public Records of Brevard County, Florida. **Section 20, Township 21, Range 35.** (6.92 acres) Located east of N. Hwy 1, approx. 1,120 south of Parrish Rd. (1955 N. Highway 1, Titusville); 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 approved; 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 approved as recommended; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RU-2-10(5) to RVP, be approved with a BDP, recorded on 10/14/2024, in ORB 10176 Pages 1459 – 1465, limiting the property to a density of ten (10) units per acre. 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 October 14, 2024.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



Rita Pritchett, Vice Chair  
Brevard County Commission

As approved by the Board on October 03, 2024.

ATTEST:



RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – July 22, 2024

Board of County Commissioners Hearing – August 01, 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.**



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

October 7, 2024

**MEMORANDUM**

**TO:** Recording

**RE:** Item F.1., Binding Development Plan with Paul J. Turner and Jackie L. Allen

The Board of County Commissioners, in regular session on October 3, 2024, accepted and executed Binding Development Plan with Jen Florida 48, LLC, for property located at THE EAST ½ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 20 SOUTH, RANGE 35 EAST, LYING AND BEING SITUATE IN BREVARD COUNTY, FLORIDA. AND ALL OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 35 EAST, LYING AND BEING SITUATE IN BREVARD COUNTY, FLORIDA. LESS AND EXCEPT FROM THE ABOVE, ALL OF THE LAND DESCRIBED IN QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 1734, PAGE 728; QUIT CALIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1579; QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1580; AND QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1562. AND ANY LAND LYING IN THE PLAT OF THE BRADY GROVE PARK - SECOND ADDITION, ACCORDING TO THE PLAT THEREOF AS DESCRIBED IN PLAT BOOK 29, PAGE 91, ALL IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. Enclosed are original Binding Development Plan Agreement and Check No. 4871 for \$61.00.

**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

*for: [Signature]*  
Kimberly Powell, Clerk to the Board

/ds

Encls. (2)



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

October 7, 2024

**M E M O R A N D U M**

**TO:** Desiree Jackson, Zoning

**RE:** Item F.1., Binding Development Plan with Paul J. Turner and Jackie L. Allen

The Board of County Commissioners, in regular session on October 3, 2024, executed Binding Development Plan Agreement with Paul J. Turner and Jackie L. Allen for property located at THE EAST ½ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 20 SOUTH, RANGE 35 EAST, LYING AND BEING SITUATE IN BREVARD COUNTY, FLORIDA. AND ALL OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 35 EAST, LYING AND BEING SITUATE IN BREVARD COUNTY, FLORIDA. LESS AND EXCEPT FROM THE ABOVE, ALL OF THE LAND DESCRIBED IN QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 1734, PAGE 728; QUIT CALIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1579; QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1580; AND QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1562. AND ANY LAND LYING IN THE PLAT OF THE BRADY GROVE PARK - SECOND ADDITION, ACCORDING TO THE PLAT THEREOF AS DESCRIBED IN PLAT BOOK 29, PAGE 91, ALL IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.. Enclosed for your necessary action are two certified copies of the recorded documents.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

Prepared by: MBV Engineering, Inc.  
Address: 1250 W. Eau Gallie Blvd., Unit H  
Melbourne, FL 32935

### **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 3rd day of October, 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 Paul J. Turner and Jackie L. Allen, individuals (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, Developer/Owner has requested the RVP zoning classification(s) and desires to develop the Property as an RV park and 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 land owners and affected facilities or services; and

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

NOW, THEREFORE, the parties agree as follows:

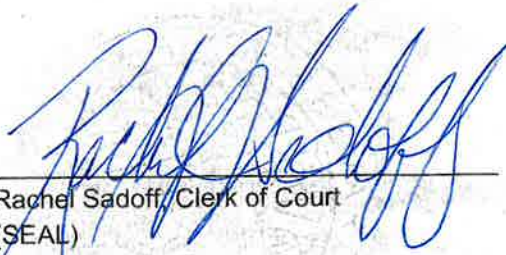
1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of 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 Property shall be limited to a density of ten (10) units per acre.

Rev. 9/16/2024


4. 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 Comprehensive Plan or land development regulations as they may apply to this Property prior to issuance of an approved development order.
5. 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.
6. 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 August 1, 2024. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
7. 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.
8. 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 7 above.
9. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions 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.

ATTEST:

  
Rachel Sadoff, Clerk of Court  
(SEAL)

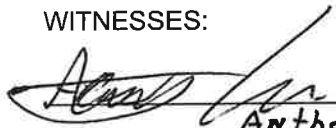
BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940


  
Jason Steele, Chair  
As approved by the Board on OCT 03 2024

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

JACKIE ALLEN  
as OWNER

  
Anthony Kinsey  
2235 Maryland Ave Titusville FL 32790  
(Witness Name and address typed or printed)

  
Chelsea Waters 5295 Blounts Ridge Rd  
NIMS, FL 32754  
(Witness Name and address typed or printed)

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or  
\_\_\_\_\_ online notarization, this 23 day of September, 2024, by  
Jackie Allen, President of owner, who is  
personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires 4/29/28

Commission No.: HH508319

  
Notary Public

(Name typed, printed or stamped)



ALISA REDICK  
Notary Public  
State of Florida  
Comm# HH508319  
Expires 4/29/2028



WITNESSES:

Anthony Kinsey  
2235 Maryland Ave  
(Witness Name and address typed or printed)

PAUL TURNER  
as OWNER

Paul Turner  
Titusville FL 32796

Chelsea Waters  
5295 Blounts Ridge Rd  
(Witness Name and address typed or printed) Mims, FL 32754

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or  
\_\_\_\_\_ online notarization, this 23 day of September, 2024, by  
Paul Turner, President of owner, who is  
personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires 4/29/28

Commission No.: HH508319

Alisa Redick  
Notary Public

(Name typed, printed or stamped)



ALISA REDICK  
Notary Public  
State of Florida  
Comm# HH508319  
Expires 4/29/2028

Exhibit "A"

**EXHIBIT A  
LEGAL DESCRIPTION**

THE EAST ½ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 20 SOUTH, RANGE 35 EAST, LYING AND BEING SITUATE IN BREVARD COUNTY FLORIDA.

AND

ALL OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 35 EAST, LYING AND BEING SITUATE IN BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT FROM THE ABOVE, ALL OF THE LAND DESCRIBEID IN QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 1734, PAGE 728; QUITE CALIN DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1579; QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350 , PAGE 1580; AND QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1562. AND ANY LAND LYING IN THE PLAT OF THE BRADY GROVE PARK – SECOND ADDITION, ACCORDING TO THE PLAT THEREOF AS DESCRIBED IN PLAT BOOK 29, PAGE 91, ALL IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

STATE OF FLORIDA  
COUNTY OF BREVARD

Paul J. Turner, after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as follows:

Brevard County Parcel # 21-352-20-00-750 Tax ID 2104754

There are no mortgages on the above described property

Dated this 13 day of September 2024

Paul J. Turner  
Signature

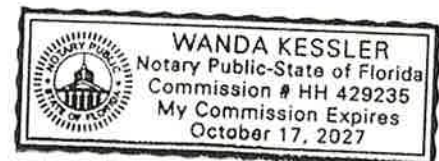
STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 13th day of Sept 2024 by  
Paul J. Turner, who is personally known to me or who has  
produced Fl. Drivers License as identification, and who did take an oath.

Notary Public:

Wanda Kessler  
State of Florida at Large  
My Commission Expires: 10-17-27

(SEAL)



STATE OF FLORIDA  
COUNTY OF BREVARD

Jackie L. Allen, after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as follows:

Brevard County Parcel # 21-352-20-00-750 Tax ID 2104754

There are no mortgages on the above described property

Dated this 13 day of September 2024

Jackie L. Allen  
Signature

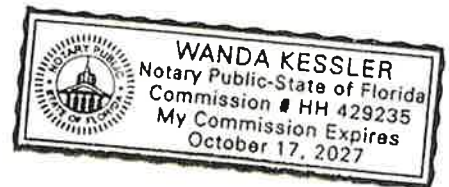
STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 13th day of Sept 2024, by  
Jackie L. Allen, who is personally known to me or who has  
produced FL Drivers Lic as identification, and who did take an oath.

Notary Public:

Wanda Kessler  
State of Florida at Large  
My Commission Expires: 10-17-27

(SEAL)



**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 #: 3737312  
Receipt #: 63520764  
Cashier Date: 10/14/2024 10:31:52 AM  
Cashier Branch: Titusville - Six Story

Print Date:  
10/14/2024 10:31:58 AM

CUSTOMER INFORMATION		TRANSACTION INFORMATION		PAYMENT SUMMARY	
MBV ENGINEERING INC 1835 20TH ST VERO BEACH, FL 32960	Date Received:	10/14/2024	Total Fees	\$61.00	
	Source Code:	Titusville - Six Story	Total Payments	\$61.00	
	Return Code:		Balance Due:	\$0.00	
	Trans Type:	Recording			

1 Payments

**CHECK #4871** \$61.00

1 Recorded Items

**AGREEMENT** BK/PG: 10176/1459 CFN: 2024204809 Date: 10/14/2024 10:31:50 AM  
From: Ta  
Recording @ 1st=\$10 Add'l=\$8.50 ea. 7 \$61.00

1 Miscellaneous Items

**AGENT TRANSMITTAL**

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Thursday, August 1, 2024**

**5:00 PM**

**Zoning**

**Commission Chambers**

**A. CALL TO ORDER 5:00 PM**

**Mover:** Rob Feltner  
**Seconders:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

**H.1. Paul Turner & Jackie Allen (Eddie Small) requests a Small-Scale Comprehensive Plan Amendment (24S.03), to change the Future Land Use designation from RES 2 to NC. (24SS00003) (Tax Account 2104754) (District 1)**

Vice Chair Pritchett called for the public hearing on a request by Paul Turner and Jackie Allen for a Small Scale Comprehensive Plan Amendment (24S.03) to change the Future Land Use designation from RES 2 to NC, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Items H.1. and H.2. are companion applications; they can be discussed together but he will need to have separate motions; Item H.1. is Paul Turner and Jackie Allen request for a Small Scale Comprehensive Plan Amendment (24S.03) to change the Future Land Use designation from RES 2 to NC; application number is 24SS00003 and tax account number is 2104754, and located in District 1; Item H.2. is Paul Turner and Jackie Allen's request for a change of zoning classification from RU-2-10(5) to RVP, with a Binding Development Plan (BDP); and the application number is 24Z00008, tax account number is 2104754, and it is located in District 1.

Vice Chair Pritchett advised she has a speaker's card for Bruce Moia; and she is comfortable with it because it is in her District.

There being no comments or objections, the Board adopted Ordinance No. 24-17, amending Article III, Chapter 62, of the Code of Ordinance of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the seventh Small Scale Plan Amendment of 2024, 24S.03, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled the Future Land Use Map Appendix; provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

**Result:** ADOPTED

**Mover:** John Tobia  
**Seconders:** Rob Feltner  
**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

**H.2. Paul Turner & Jackie Allen (Eddie Small) request a change of zoning classification from RU-2-10(5) to RVP with a BDP. (24Z00008) (Tax Account 2104754) (District 1)**

Vice Chair Pritchett called for the public hearing on a request by Paul Turner and Jackie Allen for a change of zoning classification from RU-2-10(5) to RVP, with a Binding Development Plan (BDP).

There being no objections heard, the Board approved Paul Turner and Jackie Allen's request for a change of zoning classification from RU-2-10(5) to RVP with a BDP.

**Result:** APPROVED

**Mover:** John Tobia  
**Seconders:** Rob Feltner  
**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

**H.3. Put It In Me Storage, LLC (Vaheed Teimouri) requests a change of zoning classification from IU to BU-2. (24Z00010) (Tax Account 2322557) (District 1)**

Vice Chair Pritchett called for the public hearing on a request by Put It In Me Storage, LLC for a change of zoning classification from IU to BU-2, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated Put It In Me Storage, LLC requests for a change of zoning classification from IU to BU-2; application number is 24Z00010 and tax account number is 2322557, and it is located in District 1; the applicant was not present at the July 22, 2024, Planning and Zoning meeting; and staff's recommendation is to continue this to the August 12, 2024, Planning and Zoning meeting, and to the September 5, 2024, Board of County Commissioners Zoning meeting.

There being no comments or objections heard, the Board continued the request by Put It In Me Storage, LLC on a change of zoning classification from IU to BUD-2, to the August 12, 2024, Planning and Zoning/Local Planning Agency meeting and to the September 5, 2024, Zoning meeting. (2400010).

**Result:** CONTINUED

**Mover:** Tom Goodson

**Seconders:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

**Absent:** Steele

**H.4. MJ COOP, LLC requests a change of zoning classification from GU to RRMH-1. (24Z00018) (Tax Account 2000674 & 2000676) (District 1)**

Vice Chair Pritchett called for the public hearing on a request by MJ COOP, LLC for a change of zoning classification from GU to RRMH-1, located in District 1.

Jeffrey Ball, Planning and Zoning Manager, stated MJ COOP, LLC requests for a change of zoning classification from GU to RRMH-1; and the application number is 24Z00018, the tax account numbers are 2000674 and 2000676, and it is located in District 1.

Vice Chair Pritchett advised she has a speaker's card for Abby Williams; and she is comfortable with it because it is in her District.

There being no comments or objections heard, the Board approved the request by MJ COOP, LLC on a change of zoning classification from GU to RRMH-1.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

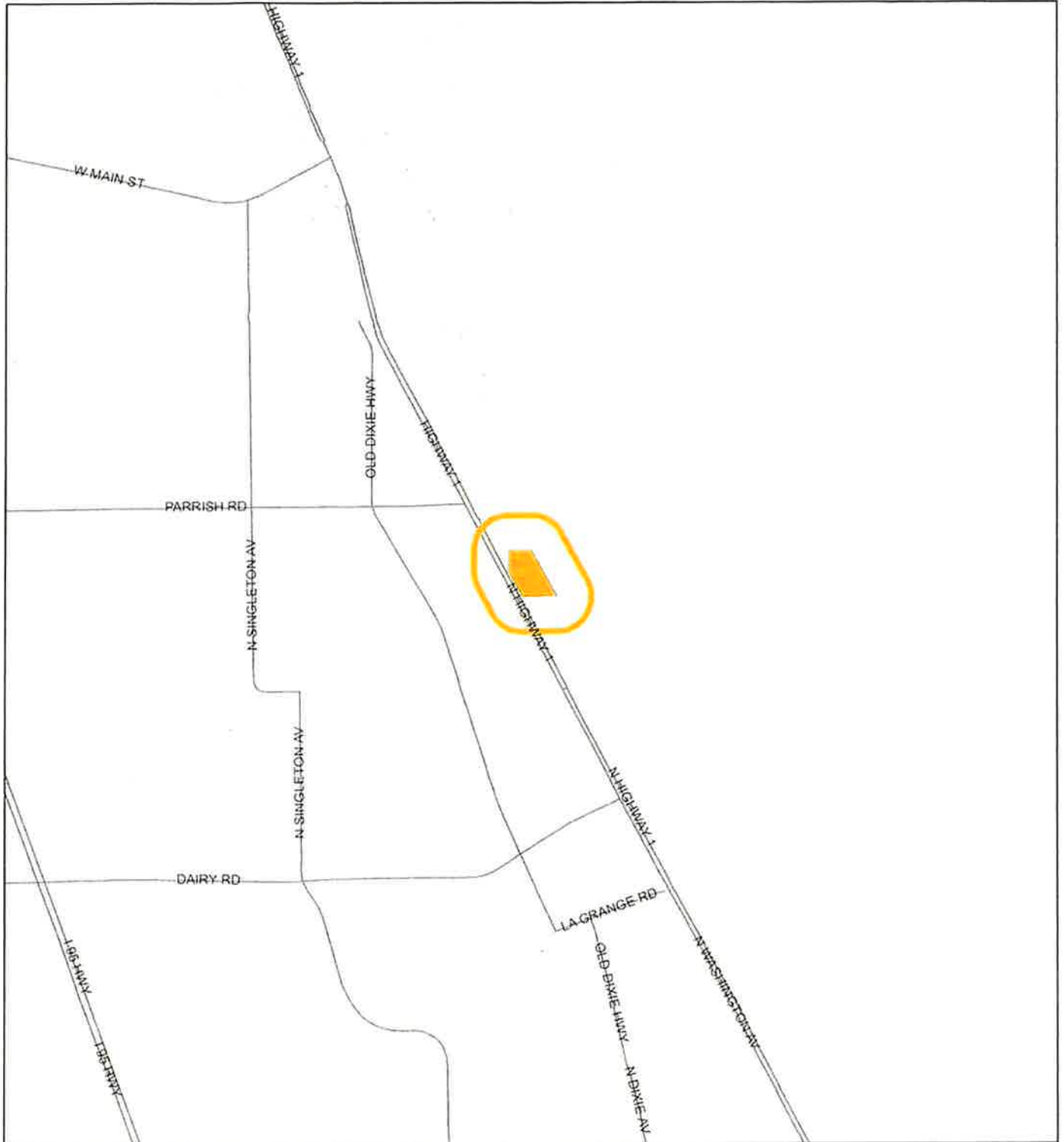
**Absent:** Steele



# LOCATION MAP

TURNER, PAUL J

24Z00008





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: 4/2/2024

-  Buffer
-  Subject Property

