



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.4.

11/7/2024

Subject:

Acceptance, RE: Binding Development Plan with Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus (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 in order to finalize the zoning action.

On July 11, 2024, the Board approved a change of zoning classification from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all BU-2 (Retail, Warehousing and Wholesale Commercial) with a BDP restricting the uses to all BU-1 uses, only mobile home sales from BU-2 zoning district, and to prohibit access to Andre Road. The attached BDP includes these conditions.

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

MEMORANDUM

TO: Desiree Jackson, Zoning

RE: Item F.4., Binding Development Plan with Alexis DeJesus, Rosemary DeJesus, and Brandon DeJesus

The Board of County Commissioners, in regular session on November 7, 2024, executed Binding Development Plan Agreement with Alexis DeJesus, Rosemary DeJesus, and Brandon DeJesus, for property located in part of SE ¼ of NE ¼ as DESC in DB 368 PG 324; ORB 1982 PG 91; 2096 PG 1905 & PT of E ½ of SE ¼ as DESC in DB 330 PG 362 EXC HWY R/W PARS 00-40, 71, 751. 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

A handwritten signature in cursive script that reads "Kimberly Powell".
Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

Resolution 24Z00021

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

WHEREAS, Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus requests a change of zoning classification from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all BU-2 (Retail, Warehousing and Wholesale Commercial), on property described as Tax Parcel 37, as recorded in ORB 9850, Pages 2271 – 2273, of the Public Records of Brevard County, Florida. Section 07, Township 21, Range 35. (2.02 acres) Located on the east side of Hwy US 1, approx. 400 ft. south of Andre Rd. (3003 Hwy 1, 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 approved with a BDP limiting the use to all BU-1 and only automobile and mobile home sales with 6-foot wall along east boundary, including the right-of-way, and adjacent to any residential use; 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 BU-1 and AU to all BU-2 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

BOCC Hearing- July 11, 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.

Prepared by:
Address:

Alexis DeJesus
1900 Corbett Rd
Orlando, FL 32826

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 16th day of July 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 Alexis, Rosemary Estevez and Brandon A. DeJesus (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 BU-2 zoning classification(s) and desires to develop the Property as Mobile Homes Sales 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:

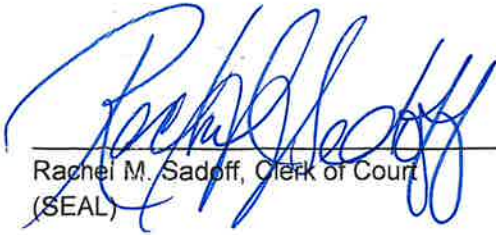
1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of 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. Developer/Owner shall limit use to all BU-1 uses, only mobile home sales from the BU-2 zoning district.

4. The Developer/Owner shall prohibit access to Andre Road.
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 July 11, 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.

ATTEST:

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

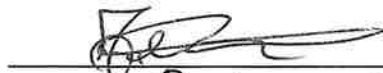

Rachel M. Sadoff, Clerk of Court
(SEAL)


Rita Pritchett Vice Chair
As approved by the Board on November 7, 2024

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


WITNESSES:

(INSERT BUSINESS NAME or INDIVIDUAL NAME(s))
as DEVELOPER/OWNER


Thomas Radhames Tueros
(Witness Name typed or printed)

Alexis Paul DeJesus, Brandon Aleais DeJesus, Rosemary Estarez DeJesus

3003 US Highway 1 Mims, FL 32754
(Address)


Victor J. Arquez
(Witness Name typed or printed)

Alexis Paul DeJesus, Brandon Aleais DeJesus, Rosemary Estarez DeJesus
(President)

(Name typed, printed or stamped)

STATE OF Florida §

COUNTY OF Orange §

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or
_____ online notarization, this 24 day of September, 2024, by

Alexis R. DeJesus, Rosemary Estarez DeJesus, and Brandon A. DeJesus, President of Property Owners, who is
personally known to me or who has produced FL Driver Licenses as identification.

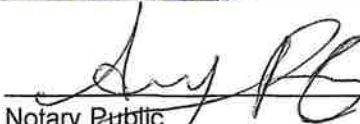
My commission expires 2/13/2027

SEAL

Commission No.:
HH343531



ASHLEY PEREZ
Notary Public
State of Florida
Comm# HH343531
Expires 2/13/2027


Notary Public
Ashley Perez
(Name typed, printed or stamped)

A separate sheet for exhibit A that denotes the legal description of the property involved with the application; as well as all exhibits listed in the body of the BDP.

Site Address:

3003 HIGHWAY 1 MIMS FL 32754

Parcel ID:

21-35-07-00-37

Land Description:

PART OF SE 1/4 OF NE 1/4 AS DESC IN DB 368 PG 324; ORB 1982 PG 91; 2096 PG 1905 & PT OF E 1/2 OF SE 1/4 AS DESC IN DB 330 PG 362 EXC HWY R/W PARS 00-40, 71, 751

Owners:

Alexis Raul DeJesus

Rosemary Estevez DeJesus

Brandon Alexis DeJesus

Affidavit of No Mortgage

State of Florida

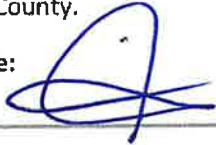
County of Brevard

I, Alexis Raul DeJesus, Rosemary Estevez DeJesus, Brandon Alexis DeJesus, being duly sworn, do hereby declare that I am the owner of the property located at 3003 US Highway 1, Mims, FL 32754, Parcel ID 21-35-07-00-37, Land description PART OF SE 1/4 OF NE 1/4 AS DESC IN DB 368 PG 324; ORB 1982 PG 91; 2096 PG 1905 & PT OF E 1/2 OF SE 1/4 AS DESC IN DB 330 PG 362 EXC HWY R/W PARS 00-40, 71, 751

, and that there is no existing mortgage on said property.

This affidavit is made pursuant to F.S. 695.26 and is intended for recording in the public records of Brevard County.

Signature:



Property Owner:

Alexis Raul DeJesus

1900 Corbett Road

Orlando, FL 32826

Signature:



Property Owner:

Rosemary Estevez DeJesus

1900 Corbett Road

Orlando, FL 32826

Signature:

Property Owner:

Brandon Alexis DeJesus

1900 Corbett Road

Orlando, FL 32826

Date: 9/24/24



ASHLEY PEREZ
Notary Public
State of Florida
Comm# HH343531
Expires 2/13/2027

Notary Public:

Ashley Perez



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

MEMORANDUM

TO: Recording

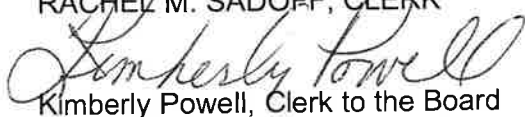
RE: Item F.4., Binding Development Plan with Alexis DeJesus, Rosemary DeJesus, and Brandon DeJesus

The Board of County Commissioners, in regular session on November 7, 2024, accepted and executed Binding Development Plan with Alexis DeJesus, Rosemary DeJesus, and Brandon DeJesus, for property located in part of SE ¼ of NE ¼ as DESC in DB 368 PG 324; ORB 1982 PG 91; 2096 PG 1905 & PT of E ½ of SE ¼ as DESC in DB 330 PG 362 EXC HWY R/W PARS 00-40, 71, 751. Enclosed are original Binding Development Plan Agreement and Check No. 1590 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


Kimberly Powell, Clerk to the Board

/ds

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 #: 3754248
Receipt #: 63537127
Cashier Date: 11/08/2024 03:24:47 PM
Cashier Branch: Titusville - Six Story

Print Date:
11/08/2024 03:24:51 PM

CUSTOMER INFORMATION

TRANSACTION INFORMATION

PAYMENT SUMMARY

| | | | | |
|---|----------------|------------------------|-----------------|---------|
| AABBR INVESTMENTS GROUP LLC 1900 CORBETT RD ORLANDO, FL 32826 | Date Received: | 11/08/2024 | Total Fees: | \$52.50 |
| | Source Code: | Titusville - Six Story | Total Payments: | \$61.00 |
| | Return Code: | Hand Carried | Overage: | \$8.50 |
| | | | Balance Due: | \$0.00 |
| | Trans Type: | Recording | | |
| | | | | |

2 Payments

CHECK #1590 \$61.00

OVERPAYMENT

Check Overage under 10.00 8.50 \$8.50

1 Recorded Items

AGREEMENT

BK/PG: 10197/1296 CFN: 2024224524 Date: 11/08/2024 03:24:46 PM

From: To:

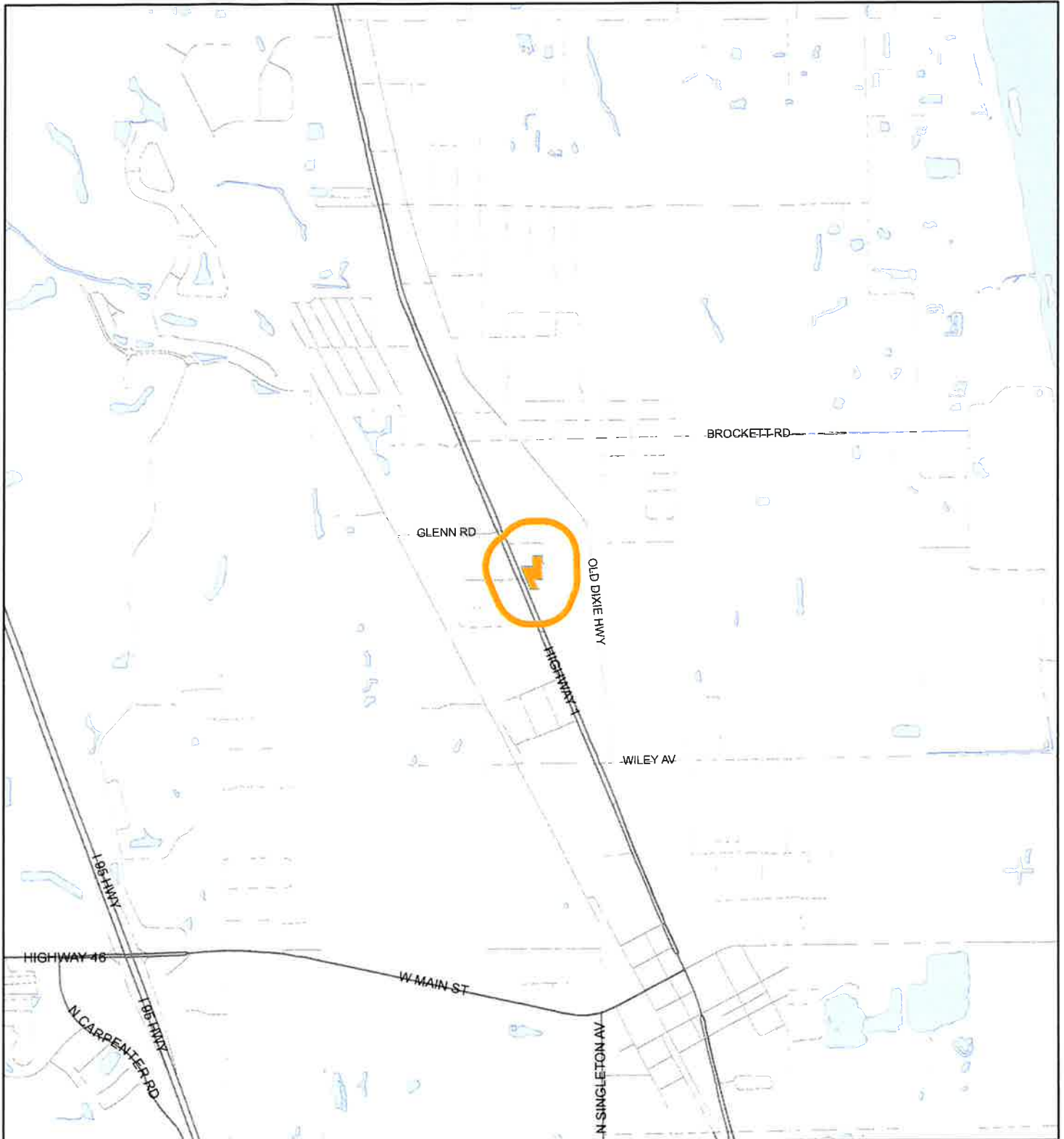
Recording @ 1st=\$10 Add'l=\$8.50 ea. 6 \$52.50

1 Miscellaneous Items

AGENT TRANSMITTAL

LOCATION MAP

DeJesus, Alexis & Rosemary & Brando
24Z00021



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.

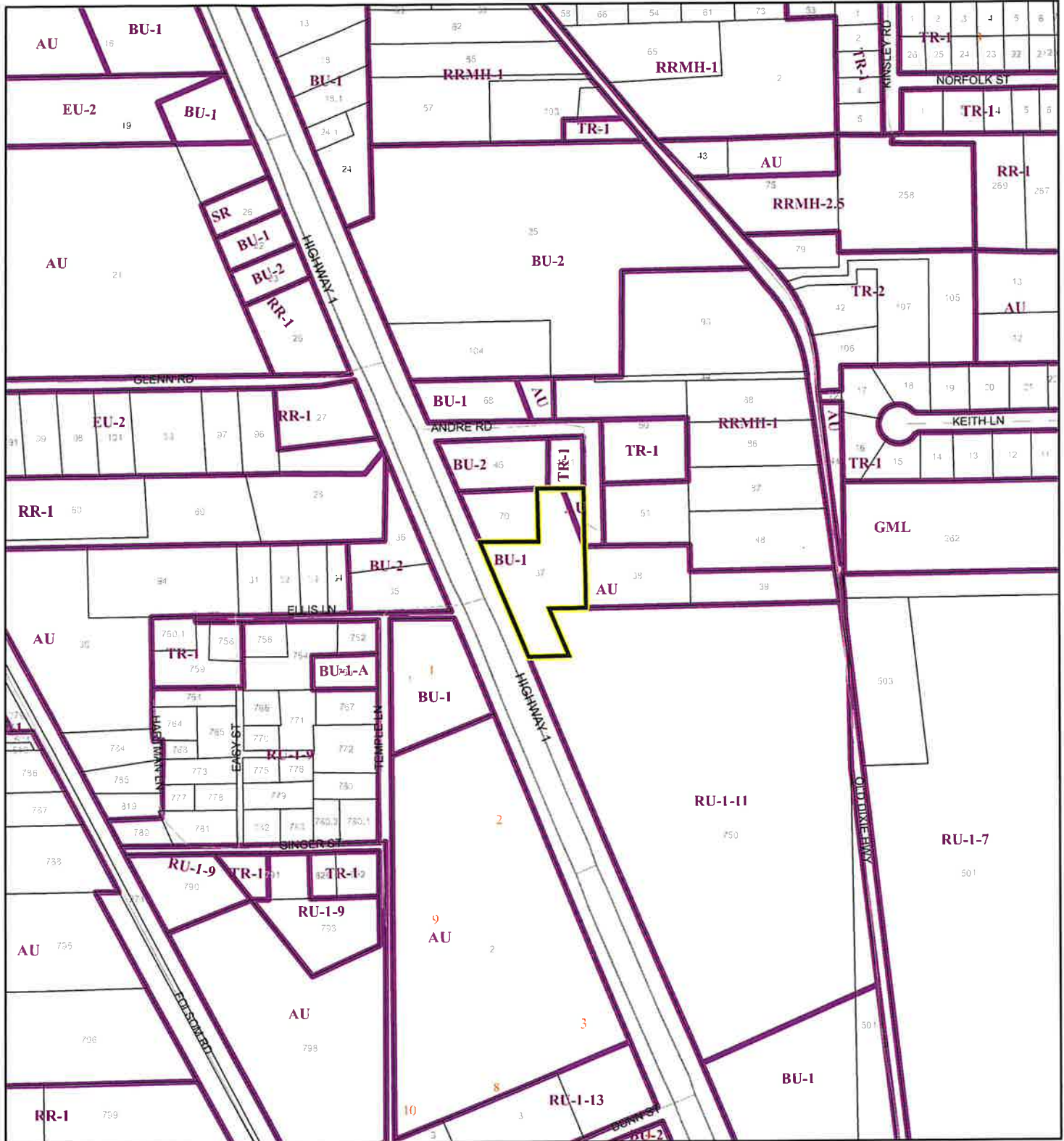
Produced by BoCC - GIS Date: 4/16/2024

Buffer
Subject Property

ZONING MAP

DeJesus, Alexis & Rosemary & Brando

24Z00021



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: 4/16/2024

— Subject Property

□ Parcels

□ Zoning

H. PUBLIC HEARINGS

Planning and Zoning Board / Local Planning Agency
Monday, June 10, 2024, at 3:00 p.m.

Brevard County Board of County Commissioners
Thursday, July 11, 2024, at 5:00 p.m.

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

1. **(24Z00021) Alexis DeJesus, Rosemary DeJesus, & Brandon DeJesus** (Jason Steele) requests a change of zoning classification from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all BU-2 (Retail, Warehousing and Wholesale Commercial), on 2.02 acres, located on the east side of Hwy US 1, approx. 400 ft. south of Andre Rd. (3003 Hwy. 1, Mims) (Tax Account 2102561) (District 1)

P&Z Recommendation: Bartcher/Sullivan - Approved. The vote was unanimous.

BCC ACTION: Pritchett/Tobia - Approved as recommended. The vote was unanimous.

Attention to Desiree Jackson

Subject: Re: Application/Rezoning **24Z00021**

BDP

Application name and contact:

Alexis R DeJesus
1900 Corbett Road
Orlando, FL 32826
321-438-3031
ardejesus@att.net

Rosemary Estevez DeJesus
1900 Corbett Road
Orlando, FL 32826
321-662-8305
ardejesus@att.net

Brandon A DeJesus
1900 Corbett Road
Orlando, FL 32826
321-438-2452
ardejesus@att.net

11-7-2024
Item T.4
Boa

Jackson, Desiree

From: Jackson, Desiree
Sent: Thursday, November 7, 2024 2:46 PM
To: clerktotheboard@brevardclerk.us
Cc: Webber, Alice
Subject: 24Z00021 DeJesus/ 11-07-2024 Item F.4.

Aloha,

I am emailing you to inform you that one of the items (see referenced above), to be reviewed by the BOCC today, will need to be recorded with the Clerk of Court by tomorrow in order to meet its deadline. This afternoon I will be dropping off the documents to be recorded along with the check.

If you have any questions please let me know.



Desirée Jackson, MBA
Planner I
Direct: (321) 350-8269
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, FL 32940

Desiree.Jackson@brevardfl.gov

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.