



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.3.

11/7/2024

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### Subject:

Acceptance, Re: Binding Development Plan with Judith A. Baker Revocable Living Trust (District 5)

### 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 October 3, 2024, the Board approved a change of zoning classification from GU (General Use) to BU-2 (Retail, Warehousing, and Wholesale Commercial) with a BDP that limits the uses to mini-storage and outside storage of RVs and boats. The attached BDP includes this 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.3., Binding Development Plan with Judith A. Baker Revocable Living Trust

The Board of County Commissioners, in regular session on November 7, 2024, accepted and executed Binding Development Plan with Judith A. Baker Revocable Living Trust for the following properties: 1) Lots 32 and 41, Sunshine Grove Unit Three, recorded in Plat Book 21, Pages 77 and 78; 2) Lots 33 and 34, Unit 3, Plot Plan of Sunshine Grove, recorded in Plat Book 21; 3) Lots 39 and 40, Unit 3, Plot Plan of Sunshine Grove, recorded in Plat Book 21 at Page 78; and 4) lots 53 through 62, Unit 3, Sunshine Groves, as recorded in Plat Book 21, Page 78, or the Public Records of Brevard County, Florida. 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: Deanna Scott*  
Kimberly Powell, Clerk to the Board

Encls. (2)

**Resolution 24Z00036**

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

**WHEREAS, Judith Baker** requests a change of zoning classification from GU (General Use) to BU-2 (Retail, Warehousing and Wholesale Commercial), on property described as Lots 32, 33, 34, 39, 40, 41, and Lots 53 - 62, Sunshine Grove, as recorded in ORB 7930, Pages 1151 – 1154, of the Public Records of Brevard County, Florida. Section 09, Township 30, Range 37. (16 acres) Located on the north side of Willowbrook St, approx. 400 ft. west of Babcock St. (No address assigned. In the Palm Bay area.); 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; 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 GU to 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 – September 16, 2024

BOCC Hearing- 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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November 8, 2024

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

**TO:** Recording

**RE:** Item F.3., Binding Development Plan with Judith A. Baker Revocable Living Trust

The Board of County Commissioners, in regular session on November 7, 2024, accepted and executed Binding Development Plan with Judith A. Baker Revocable Living Trust for the following properties: 1) Lots 32 and 41, Sunshine Grove Unit Three, recorded in Plat Book 21, Pages 77 and 78; 2) Lots 33 and 34, Unit 3, Plot Plan of Sunshine Grove, recorded in Plat Book 21; 3) Lots 39 and 40, Unit 3, Plot Plan of Sunshine Grove, recorded in Plat Book 21 at Page 78; and 4) lots 53 through 62, Unit 3, Sunshine Groves, as recorded in Plat Book 21, Page 78, or the Public Records of Brevard County, Florida. Enclosed are original Binding Development Plan Agreement and Check No. 2331 for \$44.00.

**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: Denna Scott*  
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 #: 3756133  
Receipt #: 63538901  
Cashier Date: 11/13/2024 12:27:11 PM  
Cashier Branch: Titusville - Six Story

Print Date:  
11/13/2024 12:27:14 PM

CUSTOMER INFORMATION		TRANSACTION INFORMATION		PAYMENT SUMMARY	
JUDITH BAKER 419 1ST AVE MELBOURNE BEACH, FL 32951	Date Received:	11/13/2024	Total Fees	\$44.00	
	Source Code:	Titusville - Six Story	Total Payments	\$44.00	
	Return Code:	Mail (U.S. Postal Service)	Balance Due:	\$0.00	
	Trans Type:	Recording			

1 Payments	\$44.00
<b>CHECK #2331</b>	

1 Recorded Items	BK/PG: 10199/1659 CFN: 2024226743 Date: 11/13/2024 12:27:10 PM
<b>AGREEMENT</b>	
From: To:	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	5 \$44.00

1 Miscellaneous Items	
<b>AGENT TRANSMITTAL</b>	

Prepared by: Judith A Baker, Trustee  
Address: 419 1<sup>st</sup> Ave., Melbourne Beach, FL 32951

### **BINDING DEVELOPMENT PLAN**

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 Judith A. Baler Revocable Trust (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 Mini-Storage and Outside storage of RVs and boats 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 uses to mini-storage and outside storage of RVs and boats from the BU-2 zoning district.

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 Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
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 October 3, 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 provision shall continue in full force and effect without being impaired or invalidated in any way.

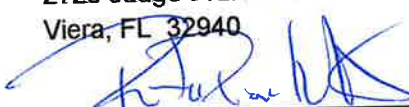


IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

  
Rachel M. Sadoff, Clerk of Court  
(SEAL)

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


  
Rita Pritchett, Vice Chair  
As approved by the Board on

NOV 07 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

  
Katie Bosarge  
(Witness Name typed or printed)

Judith A Baker Revocable Trust

419 1<sup>st</sup> Ave., Melbourne Beach, FL 32951  
(Address)

  
Tommy Latherow  
(Witness Name typed or printed)

  
(President) Owner  
Judith A Baker, Trustee  
Name typed, printed or stamped)

STATE OF Florida §

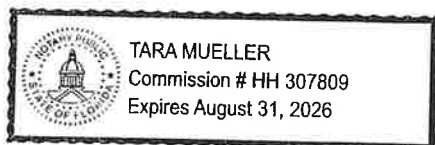
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or  
\_\_\_\_\_ online notarization, this 28 day of October, 2024 by  
Judith Ana Baker, President of \_\_\_\_\_, who is  
personally known to me or who has produced FL DL as identification.

My commission expires  
SEAL  
Commission No.:

  
Notary Public

(Name typed, printed or stamped)



**Exhibit "A"**

**Property 1:**

**Lots 32 and 41, SUNSHINE GROVE, UNIT THREE, a subdivision according to the plat thereof, recorded in Plat Book 21, Pages 77 and 78, Public Records of Brevard County, Florida.**

**And**

**Property 2:**

**Lots 33 and 34, Unit 3, PLOT PLANS OF SUNSHINE GROVE, according to the plat thereof, recorded in Plat Book 21, Page 78, of the Public Records of Brevard County, Florida.**

**And**

**Property 3:**

**Lots 39 and 40, UNIT 3, PLOT PLAN OF SUNSHINE GROVE, a subdivision according to the plat thereof, recorded in Plat Book 21, at Page 78, Public Records of Brevard County, Florida.**

**And**

**Property 4:**

**Lots 53 through 62, UNIT THREE, SUNSHINE GROVES. according to the plat thereof as recorded in Plat Book 21, Page 78, of the Public Records of Brevard County. Florida.**

**All property described herein is vacant land.**

**Affidavit**

The following property is owned by Judith A. Baker Revocable Trust free and clear of any mortgages or encumbrances:

Sunshine Groves Subdivision Lots: 32,33,34,39,40,41 and lots 53-62 (16 lots in total.)

Judith A Baker  
Judith A Baker, Trustee

10/7/2024  
Date

STATE OF Florida  
COUNTY OF Brevard

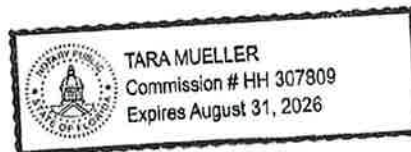
The foregoing instrument was acknowledged before me, by means of X physical presence or \_\_\_\_\_ online notarization, this 07 day of October, 2024, by Judith Baker, Trustee of Judith A Baker Revocable Trust, who is personally known to me or who has produced FL DL as identification.

My commission expires

SEAL

Commission No.:

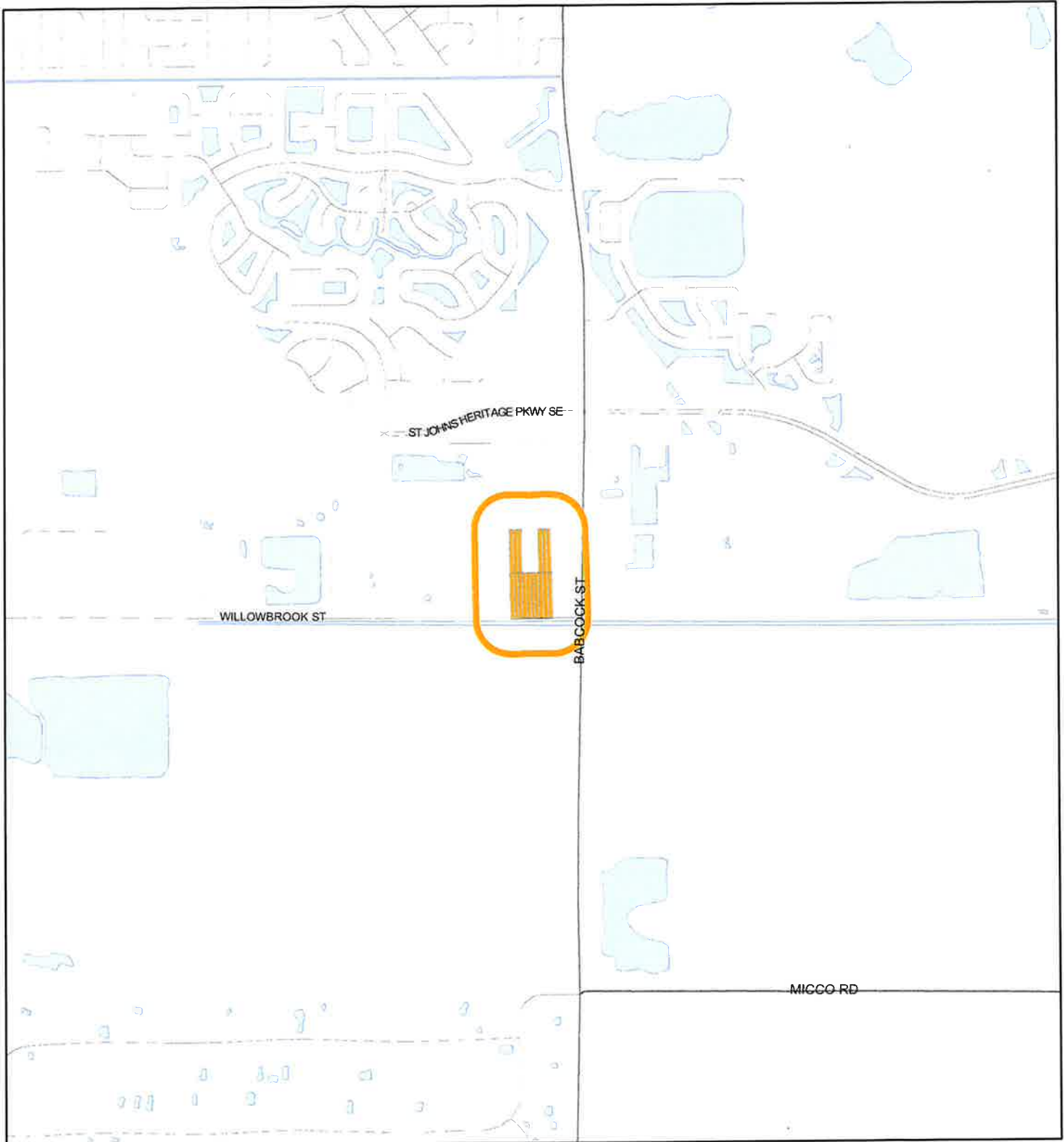
Tara Mueller  
Notary Public



# LOCATION MAP

JUDITH A BAKER REVOCABLE LIVING TRUST

24Z00036





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: 7/22/2024

-  Buffer
-  Subject Property

# ZONING MAP

## JUDITH A BAKER REVOCABLE LIVING TRUST

### 24Z00036



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: 7/22/2024

Subject Property

Parcels

Zoning

## H. PUBLIC HEARINGS

Planning and Zoning Board / Local Planning Agency  
Monday, September 16, 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

1. **(24Z00036) Judith Baker** requests a change of zoning classification from GU (General Use) to BU-2 (Retail, Warehousing and Wholesale Commercial), on 16.0 acres, located on the north side of Willowbrook St, approx. 400 ft. west of Babcock St. (No address assigned. In the Palm Bay area) (Tax 3000414, 3000394, 3000395, 3000396, 3000401, 3000402, 3000403, 3000405, 3000406, 3000407, 3000408, 3000409, 3000410, 3000411, 3000412, 3000413) (District 5)

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

**BCC ACTION: Steele/Pritchett. Approved the request for a change of zoning classification from GU to BU-2 with a BDP that limits the uses to mini-storage and outside storage of RVs and boats.**