



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

7/17/2025

Subject:

Acceptance, RE: Binding Development Plan with Nicholas Duffy (24Z00071) (District 3)

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 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 April 03, 2025, the Board approved a change of zoning from BU-1 to BU-2 with an existing BDP, retaining all BU-1 uses and restricting the BU-2 uses to outdoor boat and RV storage.

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.

Resolution 24Z00071

On motion by Commissioner Adkinson, seconded by Commissioner Delaney, the following resolution was adopted by a unanimous vote:

WHEREAS, Nicholas Duffy requests a change in zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial), on property described as Tax Parcel 520, as recorded in ORB 10218, Pages 1295-1296, of the Public Records of Brevard County, Florida. **Section 11, Township 30, Range 38.** (2.79 +/- acres) Located on the north side of Micco Rd. and approx. 390 ft. west of Ron Beatty Blvd. (No assigned address. In the Micco 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; 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 to BU-2, restricted to indoor/outdoor boat/RV storage, with a BDP be approved, recorded on July 18, 2025, in ORB 10387, Pages 1224 - 1228. 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 July 18, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chairman
Brevard County Commission
As approved by the Board on July 17, 2025.

ATTEST:


RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – March 17, 2025

Board of County Commissioners Hearing – April 03, 2025

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

July 18, 2025

MEMORANDUM

TO: Alice Randall, Zoning

RE: Item F.1., Binding Development Plan with Nicholas Duffy (24Z00071)

The Board of County Commissioners, in regular session on July 17, 2025, executed Binding Development Plan Agreement with Nicholas Duffy, for property located on the south 329 feet of Government Lot 3, Section 11, Township 30 South, Range 38 East, lying west of the Right-of-Way line of the Florida East Coast Railroad Right-of-Way, less and except that part contained in Official Records Book 1177, Page 296 and Official Records Book 1554, Page 73, 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 Rachel M. Sadoff
Kimberly Powell, Clerk to the Board

/sj

Encls. (2)



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

July 18, 2025

M E M O R A N D U M

TO: Recording

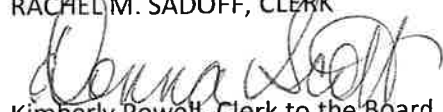
RE: Item F.1., Acceptance of Binding Development Plan with Nicholas Duffy (24Z00071)

The Board of County Commissioners, in regular session on July 17, 2025, accepted and executed Binding Development Plan with Nicholas Duffy, for property located on the south 329 feet of Government Lot 3, Section 11, Township 30 South, Range 38 East, lying west of the Right-of-Way line of the Florida East Coast Railroad Right-of-Way, less and except that part contained in Official Records Book 1177, Page 296 and Official Records Book 1554, Page 73, Public Records of Brevard County, Florida. Enclosed are original Binding Development Plan Agreement and Check No. 1238 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: 
Kimberly Powell, Clerk to the Board

/sj

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 #: 3909941
Receipt #: 63686086
Cashier Date: 07/18/2025 04:42:25 PM
Cashier Branch: Titusville - Six Story

Print Date:
07/18/2025 04:42:29 PM

CUSTOMER INFORMATION	TRANSACTION INFORMATION		PAYMENT SUMMARY	
TRAUGER CONSULTING ENGINEERS INC 2210 FRONT ST STE 204 MELBOURNE, FL 32901	Date Received:	07/18/2025	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

CHECK #1238	\$44.00
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1 Recorded Items

AGREEMENT	BK/PG: 10387/1224 CFN: 2025144481 Date: 07/18/2025 04:42:24 PM		
From: To:			
Recording @ 1st=\$10 Add'l=\$8.50 ea.	5		\$44.00

1 Miscellaneous Items

AGENT TRANSMITTAL

Prepared by: Jim Trauger
2210 Front Street Ste. 204
Address: Melbourne, FL 32901

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 17 day of July, 2025 between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida (hereinafter referred to as "County") and **Nicholas Duffy**, (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 a rezoning of the property to the BU-2 zoning classification with a binding development plan and desires to develop the Property as RV/Boat Storage Facility, 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. 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, 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 uses to indoor RV and boat storage as allowed in BU-2 zoning district and other uses as allowed in the BU-1 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 Courts 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 April 3, 2025. 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:

BOARD OF COUNTY

COMMISSIONERS OF BREVARD

COUNTY, FLORIDA

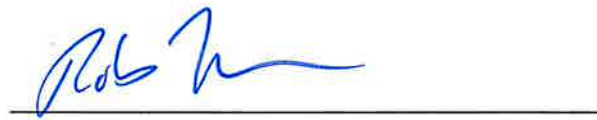
2725 Judge Fran Jamieson Way

Viera, FL 32940



Rachel M. Sadoff, Clerk of Court

(SEAL)



Rob Feltner, Chair

As approved by the Board on JUL 17 2025

Bill McCullough
Witness 1 Signature

Bill McCullough
Witness 1 Printed Name

By: Nicholas Duffy
Nicholas Duffy (owner)

Juan Sanchez
Witness 2 Signature

Juan Sanchez
Witness 2 Printed Name

STATE OF FLORIDA

COUNTY OF ~~BREVARD~~ Martin

The foregoing instrument was acknowledged before me, by means of ✓ physical presence or
 online notarization, this 30 day of June, 2025, by Nicholas Duffy,
who is personally known to me or who has produced FL DL as identification.

My commission expires Nov 16 2027 Notary

Public SEAL

Commission No.: HH 465270

(Name typed, printed or stamped)

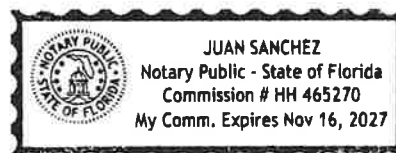
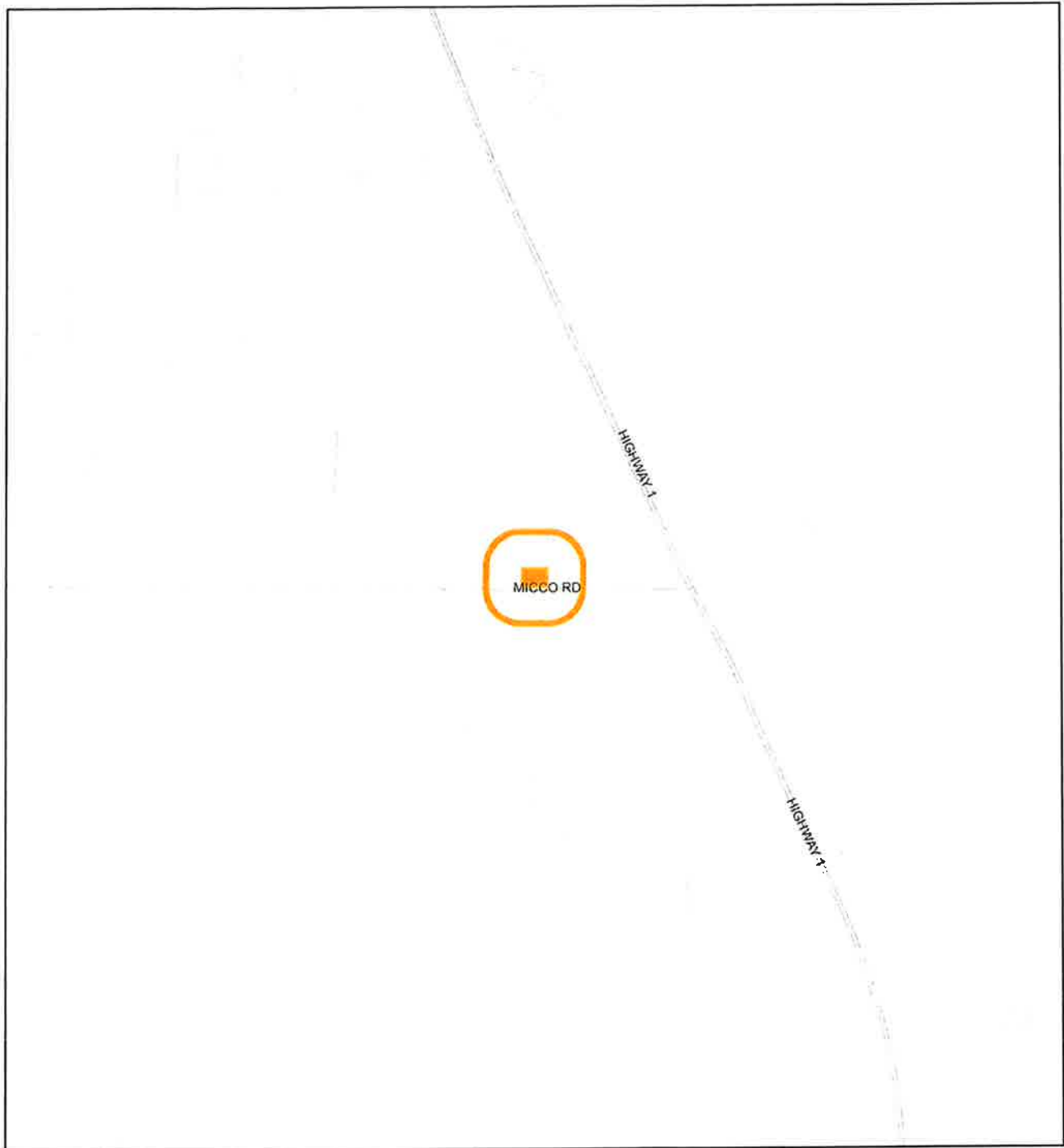


EXHIBIT A

The South 329 feet of Government Lots 3, Section 11, Township 30 South, Range 38 East, lying West of the Right of Way line of the Florida East Coast Railroad Right of Way, Less and Except that part contained in Official Records Book 1177, Page 296 and Official Records Book 1554, Page 73, Public Records of Brevard County, Florida.

LOCATION MAP

Duffy, Nicholas
24Z00071



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.

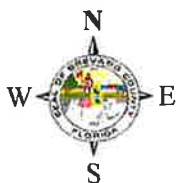
Produced by BoCC - GIS Date: 4/1/2025

 Buffer

 Subject Property

ZONING MAP

Duffy, Nicholas
24Z00071



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: 4/1/2025

— Subject Property

□ Parcels

□ Zoning

P&Z – March 17, 2025

BOCC-Zoning – April 03, 2025

(24Z00071) Nicholas Duffy request a change in zoning classification from BU-1 to BU-2. The property is 2.7 acres, located on the north side of Micco Rd., approximately 390 ft. west of Ron Beatty Blvd. (No assigned address. In the Micco area) (Tax Account 3006387) (District 3)

P&Z Recommendation: Orriss/Minneboo – Approved. The vote was unanimous.

BCC ACTION: Adkinson/Delaney – Approved the request for a change of zoning classification from BU-1 to BU-2 with an existing Binding Development Plan (BDP), retaining all BU-1 uses and restricting the BU-2 use to outdoor boat and RV storage.



April 4, 2025

M E M O R A N D U M

TO: Billy Prasad, Interim Planning and Development Director Attn: Trina Gilliam

RE: Board Actions on Planning and Zoning Board Recommendations

The Board of County Commissioners, in regular session on April 3, 2025, took action on Planning and Zoning Board Recommendations.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in blue ink, reading "Kimberly Powell", is written over the typed name and title.

Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Alice Randall, Zoning
County Attorney

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. **City Pointe Landfall LLC.** Altman/Delaney. Continued to the July 3, 2025, Zoning Meeting. (24SS00009)
- Item H.2. **City Pointe Landfall LLC.** Delaney/Altman. Continued to the July 3, 2025, Zoning Meeting. (24PUD00003)
- Item H.3. **Jay Sriambe LLC.** Withdrawn by the applicant. Email received April 1, 2025. (24SS00015)
- Item H.4. **Jay Sriambe LLC.** Goodson/Adkinson. Approved the request for a change of zoning classification from BU-1 and BU-2 to RU-2-30. (24Z00066)
- Item H.5. **Isabela Zimmerman and Mikke Seppala.** Delaney/Altman. Approved the request for a change of zoning classification from GU to AGR. (24Z00065)
- Item H.6. **Nicholas Duffy.** Adkinson/Delaney. Approved the request for a change of zoning classification from BU-1 to BU-2. with an existing Binding Development Plan (BDP), retaining all BU-1 uses and restricting the BU-2 use to outdoor boat and RV storage. (24Z00071)
- Item H.7. **The Lila Songer Trust.** Adkinson/Goodson. With Delaney voting Nay. Adopted Ordinance No. 25-04, setting forth the sixth Small Scale Plan Amendment of 2025, (24S.20), to change the Future Land Use Designation from Agric to RES 1. (24SS00020)
- Item H.8. **The Lila Songer Trust.** Adkinson/Goodson. With Delaney voting Nay. Approved the request for a change of zoning classification from AU and RRMH-1 to RRMH-1. (24Z00070)

NO OPEN MORTGAGE AFFIDAVIT

I, Nicholas Duffy, state that there are no open mortgages on the below described:

Property:

The South 329 feet of Government Lots 3, Section 11, Township 30 South, Range 38 East, lying West of the Right of Way line of the Florida East Coast Railroad Right of Way, Less and Except that part contained in Official Records Book 1177, Page 296 and Official Records Book 1554, Page 73, Public Records of Brevard County, Florida.

STATE OF FLORIDA

COUNTY OF ~~BREVARD~~ Martin

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or _____ online notarization, this 30 day of June, 2025, by Nicholas Duffy, who is personally known to me or who has produced FL DL as identification.

My commission expires Nov 16 2027 Notary

Public SEAL

Commission No.: HH465270 (Name typed, printed or stamped)

