



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Add-On

J.1.

10/3/2024

Subject:

Acceptance Re: Binding Development Plan with Jen Florida 48 LLC (23PUD00005) (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 authorize the Chair to execute, the Binding Development Plan for zoning application 23PUD00005.

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 in order to finalize the zoning action.

On September 5, 2024, the Board approved a change of zoning classification from GU and AU to all PUD with a BDP with the following conditions:

1. The residential density of the development shall be capped at 3 units per acre.
2. The approval of Waiver #2 to be exempt from the storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots as allowed by Brevard County Code Sec. 62-2117, provided each lot will have a 20' driveway capable of parking recreational vehicles.
3. The approval of Waiver # 1 on the PDP plan set to allow for lots smaller than 5,000 square feet and less than 50 feet in width (40 feet X 120 feet) is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation.
4. The approval of Waiver #3 on the PDP plan set to allow for residential structures of two stories or less, to have a minimum building separation of 10' (rather than 15') is limited to structures that do not abut utility and/or **stormwater** easements or otherwise affect the intended purpose and use of the easement nor the

ability to maintain utility/storm water infrastructure.

5. Approval of the commercial uses as allowed in the BU-1 zoning classification per Brevard County Code Sec. 62-1482.

6. The approval of Waiver #4 on the PDP plan subject to the spine roadways: a) providing at a minimum of two (2) approved access points for each cluster of 350 dwelling units, and b) single family and/or multifamily lots shall not have individual direct access to a spine road, and c) the projects internal roadway network satisfying Florida Fire Prevention Code requirements including but not limited to 1:18.2, 1:18.4.5 and 1:18.5.

7. The approval of Waiver #6 reducing rear setback for residential principal structures from 20 feet to 15 feet is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation.

8. Closure of the borrow pit permit shall be in accordance with SJRWMD requirements.

9. Reclamation of the existing lake shall include littoral plantings along the pond slope in accordance with Florida Fish and Wildlife Conservation Commission (FWC) comments provided.

10. Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan, the Developer shall:

a) Execute an agreement, which may include, but is not limited to, a Proportionate Fair Share agreement, with the County and appropriate municipal entities addressing and/or mitigating any infrastructure deficiencies relating to the offsite transportation impacts as identified in a traffic study. The agreement may include, but is not limited to, provisions requiring the developer to design, permit, and construct the identified improvements at a cost to the developer proportionate to the project's impact. In addition, the agreement will identify timeframes for the necessary improvements, and updating and monitoring the traffic study as appropriate.

b) Execute an agreement for the donation/conveyance to the County in fee simple three (3) acres of land to be used for a fire station. The County will obligate the Emergency Medical Services Impact Fees and Fire Rescue Impact Fees collected from the development for a fire station on said property.

11. Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan, the Developer shall demonstrate that adequate water and sewer services will be available to the development and are available prior to issuance of Certificate of Occupancy.

12. Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals.

13. In accordance with Sec. 62-1301, if it is the opinion of the zoning official that an amendment to the PDP warrants Board evaluation, such modifications shall be submitted for Board approval.

14. If the development is to have on-street parking, the Developer/Owner shall establish a financial mechanism for the maintenance of internal roadways prior to County approval of a construction plan and/or preliminary plat and/or site plan.

Clerk to the Board Instructions:

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

Development.

Resolution 23PUD00005

On motion by Commissioner Steele, seconded by Commissioner Pritchett, the following resolution was adopted by a majority vote:

WHEREAS, JEN Florida 48, LLC (Kim Rezanka) requests a change of zoning classification from GU (General Use) & AU (Agricultural Residential) to PUD (Planned Unit Development) with conditions, on property described as Tax Parcel 500 and Tax Parcel 1, less and except canal and road rights-of-way, as recorded in ORB 10004, Pages 1038 – 1041; of the Public Records of Brevard County, Florida. **Sections 8 & 9, Township 30, Range 37.** (approx. 1,110 acres +/-) Located in the Southern Brevard County area, on the west side of Babcock St., approx. 250 ft. south of Willowbrook St. (No assigned address.); and

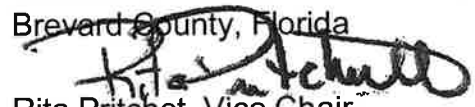
WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

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 GU & AU to PUD, with conditions. 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 – August 12, 2024

Board of County Commissioners Hearing – September 05, 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

M E M O R A N D U M

TO: Desiree Jackson, Zoning

RE: Item J.1., Binding Development Plan with Jen Florida 48, LLC

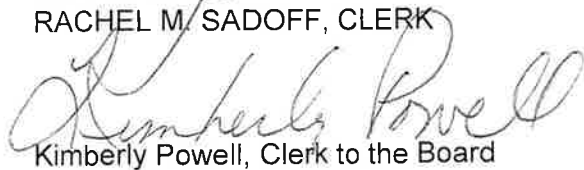
The Board of County Commissioners, in regular session on October 3, 2024, executed Binding Development Plan Agreement with Jen Florida 48, LLC property located in a portion of Sections 8, 9, 16, and 17, Township 30 South, Range 37 East lying in Brevard, County Florida and being more particularly described as follows: COMMENCE AT THE EAST ONE-QUARTER CORNER OF SECTION 16, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SECTION 16, SOUTH 89°35'24" WEST, 50.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF OF SECTION 16, SOUTH 89°35'24" WEST, 5372.81 FEET TO THE WEST ONE-QUARTER OF SAID SECTION 16; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°35'24" WEST, 2711.24 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, NORTH 00°11'21" EAST, 2642.10 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 17; THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°31'23" WEST, 2642.79 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE NORTHERLY ALONG SAID WEST LINE OF SECTION 8, NORTH 00°40'15" EAST, 2511.48 FEET TO A POINT 100.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8, NORTH 89°29'13" EAST, 2650.82 FEET; THENCE CONTINUE EASTERLY ALONG SAID PARALLEL LINE NORTH 89°23'59" EAST, 2658.46 FEET TO A POINT 100.00 FEET SOUTH OF THE WEST ONE-QUARTER CORNER OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 9, NORTH 89°23'59" EAST, 3415.39 FEET; THENCE SOUTH 89°04'27" EAST, 1941.19 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 262 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°08'35" EAST, 2368.17 FEET; THENCE NORTH 90°00'00" WEST 918.01 FEET; THENCE SOUTH 01°31'07" EAST 1315.56 FEET; THENCE SOUTH 88°26'54" EAST, 873.58 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY

LINE OF BABCOCK STREET; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 00 34'06" WEST, 1423.17 TO THE POINT OF BEGINNING. SAID LANDS LYING IN BREVARD COUNTY, FLORIDA AND CONTAINING 1082.242 ACRES, MORE OR LESS; AND A PORTION OF LAND LYING IN SECTIONS 9 AND 16, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 9, SOUTH 89 32'36" WEST, 50.01 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF BABCOCK STREET AS DESCRIBED IN O.R.B. 423, PAGE 262 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE OF BABCOCK STREET, SOUTH 00 34'06" WEST, 1225.02 FEET; THENCE NORTH 88 26'54" WEST, 873.58 FEET; THENCE NORTH 01 31'07" WEST, 1315.56 FEET; THENCE NORTH 90 00'00" EAST, 918.01 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF BABCOCK STREET; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE OF BABCOCK STREET, SOUTH 01 08'35" EAST, 113.83 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN BREVARD COUNTY, FLORIDA AND CONTATNTNG 27.33 ACRES (MORE OR LESS). 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)



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 J.1., Binding Development Plan with Jen Florida 48, LLC

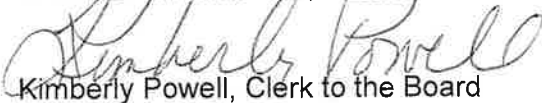
The Board of County Commissioners, in regular session on October 3, 2024, accepted and executed Binding Development Plan with Jen Florida 48, LLC, for property located in a portion of Sections 8, 9, 16, and 17, Township 30 South, Range 37 East lying in Brevard, County Florida and being more particularly described as follows: COMMENCE AT THE EAST ONE-QUARTER CORNER OF SECTION 16, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SECTION 16, SOUTH 89 35'24" WEST, 50.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF OF SECTION 16, SOUTH 89 35'24" WEST, 5372.81 FEET TO THE WEST ONE-QUARTER OF SAID SECTION 16; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89 "35'24" WEST, 2711.24 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, NORTH 00 11'21" EAST, 2642.10 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 17; THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89 31'23" WEST, 2642.79 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE NORTHERLY ALONG SAID WEST LINE OF SECTION 8, NORTH 00 40'15" EAST, 2511.48 FEET TO A POINT 100.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8, NORTH 89 29'13" EAST, 2650.82 FEET; THENCE CONTINUE EASTERLY ALONG SAID PARALLEL LINE NORTH 89 23'59" EAST, 2658.46 FEET TO A POINT 100.00 FEET SOUTH OF THE WEST ONE-QUARTER CORNER OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 9, NORTH 89 23'59" EAST, 3415.39 FEET; THENCE SOUTH 89 04'27" EAST, 1941.19 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 262 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01 08'35" EAST, 2368.17 FEET; THENCE NORTH 90 00'00" WEST 918.01 FEET; THENCE SOUTH 01 31'07" EAST 1315.56 FEET; THENCE SOUTH 88 26'54" EAST, 873.58 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF BABCOCK STREET; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 00 34,06.' WEST, 1423.17 TO THE POINT OF BEGINNING. SAID LANDS LYING

IN BREVARD COUNTY, FLORIDA AND CONTAINING 1082.242 ACRES, MORE OR LESS; AND A PORTION OF LAND LYING IN SECTIONS 9 AND 16, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 9, SOUTH 89 32'36" WEST, 50.01 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF BABCOCK STREET AS DESCRIBED IN O.R.B. 423, PAGE 262 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE OF BABCOCK STREET, SOUTH 00 34'06" WEST, 1225.02 FEET; THENCE NORTH 88 26'54" WEST, 873.58 FEET; THENCE NORTH 01 31'07" WEST, 1315.56 FEET; THENCE NORTH 90 00'00" EAST, 918.01 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF BABCOCK STREET; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE OF BABCOCK STREET, SOUTH 01 08'35" EAST, 113.83 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN BREVARD COUNTY, FLORIDA AND CONTATNTNG 27.33 ACRES (MORE OR LESS). Enclosed are original Binding Development Plan Agreement and Check No. 2096 for \$95.00.

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)

Prepared by: Dan Edwards

Address: 1750 W. Broadway St. Ste. 111, Oviedo, FL 32765

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 3rd day of Oct., 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 **JEN Florida 48 LLC**, a Florida limited liability company (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, pursuant to the Brevard County Code, Section 62-1157, a rezoning of the Property to a Planned Unit Development zoning classification with a Binding Development Agreement, desiring to develop the Property as a mixed-use project as more particularly described herein, 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 **VOLUNTARILY AGREES TO** provide the following conditions of

development for the Property:

1. The residential density of the development shall be capped at 3 units per acre.
2. The approval of Waiver #2 to be exempt from the storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots as allowed by Brevard County Code Sec. 62-2117, provided each lot will have a 20' driveway capable of parking recreational vehicles.
3. The approval of Waiver #1 on the PDP plan set to allow for lots smaller than 5,000 square feet and less than 50 feet in width (40 feet X 120 feet) is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation.
4. The approval of Waiver #3 on the PDP plan set to allow for residential structures of two stories or less, to have a minimum building separation of 10' (rather than 15') is limited to structures that do not abut utility and/or stormwater easements or otherwise affect the intended purpose and use of the easement nor the ability to maintain utility/stormwater infrastructure.
5. Approval of the commercial uses as allowed in the BU-1 zoning classification per Brevard County Code Sec. 62-1482.
6. The approval of Waiver #4 on the PDP plan subject to the spine roadways: a) providing at a minimum of two (2) approved access points for each cluster of 350 dwelling units, and b) single family and/or multifamily lots shall not have individual direct access to a spine road, and c) the projects internal roadway network satisfying Florida Fire Prevention Code requirements including but not limited to 1:18.2, 1:18.4.5 and 1:18.5.
7. The approval of Waiver #6 reducing rear setback for residential principal structures from 20 feet to 15 feet is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County

Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation.

8. Closure of the borrow pit permit shall be in accordance with SJRWMD requirements.
9. Reclamation of the existing lake shall include littoral plantings along the pond slope in accordance with Florida Fish and Wildlife Conservation Commission (FWC) comments provided.
10. Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan, the Developer shall:
 - a) Execute an agreement, which may include, but is not limited to, a Proportionate Fair Share agreement, with the County and appropriate municipal entities addressing and/or mitigating any infrastructure deficiencies relating to the offsite transportation impacts as identified in a traffic study. The agreement may include, but is not limited to, provisions requiring the developer to design, permit, and construct the identified improvements at a cost to the developer proportionate to the project's impact. In addition, the agreement will identify timeframes for the necessary improvements, and updating and monitoring the traffic study as appropriate.
 - b) Execute an agreement for the donation/conveyance to the County in fee simple three (3) acres of land to be used for a fire station. The County will obligate the Emergency Medical Services Impact Fees and Fire Rescue Impact Fees collected from the development for a fire station on said property.
11. Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan, the Developer shall demonstrate that adequate water and sewer services will be available to the development and are available prior to issuance of Certificate of Occupancy.
12. Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals.
13. In accordance with Sec. 62-1301, if it is the opinion of the zoning official that an amendment to

the PDP warrants Board evaluation, such modifications shall be submitted for Board approval.

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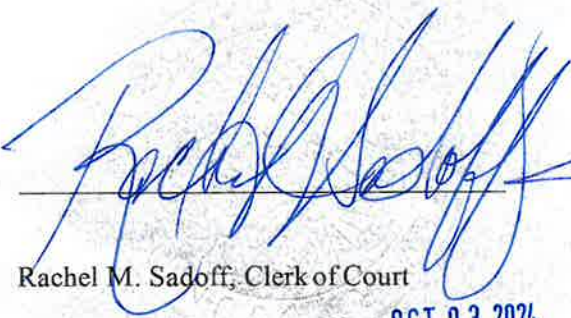
4. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the property. This Agreement provides no vested rights against changes to the Brevard County 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 September 5, 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 the 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



A large, stylized handwritten signature in blue ink, appearing to read 'Rachel M. Sadoff', is written over a horizontal line.

Rachel M. Sadoff, Clerk of Court



A handwritten signature in blue ink, appearing to read 'Jason Steel', is written over a horizontal line.

Jason Steel, Chair (SEAL)

As approved by the Board on OCT 03 2024

EXHIBIT "A"

BEING A PORTION OF SECTIONS 8, 9, 16 AND 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST LYING IN BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST ONE-QUARTER CORNER OF SECTION 16, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SECTION 16, SOUTH 89°35'24" WEST, 50.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF OF SECTION 16, SOUTH 89°35'24" WEST, 5372.81 FEET TO THE WEST ONE-QUARTER OF SAID SECTION 16; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°35'24" WEST, 2711.24 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, NORTH 00°11'21" EAST, 2642.10 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 17; THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°31'23" WEST, 2642.79 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE NORTHERLY ALONG SAID WEST LINE OF SECTION 8, NORTH 00°40'15" EAST, 2511.48 FEET TO A POINT 100.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8, NORTH 89°29'13" EAST, 2650.82 FEET; THENCE CONTINUE EASTERLY ALONG SAID PARALLEL LINE, NORTH 89°23'59" EAST, 2658.46 FEET TO A POINT 100.00 FEET SOUTH OF THE WEST ONE-QUARTER CORNER OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 9, NORTH 89°23'59" EAST, 3415.39 FEET; THENCE SOUTH 89°04'27" EAST, 1941.19 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 262 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°08'35" EAST, 2368.17 FEET; THENCE NORTH 90°00'00" WEST, 918.01 FEET; THENCE SOUTH 01°31'07" EAST, 1315.56 FEET; THENCE SOUTH 88°26'54" EAST, 873.58 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF BABCOCK STREET; THENCE SOUTHERLY ALONG SAID SAID WEST RIGHT OF WAY LINE, SOUTH 00°34'06" WEST, 1423.17 TO THE POINT OF BEGINNING.


SAID LANDS LYING IN BREVARD COUNTY, FLORIDA AND CONTAINING 1082.242 ACRES, MORE OR LESS.

EXHIBIT "A"

DESCRIPTION: BEING A PORTION OF LAND LYING IN SECTIONS 9 AND 16, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 9, SOUTH 89°32'36" WEST, 50.01 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF BABCOCK STREET AS DESCRIBED IN O.R.B. 423, PAGE 262 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE OF BABCOCK STREET, SOUTH 00°34'06" WEST, 1225.02 FEET; THENCE NORTH 88°26'54" WEST, 873.58 FEET; THENCE NORTH 01°31'07" WEST, 1315.56 FEET; THENCE NORTH 90°00'00" EAST, 918.01 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF BABCOCK STREET; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE OF BABCOCK STREET, SOUTH 01°08'35" EAST, 113.83 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN BREVARD COUNTY, FLORIDA AND CONTAINING 27.33 ACRES (MORE OR LESS).


Witness 1 Signature
Dan Edwards

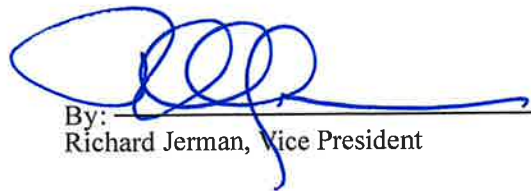
Witness 1 Printed Name

Address: 1750 W. Broadway St Ste 11
Orlando, FL 32765


Witness 2 Signature
Jesse Anderson

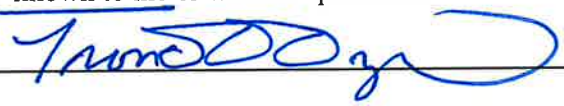
Witness 2 Printed Name

Address: 2602 Livingston
Orlando, Florida 32803


By: _____
Richard Jerman, Vice President

STATE OF FLORIDA. COUNTY OF Seminole

The foregoing instrument was acknowledged before me, by means of ✓ physical presence
or _____ online notarization, this 15th day of October 2024, by Richard Jerman, as Vice
President of JEN Florida 48 LLC, who is personally known to me or who has produced
_____ as identification.



My commission expires 9/9/28

Commission No.: HH 571774

Notary Public SEAL



JOINDER IN BINDING DEVELOPMENT PLAN BY MORTGAGEE CORPORATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated February 29, 2024, given by JEN Florida 48 LLC, as mortgagor, in favor of the undersigned, Boruch - David LLC, as mortgagee, recorded in Official Records Book 10004, Page 1063, of the Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the change of property use and development requirements as set forth therein.

MORTGAGEE CORPORATION NAME AND ADDRESS

Mortgagee Corporation Name

3300 PGA Boulevard, Suite 600 Palm Beach Gardens FL 33410
 Street City State Zip Code

* Authorized Agent Signature

Authorized Agent Printed Name and Title

*Note: All others besides CEO or President require attachment of original corporate resolution of authorization to sign documents of this type.

AFFIX CORPORATE SEAL

WITNESSES

Signature

Print Name

Signature

Print Name

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 13th day of September, 20 24,
by William E. Bages, who is personally known to me or who has produced
_____ as identification.

Christine A. Zill
Notary Public Signature

Christine A. Zill
Name Printed



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 #: 3737368
Receipt #: 63520862
Cashier Date: 10/14/2024 11:24:36 AM
Cashier Branch: Titusville - Six Story

Print Date:
10/14/2024 11:24:41 AM

CUSTOMER INFORMATION	TRANSACTION INFORMATION		PAYMENT SUMMARY	
SUN TERRA COMMUNITIES V LLC 1750 W BROADWAY ST STE 111 OVIEDO, FL 32765	Date Received:	10/14/2024	Total Fees	\$95.00
	Source Code:	Titusville - Six Story	Total Payments	\$95.00
	Return Code:	Hand Carried	Balance Due:	\$0.00
	Trans Type:	Recording		

1 Payments

CHECK #2096	\$95.00
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1 Recorded Items

AGREEMENT	BK/PG: 10176/1657 CFN: 2024204905 Date: 10/14/2024 11:24:36 AM
From: Tα	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	11 \$95.00

1 Miscellaneous Items

AGENT TRANSMITTAL



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

Telephone: (321) 637-2001
Fax: (321) 264-8972
Kimberly.Powell@brevardclerk.us

September 6, 2024

MEMORANDUM

TO: Tad Calkins, Planning and Development Director Attn: Jeffrey Ball

RE: Board Actions on Planning and Zoning Board Recommendations

The Board of County Commissioners, in regular session on September 5, 2024 took action on Planning and Zoning Board Recommendations.

Your continued cooperation is always appreciated.

Sincerely,

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

for 
Kimberly Powell, Clerk to the Board

/ns

Encl. (1)

cc: Desiree Jackson, Zoning
County Attorney

Item H.11. JEN Florida 48, LLC. Steele/Pritchett, with Goodson voting Nay. Approved the request for change of zoning classification from GU and AU to all PUD; and approved a BDP incorporating with the following 14 conditions: 1) The residential density of the development shall be capped at 3 units per acre. 2) The approval of Waiver #2 to be exempt from the storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots as allowed by Brevard County Code Sec. 62- 2117, provided each lot will have a 20' driveway capable of parking recreational vehicles. 3) The approval of Waiver #1 on the PDP plan set to allow for lots smaller than 5,000 square feet and less than 50 feet in width (40 feet X 120 feet) is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation. 4) The approval of Waiver #3 on the PDP plan set to allow for residential structures of two stories or less, to have a minimum building separation of 10' (rather than 15') is limited to structures that do not abut utility and/or stormwater easements or otherwise affect the intended purpose and use of the easement nor the ability to maintain utility/stormwater infrastructure. 5) Approval of the commercial uses as allowed in the BU-1 zoning classification per Brevard County Code Sec. 62-1482. 6) The approval of Waiver #4 on the PDP plan subject to the spine roadways: a) providing at a minimum of two (2) approved access points for each cluster of 350 dwelling units, and b) single family and/or multifamily lots shall not have individual direct access to a spine road, and c) the projects internal roadway network satisfying Florida Fire Prevention Code requirements including but not limited to 1:18.2, 1:18.4.5 and 1:18.5. 7) The approval of Waiver #6 reducing rear setback for residential principal structures from 20 feet to 15 feet is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation. 8) Closure of the borrow pit permit shall be in accordance with SJRWMD requirements. 9) Reclamation of the existing lake shall include littoral plantings along the pond slope in accordance with Florida Fish and Wildlife Conservation Commission (FWC) comments provided. 10) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan the Developer shall: a. Execute an agreement, which may include, but is not limited to, a Proportionate Fair Share agreement, with the County and appropriate municipal entities addressing and/or mitigating any infrastructure deficiencies relating to the offsite transportation impacts as identified in a traffic study. The agreement may include, but is not limited to, 9/5/2024 provisions requiring the developer to design, permit, and construct the identified improvements at a cost to the developer proportionate to the project's impact. In addition, the agreement will identify timeframes for the necessary improvements, and monitoring and updating the traffic study as appropriate. b. Execute an agreement for the donation/conveyance to the County in fee simple three (3) acres of land to be used for a fire station. The County will obligate the Emergency Medical Services Impact Fees and Fire Rescue Impact Fees collected from the development for a fire station on said property. 11) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan, the Developer shall demonstrate that adequate water and sewer services will be available to the development and are available prior to issuance of Certificate of Occupancy. 12)

Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals. 13) In accordance with Sec. 62-1301, if it is the opinion of the zoning official that an amendment to the PDP warrants Board evaluation, such modifications shall be submitted for Board approval. 14) If the development is to have designated on-street parking, the developer/owner shall establish a financial mechanism for maintenance of internal roadways prior to County approval of a construction plan and/or preliminary plat and/or site plan.

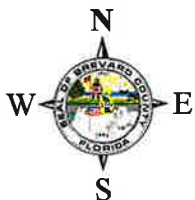
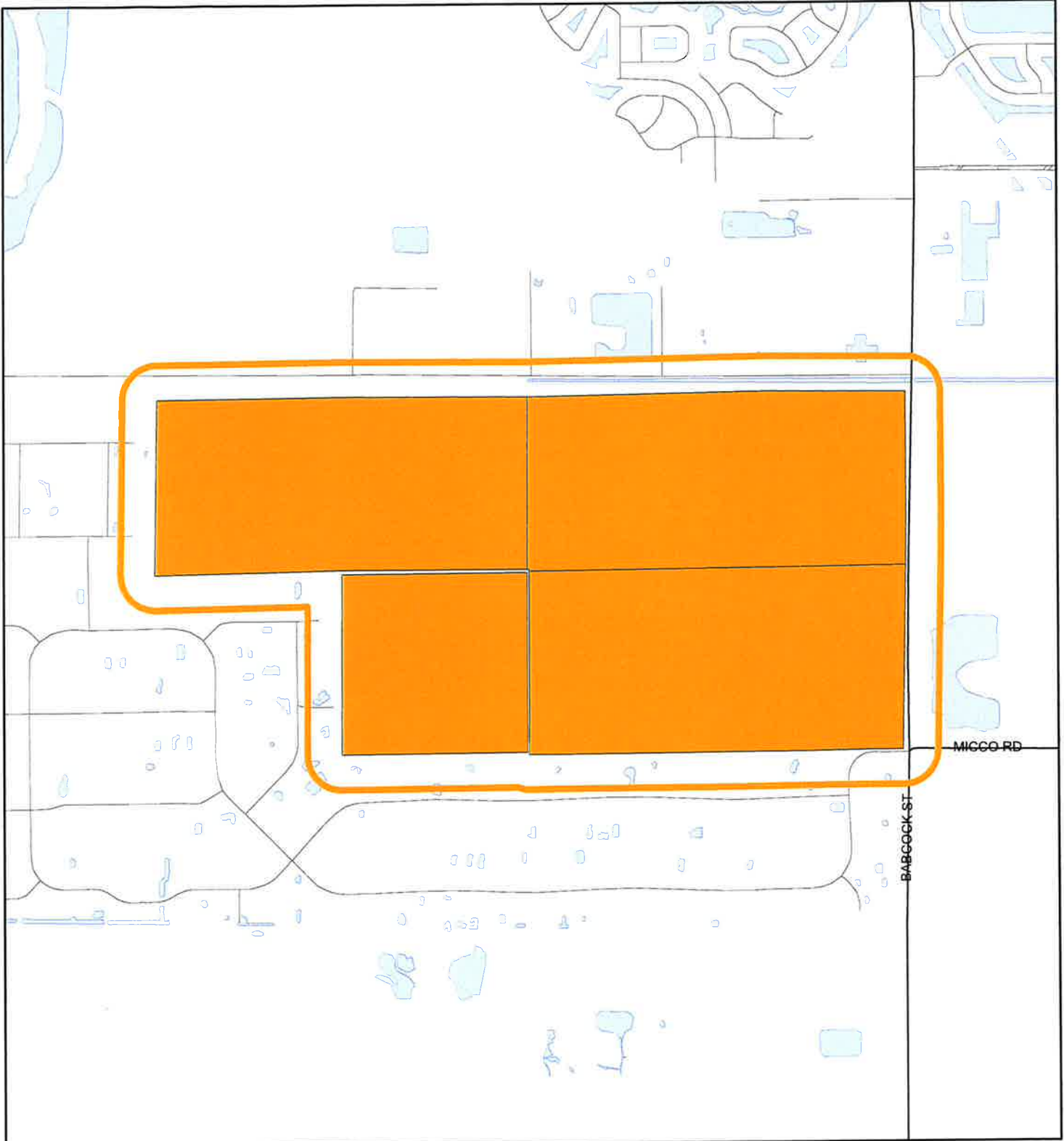
Item H.12. **Villas of Sherwood Titusville, Inc. and Sherwood Golf Club, Inc.** Pritchett/Tobia, with Feltner voting Nay. Adopted Ordinance No. 24-24, setting forth the ninth Small Scale Comprehensive Plan Amendment of 2024 (23S.05) to change the Future Land Use designation from RES 4 to RES 15. (23SS00005)

Item H.13. **Villas of Sherwood Titusville, Inc.; Algarrobo Development, LLC; Sherwood Golf Club, Inc.; and TRSTE, LLC.** Pritchett/Tobia, with Feltner voting Nay. Approved the request for change of zoning classification from GU, AU, EU, SR, RU-1-11, RU-1-13, RU-2-10, RU-2-15, and PUD with two existing BDP's to all PUD and removal of two existing BDP's; approved with a BDP incorporating the following 14 conditions: 1) The proposed development shall be limited to 187 SF units and 408 MF units. 2) Due to historical drainage patterns and flooding issues a drainage study with and associated master drainage plan is needed prior to construction of the first phase of the development. 3) Approval of requested waiver from Sec. 62-1446. PUD-Land Use Regulations; Sub-Section(d) Minimum lot area, frontage, and setbacks; accessory uses; Paragraph (1) – to reduce the required 5,000 sf minimum lot area to 4,000 sf. (POD III Only). All affected lots shall have substantial relationship to a 15' common open space tract directly adjacent to the affected dwelling units. 4) Approval of requested waiver from Sec. 62-1446. PUD-Land Use Regulations; Sub-Section (d) Minimum lot area, frontage, and setbacks; accessory uses; Paragraph (3) – to reduce the required minimum 20 feet rear setback to 10 feet. (POD III). This is conditioned upon POD III containing a minimum of eighteen acres of common recreation and open space as defined by Brevard County Code. 5) Approval of requested waiver from Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a) Roadway; Paragraph (1) – to reduce the required minimum 50 feet wide right-of-way to a minimum of 30 feet with 10-foot easements on each side for Pod III. The affected rights-of-way shall be private and maintained by the Homeowner's Association. 6) Approval of requested waiver from Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a) Roadway; Paragraph (1) – to reduce the required minimum 50 feet wide right-of-way to a minimum of 30 feet with a 5-foot easement on each side for Pods I and IV. The affected rights-of-way shall be private and maintained by the Homeowner's Association. 7) Approval of requested waiver from Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a) Roadway; Paragraph (3) to reduce the minimum 100 foot setback of the cul-de-sac right-of-way to the plat boundary to 15 feet with the inclusion of a 6' high wall and landscaping in one (1) location (Pod III). Landscaping shall consist of a minimum of 2 shade trees per 100 LF and 4 understory trees per 100 LF. 8) Approval of requested waiver from Sec. 62-2883. General design requirements and standards; Sub-Section (d) to replace the required 15' perimeter buffer tract with a 15' perimeter buffer easement, or 10' perimeter easement where adjacent to an existing drainage easement, and allow it to be disturbed for grading,

LOCATION MAP

BORUCH-DAVID LLC

23LS00001





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.

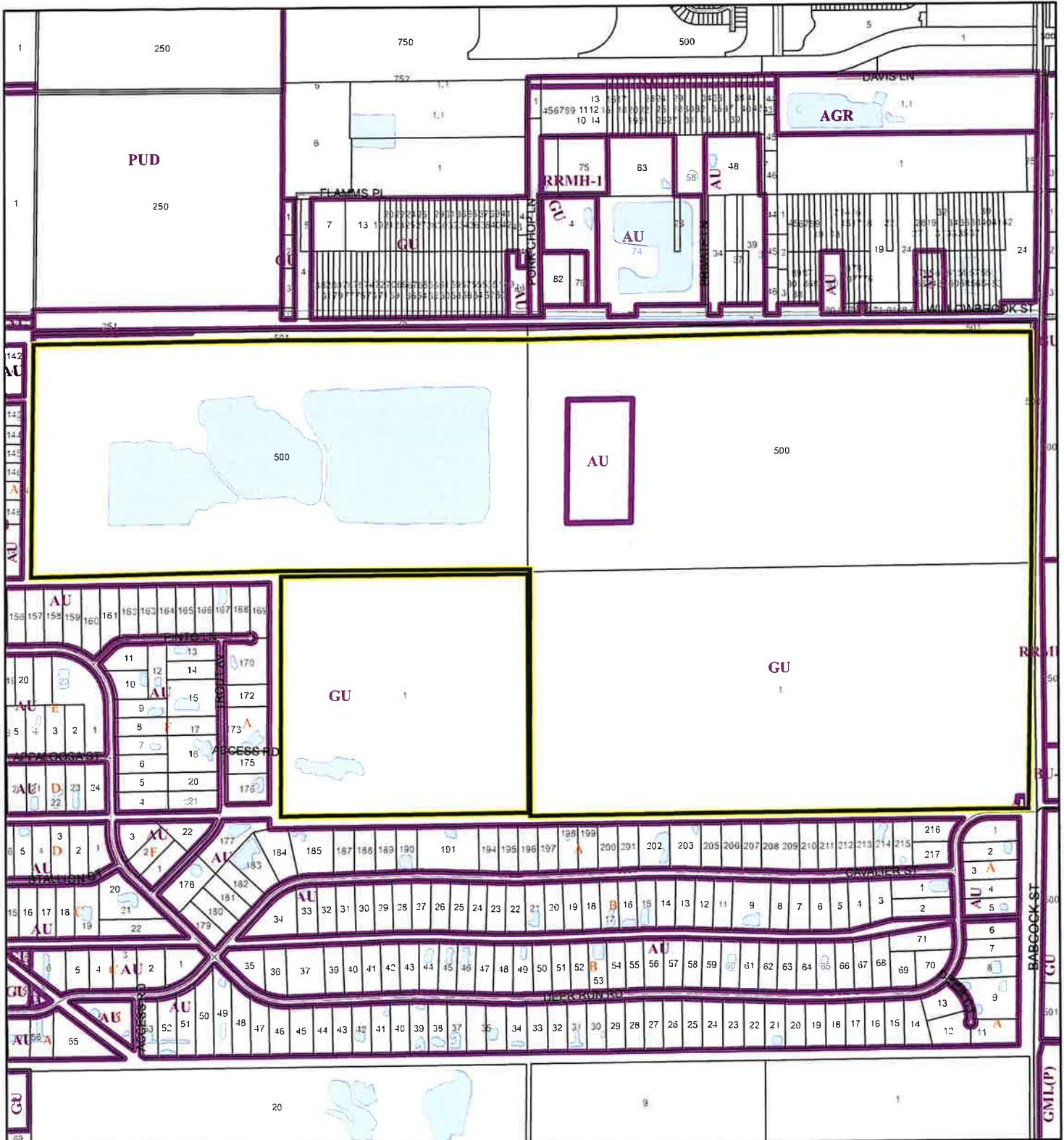
Produced by BoCC - GIS Date: 1/23/2024

-  Buffer
-  Subject Property

ZONING MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 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: 1/23/2024

 Subject Property

 Parcels

 Zoning

