



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.3.

9/7/2023

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### **Subject:**

Acceptance, Re: Binding Development Plan with Ian S. Lightholder and Teylor M. Locky (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 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 August 3, 2023, the Board of County Commissioners approved a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), with a BDP stipulating no overnight lodging for commercial purposes. The attached BDP includes this provision.

### **Clerk to the Board Instructions:**

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

**Resolution 23Z00040**

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

**WHEREAS, Ian S. Lightholder and Teylor M. Lockey** request a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), on property described as Tax Parcel 502, as recorded in ORB 9764, Pages 1331 - 1332, of the Public Records of Brevard County, Florida. **Section 14, Township 24, Range 35.** (9.62 acres) Located on the east side of Friday Rd., approx. 330 ft. south of Rector Rd. (2230 Friday Rd., Cocoa); 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 Brevard County 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 with a BDP stipulating overnight lodging for commercial purposes shall be prohibited on the property; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RR-1 to AU, be approved with a BDP, recorded on 09/12/23, in ORB 9885, Pages 265 - 268, stipulating overnight lodging for commercial purposes shall be prohibited on the property. 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 September 12, 2023.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

Rita Pritchett, Chair  
Brevard County Commission

As approved by the Board on September 7, 2023.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

Planning and Zoning Board Hearing – July 17, 2023  
Board of County Commissioners Hearing – August 3, 2023

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.**

STATE OF FLORIDA  
COUNTY OF BREVARD

Ian S. Lightholder and Teylor M. Lockey, after being duly sworn, deposes and says:

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

The South ½ of the North ½ of the NW ¼ of the SW ¼ of Section 14, Township 24S, Range 35E, less and except the west 50 ft. thereof as per right-of-way deed, as recorded in ORB 618, Page 475, of the Public Records of Brevard County, Florida.

Also known as Tax Parcel 502, as recorded in ORB 9764, Pages 1331 – 1332, of the Public Records of Brevard County, Florida.

There are no mortgages on the above described property

Dated this \_\_\_\_\_ day of \_\_\_\_\_.



Signature



Signature

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 8 day of August, by Ian Lightholder & Teylor Lockey, who is personally known to me or who has produced \_\_\_\_\_ as identification, and who did take an oath.

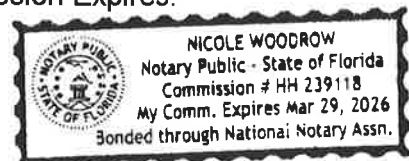
Notary Public:



State of Florida at Large

My Commission Expires:

(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 #: 3482618  
Receipt #: 63292501  
Cashier Date: 09/12/2023 03:19:29 PM  
Cashier Branch: Titusville - Six Story

Print Date:  
09/12/2023 03:19:32 PM

**CUSTOMER INFORMATION**

IAN LIGHTHOLDER  
3607 HIGHTOWER CT  
COCOA, FL 32926

**TRANSACTION INFORMATION**

|                |                            |
|----------------|----------------------------|
| Date Received: | 09/12/2023                 |
| Source Code:   | Titusville - Six Story     |
| Return Code:   | Mail (U.S. Postal Service) |
| Trans Type:    | Recording                  |
|                |                            |
|                |                            |

**PAYMENT SUMMARY**

|                |         |
|----------------|---------|
| Total Fees     | \$35.50 |
| Total Payments | \$35.50 |
| Balance Due:   | \$0.00  |
|                |         |
|                |         |

**1 Payments**

|                    |         |
|--------------------|---------|
| <b>CHECK #1066</b> | \$35.50 |
|--------------------|---------|

**1 Recorded Items**

|                                       |  |
|---------------------------------------|--|
| <b>AGREEMENT</b>                      | BK/PG: 9885/265 CFN: 2023194810 Date: 09/12/2023 03:19:28 PM |
| From: To:                             |  |
| Recording @ 1st=\$10 Add'l=\$8.50 ea. | 4 \$35.50  |

**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) 264-6972  
Kimberly.Powell@brevardclerk.us

September 12, 2023

**MEMORANDUM**

**TO:** Recording

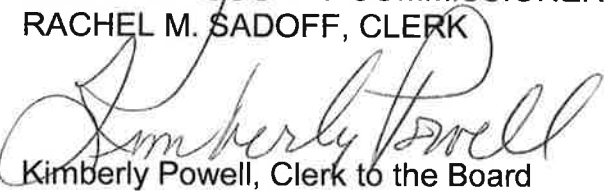
**RE:** Item F.3., Binding Development Plan with Ian S. Lightholder and Teylor M. Lockey

The Board of County Commissioners, in regular session on September 7, 2023, approved and executed a Binding Development Plan with with Ian S. Lightholder and Teylor M. Lockey. Enclosed are original Binding Development Plan Agreement and Check No. 1066 for \$35.50.

**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

/hbs

Encls. (2)



September 12, 2023

MEMORANDUM

TO: Jennifer Jones, Zoning

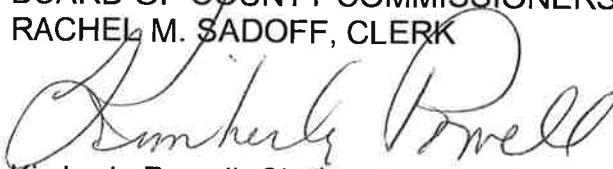
RE: Item F.3., Binding Development Plan with Ian S. Lightholder and Teylor M. Lockey

The Board of County Commissioners, in regular session on September 7, 2023, executed a Binding Development Plan (BDP) with Ian S. Lightholder and Teylor M. Lockey, in reference to the South one-half of the North one-half of the North West one-quarter of the South West one-quarter of Section 14, Township 24S, Range 35E, less and except the west 50 feet thereof as per the right-of-way deed, as recorded in ORB 618, Page 475 of the public Records of Brevard County, Florida. Also known as Tax Parcel 502, as recorded in ORB 9764, Pages 1331-1332, of the Public Records of Brevard County, Florida. Enclosed is two certified copies of the BDP.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

hbs

Encls. (2)

## BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Ian S. Lightholder and Teylor M. Locky (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 AU zoning classification(s) and desires to develop the Property as Single-Family Residential, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting land owners and affected facilities or services; and

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

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. Overnight lodging for commercial purposes shall be prohibited on the Property.
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 August 3, 2023. 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)

  
Rita Pritchett, Chair

As approved by the Board on

SEP 07 2023

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

WITNESSES:

  
\_\_\_\_\_

(Witness Name typed or printed)

(PROPERTY OWNER)

Ian S. Lightholder

  
\_\_\_\_\_

2230 Fr. L. Way rd, Cocoa, FL 32926  
(Address)


(PROPERTY OWNER)

Taylor M. Lockey

  
\_\_\_\_\_

(President)

Taylor Lockey  
(Name typed, printed or stamped)

  
\_\_\_\_\_

(Witness Name typed or printed)

STATE OF Florida §

COUNTY OF Brevard §

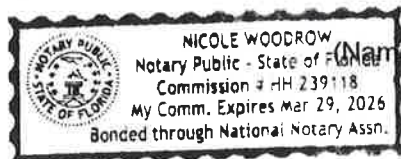
The foregoing instrument was acknowledged before me, by means of ☒ physical presence or  
\_\_\_\_\_ online notarization, this 8 day of August, 2023, by  
Ian Lightholder & Taylor Lockey, President of \_\_\_\_\_, who is  
personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires

SEAL

Commission No.:

  
Notary Public



(Name typed, printed or stamped)

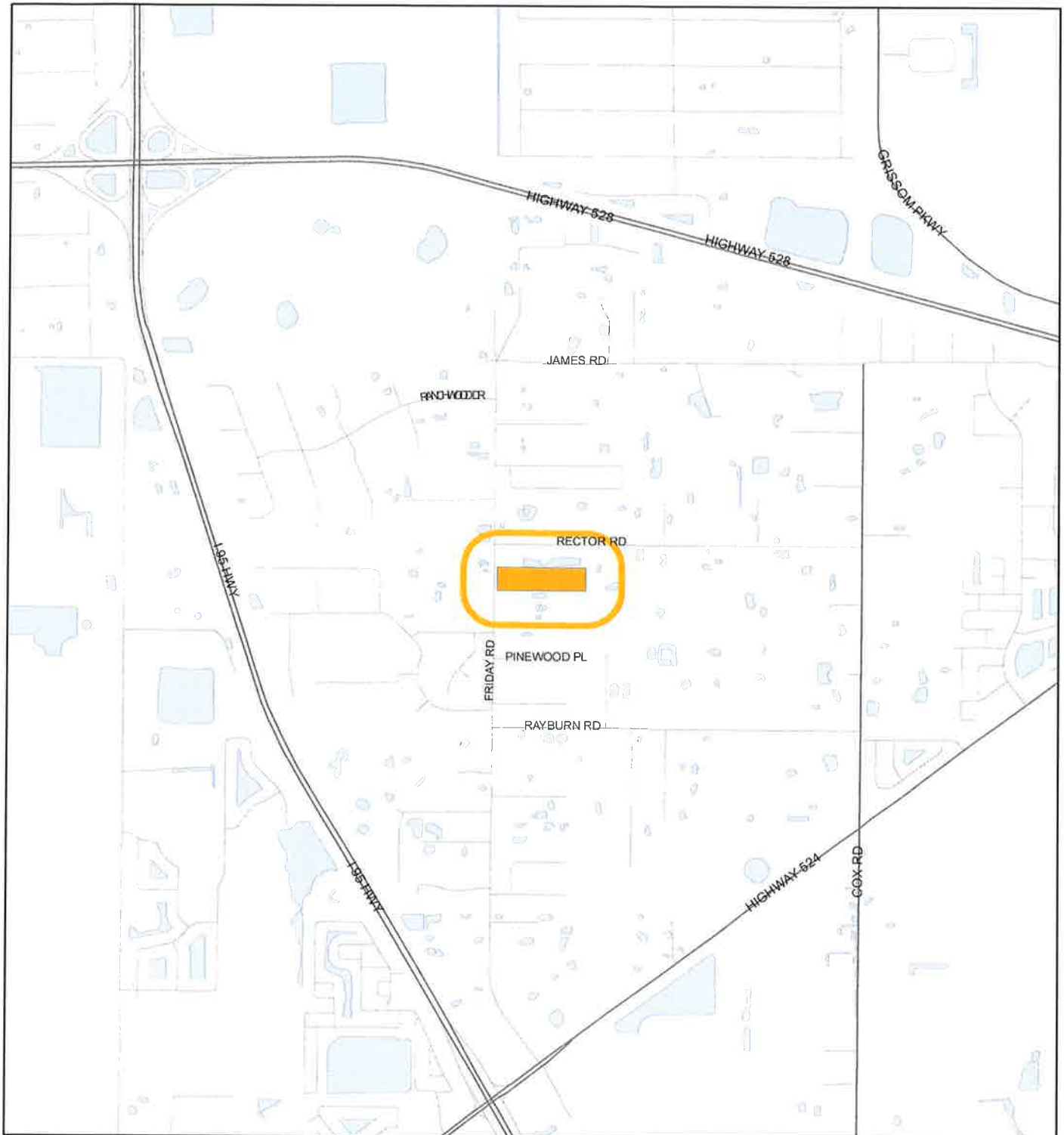
# EXHIBIT 'A'

The South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 14, Township 24S, Range 35E, less and except the west 50 ft. thereof as per right-of-way deed, as recorded in ORB 618, Page 475, of the Public Records of Brevard County, Florida.

Also known as Tax Parcel 502, as recorded in ORB 9764, Pages 1331 – 1332, of the Public Records of Brevard County, Florida.

# LOCATION MAP

LIGHTHOLDER, IAN S and LOCKEY, TEYLOR M  
23Z00040



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: 5/30/2023

— Buffer  
— Subject Property

# ZONING MAP

LIGHTHOLDER, IAN S and LOCKEY, TEYLOR M  
23Z00040



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: 5/30/2023

- Subject Property
- Parcels
- Zoning

4. **(23Z00040) Ian S. Lightholder and Teylor M. Lockey** request a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential). The property is 9.62 acres, located on the east side of Friday Rd., approx. 330 ft. south of Rector Rd. (2230 Friday Rd., Cocoa) (Tax Account 2405130) (District 1)

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

**BCC ACTION: Steele/Feltner – Approved with a BDP (Binding Development Plan) stipulating no overnight lodging for commercial purposes. The vote was unanimous, with Commissioner Tobia absent. The BDP will be scheduled as a Consent Item on a subsequent County Commission agenda, per Policy BCC-52. Resolution to be completed upon receipt of recorded BDP.**

5. **(23Z00033) Star Rush, LLC** (Hamilton Williams / Sean MacLaurin) requests a CUP (Conditional Use Permit) for Trailer and Truck Rental, in a PUD (Planned Unit Development) zoning classification. The property is 20.25 +/- acres, located on the southeast corner of Interstate 95 and Viera Blvd. (No assigned address. In the Viera area.) (Tax Account 3018275) (District 4)

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

**BCC ACTION: Feltner/Steele – Approved with the conditions that the trailer and truck rental parking shall be located on the western side of the property, and that the trailer and truck rental hours of operation be the same as the associated retail store. The vote was unanimous, with Commissioner Tobia absent.**

6. **(23SS00004) Cirrus Properties, LLC; and Donald C. and Julie M. Herndon** (Bruce Moia) requests a Small Scale Comprehensive Plan Amendment (23S.06 ), to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial) to all CC. The property is 2.4 acres, located on the southwest corner of U.S. Highway 1 and Aspinwall Ave., and the southwest corner of Aspinwall Ave. and 2<sup>nd</sup> St. (3115 & 3125 Aspinwall Ave.; and 6550 & 6580 2<sup>nd</sup> St., Rockledge) (Tax Accounts 2602468, 2602464, 2602466, & 2602467) (District 4)

LPA Recommendation: Glover/Thomas – Approved. The vote was 7:1 with Sullivan voting nay.

**BCC ACTION: Feltner/Goodson – Approved, and adopted Ordinance 23-17. The vote was unanimous, with Commissioner Tobia absent.**

7. **(23Z00034) Cirrus Properties, LLC; and Donald C. and Julie M. Herndon** (Bruce Moia) request a change of zoning classification from GU (General Use) and BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is , located on the southwest corner of U.S. Highway 1 and Aspinwall Ave., and the southwest corner of Aspinwall Ave. and 2<sup>nd</sup> St. (3115 & 3125 Aspinwall Ave.; and 6550 & 6580 2<sup>nd</sup> St., Rockledge) (Tax Accounts 2602468, 2602464, 2602466, & 2602467) (District 4)

P&Z Recommendation: Glover/Thomas – Approved. The vote was 7:1 with Sullivan voting nay.

**BCC ACTION: Feltner/Steele – Approved with a BDP (Binding Development Plan), with the following stipulations: 1.) A 15-foot vegetative buffer and a 6-foot opaque fence along the west boundary of the property; no other surface or above-ground**