



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.3.

4/7/2020

Subject:

Acceptance, Re: Binding Development Plan with Timothy and Rebecca Reaves (19PZ00127) (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 to 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 February 6, 2020, the Board approved a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP limited to one single-family residence. The property is 2 acres, located on the south side of Richy Road, approximately 0.12 mile west of U.S. 1, Mims.

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

April 8, 2020

M E M O R A N D U M

TO: Recording

RE: Item F.3., Binding Development Plan Agreement with Timothy and Rebecca Reaves

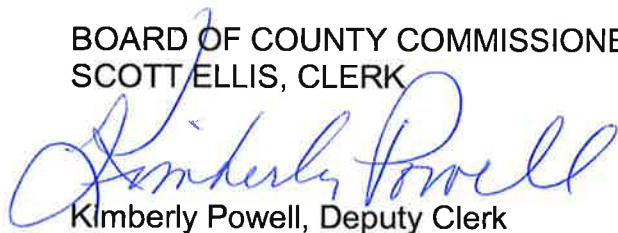
The Board of County Commissioners, in regular session on April 7, 2020, executed Binding Development Plan Agreement with Timothy and Rebecca Reaves, for the North 387.4 feet of Lot 2, Block 3, Plat of Indian River Plantation Estates.

Enclosed are original Binding Development Plan Agreement and Check Number 3413 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
SCOTT ELLIS, CLERK


Kimberly Powell, Deputy Clerk

/dt

Encls. (2)



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April 8, 2020

M E M O R A N D U M

TO: Jennifer Jones, Zoning

RE: Item F.3., Binding Development Plan Agreement with Timothy and Rebecca Reaves

The Board of County Commissioners, in regular session on April 7, 2020, executed Binding Development Plan with Timothy and Rebecca Reaves. Said Plan was recorded in OR/BK 8713/2834. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell, Deputy Clerk

/dt

Encls. (2)

cc: Contracts Administration

Resolution 19PZ00126

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

WHEREAS, Timothy D. and Rebecca F. Reaves have requested a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as the north 387.4 feet (as measured along the lot lines) of Lot 2, Block 3, Plat of Indian River Plantation Estates, according to the plat thereof, as recorded in Plat Book 13, Page 51, of the Public Records of Brevard County, Florida. Section 31, Township 20, Range 35. (2 acres) Located on the south side of Richy Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims 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 (Binding Development Plan) limited to one single-family residence; 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 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 AU to RR-1 be approved with a BDP recorded on April 9, 2020, in Official Records Book 8713, Pages 2834 – 2837, of the Public Records of Brevard County, Florida, limited to one single-family residence. 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 April 9, 2020.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Bryan Andrew Lober

Bryan Lober, Chair
Brevard County Commission
As approved by the Board on April 7, 2020.

ATTEST:

Scott Ellis

SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – January 13, 2020
Board of County Commissioners Zoning Hearing – February 6, 2020

Please note: A Conditional Use Permit will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if

construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

Prepared by: Karl Bohne
Address: 1311 Bedford Dr., Melbourne, FL
32940

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 7 day of April, 2020 between the
BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of
the State of Florida (hereinafter referred to as "County") and
Timothy and Rebecca Reaves, (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 RR-1 zoning classification(s) and desires
to develop the Property as a single family residence,
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 impact 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 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.

Rev. 11/25/2019

2. The Developer/Owner shall limit development to one single-family residence and may be further restricted by any changes to the Comprehensive Plan or Land Development Regulations.
3. 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 Comprehensive Plan or land development regulations as they may apply to this Property.
4. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
5. 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 be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on February 6, 2020. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.
7. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 6 above.

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

ATTEST:


[Signature]
Scott Ellis, Clerk
(SEAL)

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

[Signature]
Bryan Lober, Chair
As approved by the Board on April 7, 2020

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

WITNESSES

[Signature]
[Signature]
(Witness Name typed or printed)

Timothy Reaves and Rebecca Reaves as
OWNER

[Signature]
Timothy Reaves
[Signature]
Rebecca Reaves

NIKOLE HICKS
Nikole Hicks
(Witness Name typed or printed)

3860 Richy Rd
Mims, FL 32754
(Address)

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 12 day of Feb, 2020, by Timothy Reaves and Rebecca Reaves, who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

[Signature]
Notary Public
(Name typed, printed or stamped)

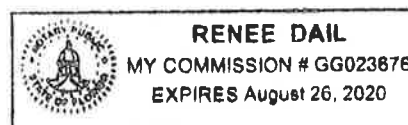


Exhibit A

Parcel ID No: 20-35-31-AB-3-2.01

The North 387.4 feet (as measured along the lot lines) of Lot 2, Block 3.
PLAT OF INDIAN RIVER PLANTATION ESTATES, according to the plat
thereof, as recorded in Plat Book 13, Page 51, of the Public Records of
Brevard County, Florida

STATE OF FLORIDA
COUNTY OF BREVARD

Rebecca Reaves, after being duly sworn, deposes and says:

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

Exhibit A

Parcel ID No: 20-35-31-AB-3-2.01

The North 387.4 feet (as measured along the lot lines) of Lot 2, Block 3. PLAT OF INDIAN RIVER PLANTATION ESTATES, according to the plat thereof, as recorded in Plat Book 13, Page 51, of the Public Records of Brevard County, Florida

There are no mortgages on the above described property

Dated this 13 day of February 2020.

[Signature]
Signature

STATE OF FLORIDA
COUNTY OF BREVARD

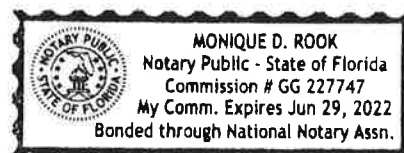
The foregoing instrument was sworn to before me this 13 day of February 2020, by Rebecca Reaves, who is personally known to me or who has produced Driver license as identification, and who did take an oath.

R120726756660

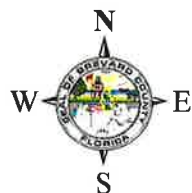
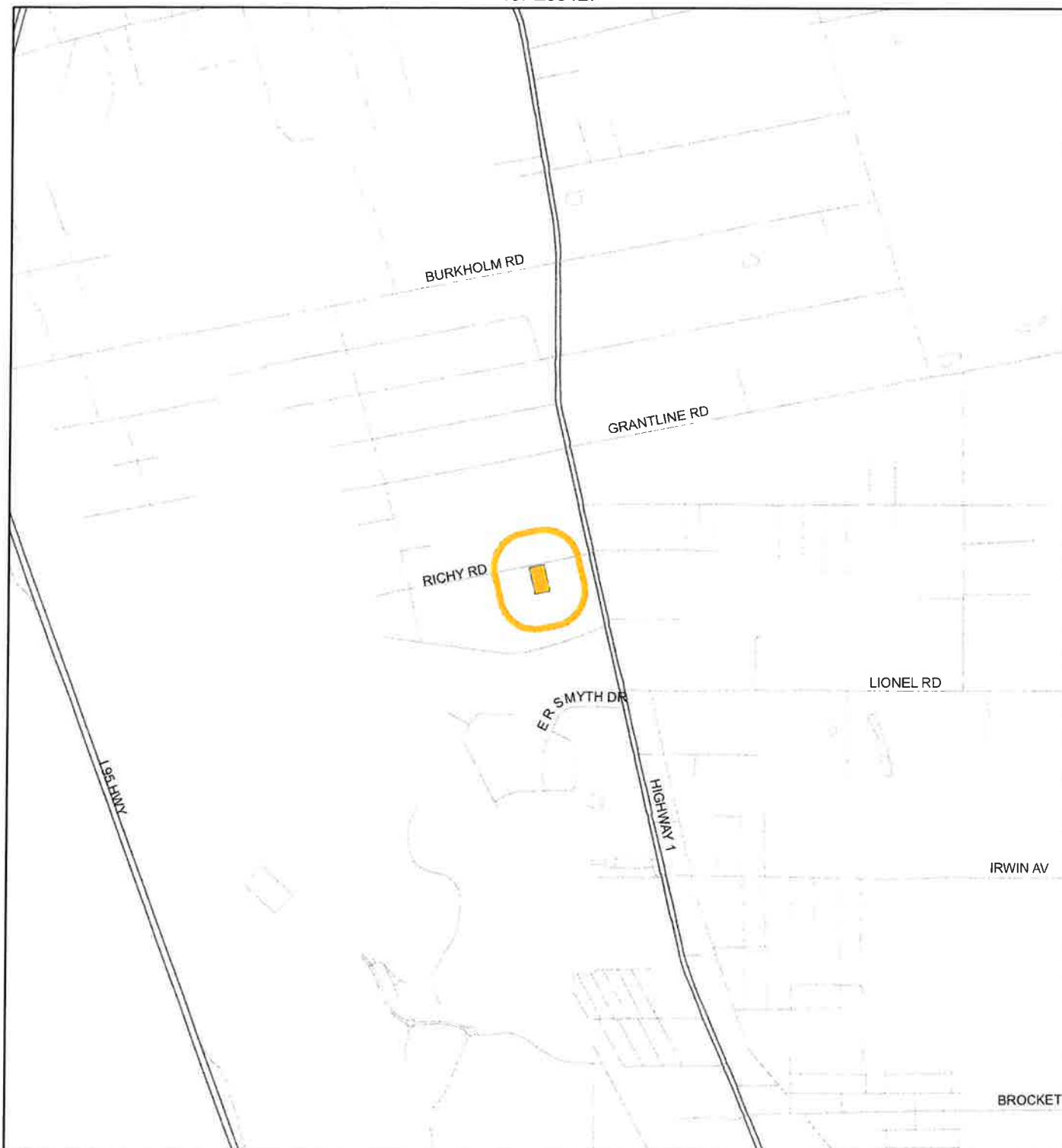
Notary Public:

[Signature]
State of Florida at Large
My Commission Expires:

(SEAL)



LOCATION MAP
REAVES, TIMOTHY D. AND REBECCA F.
19PZ00127



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: 10/16/2019

Buffer
Subject Property

ZONING MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00127



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/16/2019

- Subject Property
- Parcels
- Zoning

PUBLIC HEARINGS

Planning and Zoning Board / Local Planning Agency
Monday, January 13, 2020, at 3:00 p.m.

and

Brevard County Board of County Commissioners
Thursday, February 6, 2020, at 5:00 p.m.
Both at the
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

1. **Zamira and Gezim Doci (Andi Doci)** request a change of zoning classification from RU-1-7 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential). The property is 0.18 acres, located on the north side of Atlantic Avenue, approximately 0.40 mile west of Highway A1A. (159 Atlantic Avenue, Indialantic) (Tax Account 2716189) (19PZ00124) (District 5)

Planning and Zoning Board Recommendation: Filiberto/Moia – Denied. The vote was unanimous.

Board of County Commissioners Action: Isnardi/Pritchett – Denied. The vote was unanimous. (Smith absent)

2. **Timothy D. and Rebecca F. Reaves** request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1:2.5 to Residential 1. The property is 2 acres, located on the south side of Richy Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims area) (19PZ00126) (Tax Account 2000310) (District 1)

Local Planning Agency Recommendation: Bartcher/Moia – Approved. The vote was unanimous.

Board of County Commissioners Action: Pritchett/Lober – Approved as recommended, and adopted Ordinance 20-03. The vote was unanimous. (Smith absent)

3. **Timothy D. and Rebecca F. Reaves** request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 2 acres, located on the south side of Richy Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims area) (19PZ00127) (Tax Account 2000310) (District 1)

Planning and Zoning Board Recommendation: Bartcher/Moia – Approved with a BDP (Binding Development Plan) limited to one single-family residence. The vote was unanimous.

Board of County Commissioners Action: Pritchett/Lober – Approved as recommended, with a BDP limited to one single-family residence. The vote was unanimous. (Smith 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.

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. Zamira and Gezim Doci. Isnardi/Pritchett. Denied a change of zoning classification from RU-1-7 to RU-2-12. Commissioner Smith was absent.
- Item H.2. Timothy D. and Rebecca F. Reaves. Pritchett/Lober. Approved as recommended for a Small Scale Comprehensive Plan Amendment, (19S.12), Ordinance No. 20-03. Commissioner Smith was absent.
- Item H.3. Timothy D. and Rebecca F. Reaves. Pritchett/Lober. Approved as recommended with BDP limited to one single-family residence. Commissioner Smith was absent.
- Item H.4. Charles and Lindsey Michell. Pritchett/Isnardi. Approved as recommended. Commissioner Smith was absent.
- Item H.5. Robert and Donna Murico. Withdrawn by applicant. Letter received 01/13/2020.
- Item H.6. John Vogt. Pritchett/Lober. Approved as recommended. Commissioner Smith was absent.
- Item H.7. Thomas P. and Shannon Harmony. Isnardi/Tobia. Approved as recommended. Commissioner Smith was absent.
- Item H.8. Holly Enterprises of Brevard, Inc. Isnardi/Tobia. Approved as recommended. Commissioner Smith was absent.
- Item H.9. Reagen & McKinley, LLC. Pritchett/Isnardi. Approved as recommended. Commissioner Smith was absent.
- Item H.10. Beatrice A. Akman. Pritchett/Lober. Continued to March 5, 2020, BOCC Meeting. Commissioner Smith was absent.
- Item H.11. Estrella Funeias Shouppe. Isnardi/Lober. Approved as recommended with a BDP, limited to seven lots. Commissioner Smith was absent.
- Item H.12. Barefoot Bay Recreation District. Tobia/Lober. Approved as recommended. Commissioner Smith was absent.
- Item H.13. Port St. John Station, LLC. Pritchett/Lober. Approved as recommended. Commissioner Smith was absent.
- Item H.14. Bonnie E. Douglas, Trustee. Tobia/Lober. Approved as recommended with a BDP limited to 173 mobile homes sites. Commissioner Smith was absent.

STATE OF FLORIDA
COUNTY OF BREVARD

Rebecca Reaves, after being duly sworn, deposes and says:

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Dated this 13 day of February 2020.

[Signature]
Signature

STATE OF FLORIDA
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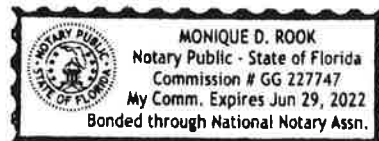
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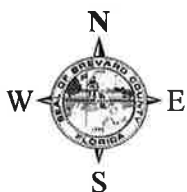
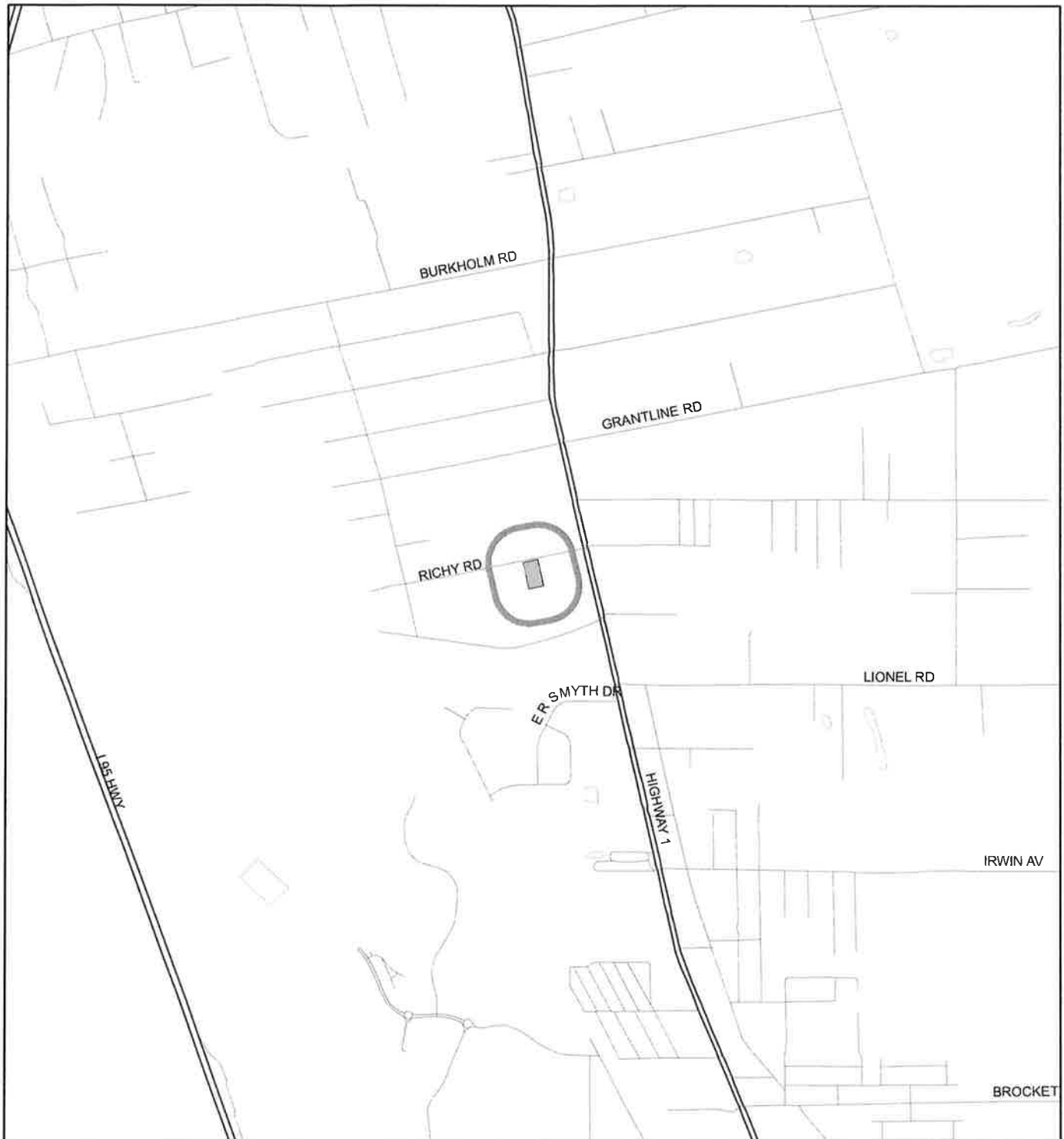
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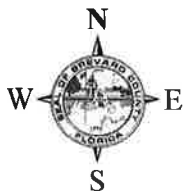
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