

F. Consent Agenda - Planning and Development
ITEM 2.



AGENDA REPORT
September 6, 2018

Acceptance, Re: Binding Development Plan - Ronald E. Dimenna
(18PZ00054) (District 2)

SUBJECT:

Acceptance, Re: Binding Development Plan - Ronald E. Dimenna (18PZ00054) (District 2)

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 sign the Binding Development Plan.

SUMMARY EXPLANATION and BACKGROUND:

On August 20, 2018, the Board of County Commissioners approved a rezoning request from AU (Agricultural Residential) to EU (Estate Use Residential), with a BDP (Binding Development Plan). The 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 62-1157, a BDP shall be recorded in the public records within 120 days of approval by the Board of the rezoning request. Following staff and legal review, a BDP is presented to the Board in recordable form as a Consent Agenda Item in order to finalize the zoning action.

The limitations in the BDP include, but are not limited to, the following:

- Developer/Owner shall limit density to 1 unit per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
- Developer/Owner shall limit ingress and egress to one access to North Tropical Trail, plus the existing ingress and egress in the southwest portion of the property which runs north from North Tropical Trail to the home located on the property.
- Developer/Owner agrees to extend a force main and reuse line from their existing terminus along North Courtenay Parkway at approximately Church Road in order to provide public sewer connection for the property, and dedicate said utility extension to the Brevard County Utility Services Department at no cost to Brevard County.

- Developer/Owner agrees that no new septic and drain field systems will be permitted for the subject parcel.
- Developer/Owner will work with Brevard County Public Works and all applicable permitting agencies to enhance and improve the historical drainage outfall running through the subject property. This shall include the granting of "right-of-entry" or temporary maintenance easements to the County for the purpose of the maintenance of historical drainage to benefit surrounding properties and the public, and the recording of dedicated drainage tracts to the County as part of final platting of the project, for the purpose of historical drainage maintenance.
- Developer/Owner will commence work within 30 days of the recording of the BDP to begin topographic investigations, drainage system analysis, and coordination with Brevard County Public Works in order to further assess the potential for timely implementation of maintenance improvements, in cooperation with the County, which could serve to provide flood attenuation benefits to the public and surrounding properties, prior to actual development of the subdivision project.

The property is located on the north side of North Tropical Trail, approximately 0.11 mile west of North Courtenay Parkway.

CLERK TO THE BOARD INSTRUCTIONS:

After recordation, please forward two certified copies to Planning and Development.

ATTACHMENTS:

- | | Description |
|---|--------------------|
| □ | BDP Package |



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

September 7, 2018

MEMORANDUM

TO: Jennifer Jones, Zoning

RE: Item F.2., Binding Development Plan Agreement with Ronald E. Dimenna

The Board of County Commissioners, in regular session on September 6, 2018, executed Binding Development Plan with Ronald E. Dimenna, for property located on the north side of Tropical Trail, Approximately .11 mile west of North Courtenay Parkway, Merritt Island. Said Plan was recorded in OR 8261/2243. 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

Tammy Rowe

Tammy Rowe, Deputy Clerk

/dt

Encls. (2)

cc: Contracts Administration

RESOLUTION NO. 18PZ00054

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

WHEREAS, RONALD E. DIMENNA has requested a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential), with a BDP (Binding Development Plan) limited to one unit per acre, and ingress and egress limited to one access on N. Tropical Trail, on property described as follows: (1.) Tax Parcel 2, as recorded in ORB 6615, Pages 2399 – 2400; (2.) Tax Parcel 3, as recorded in ORB 2337, Page 1854; (3.) Tax Parcel 18, as recorded in ORB 4623, Pages 1735 – 1736 (portion north of North Tropical Trail only); (4.) Tax Parcel 28, as recorded in ORB 6091, Pages 1514 – 1515; (5.) Tax Parcel 251, as recorded in ORB 2438, Pages 1359 – 1360; (6.) Tax Parcel 501, as recorded in ORB 3210, Pages 3128 – 3129; (7.) Tax Parcel 752, as recorded in ORB 2514, Pages 2770 – 2771; (8.) Tax Parcel 752.1, as recorded in ORB 2376, Pages 323 – 324, all of the Public Records of Brevard County, Florida. (163.33 acres) Located on the north side of North Tropical Trail, approx. 0.11 mile west of North Courtenay Pkwy. (No assigned address. In the Merritt Island area)

Sections 15 & 22,

Township 23 S,

Range 36 E, and,

WHEREAS, a public hearing of the Brevard County Planning & 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 & Zoning Board recommended that the application be approved with a BDP limited to one unit per acre; ingress and egress limited to one access on N. Tropical Trail; and stipulating that the owner will work with the County and all permitting agencies prior to the final subdivision approval, including right-of-entry, to enhance and improve the historical drainage outfall, and grant a maintenance easement to the County for the purpose of maintenance of the drainage facility.

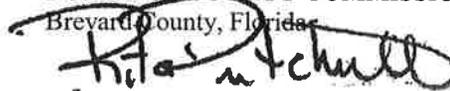
WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board’s recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from AU to EU, be APPROVED with a BDP, recorded in ORB 8261, Pages 2243 - 2249, dated September 13, 2018, limited to one unit per acre; ingress and egress limited to one access on N. Tropical Trail; and stipulating that the owner will work with the County and all permitting agencies prior to the final subdivision approval, including right-of-entry, to enhance and improve the historical drainage outfall, and grant a maintenance easement to the County for the purpose of maintenance of the drainage facility. The Planning & 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 13, 2018.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida



by Rita Pritchett, Chair
Brevard County Commission

As approved by Brevard County Commission on September 6, 2018.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(NMI Hearing – July 12, 2018)
(P&Z Hearing – July 23, 2018)
(BCC Zoning Hearing – August 2, 2018)

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 (1) year of approval or if construction does not commence within two years of approval. A PUD 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: Jack A. Kirschenbaum, Esq.
Address: GrayRobinson, P.A., 1795 W. Nasa Blvd., Melbourne, FL 32901 (321) 727-8100

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 6 day of Sept., 2018 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Ronald E. Dimenna, (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 EU zoning classification(s) and desires to develop the Property as a single family subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

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

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owner's and affected facilities or services.

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.

2. The Developer/Owner shall limit density to 1 unit per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. The Developer/Owner shall limit ingress and egress to one access to North Tropical Trail plus the existing ingress and egress in the southwest portion of the property which runs north from North Tropical Trail to the home located on the property.

4. Developer/Owner agrees to extend a force main and reuse line from their existing terminus along North Courtenay Parkway at approximately Church Road in order to provide public sewer connection for the property and dedicates said utility extension to the Brevard County Utility Services Department at no cost to Brevard County. Developer/Owner agrees that no new septic and drain field systems will be permitted for the subject parcel.

5. Developer/Owner will work with Brevard County Public Works and all applicable permitting agencies to enhance and improve the historical drainage out fall running through the subject property. This shall include the granting of "Right-of-Entry" or temporary maintenance easements to the County for the purpose of the maintenance of historical drainage to benefit surrounding properties and the public, and the recording of dedicated drainage tracts to the County as part of final platting of the project, for the purpose of historical drainage maintenance. Furthermore, the Developer/Owner will commence work within 30 days of the recording of this BDP to begin topographic investigations, drainage system analysis, and coordination with Brevard County Public Works in order to further assess the potential for timely implementation of maintenance improvements, in cooperation with the County, which could serve to provide flood attenuation benefits to the public and surrounding properties, prior to actual development of the subdivision project.

6. 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.

7. 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.

8. 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 8/2/18. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

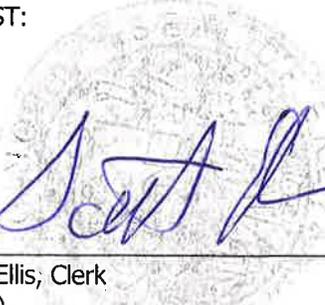
9. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

10. 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 9 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:

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




Scott Ellis, Clerk
(SEAL)



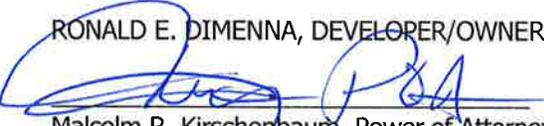
Rita Pritchett, Chair
As approved by the Board on SEP 06 2018

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

WITNESSES:



JACK KIRSCHENBAUM
(Witness Name typed or printed)

RONALD E. DIMENNA, DEVELOPER/OWNER


Malcolm R. Kirschenbaum, Power of Attorney

(Address)

(President)

(Name typed, printed or stamped)



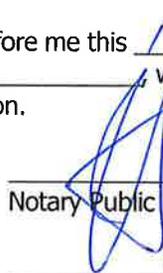
Diane Kirschenbaum

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 15 day of August, 2018, by Malcolm Kirschenbaum, President of _____, who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:



Notary Public

(Name typed,



EXHIBIT "A"

DIMENNA SUBDIVISION

A parcel of land situated in the Southwest quarter of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, and described as follows:

Beginning at the Northeast corner of lot of land formerly owned by Adelaide E. Black, said corner being 16 chains South of the Northeast corner of the Southwest quarter of Section 15, Township 23 South, Range 36 East, thence North 4 chains, thence West 20 chains, thence South 4 chains, to the Northwest corner of aforesaid Adelaide E. Black's land, thence East 20 chains to Point-of-Beginning, Less the West 550 feet.

Together with the following described parcel:

A parcel of land lying in the South 1/2 of the Southeast 1/4 of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, the same being more particularly described as follows:

Commence at the Northwest corner of Lot 7, Block F of Colony Park, Section Three, according to the plat thereof, recorded in Plat Book 20, Page 107, Public Records of Brevard County, Florida, thence run South 02°14'15" East along the West line of Lot 7 and its extension Southerly for 300.51 feet to the Point-of-Beginning; thence continue South 02°14'15" East for 250.00 feet to the Southwest corner of that certain parcel of land described in Official Records Book 1474, Page 1008, Public Records of Brevard County, Florida, said Southwest corner lies on the South line of the Southeast 1/4 of said section 15; thence run South 87°44'31" West along the South line of the Southeast 1/4 of said Section 15 for 1423.45 feet to the Southwest corner of the Southeast 1/4 of said Section 15; thence run North 00°44'10" West along the west line of the Southeast 1/4 of said Section 15 for 250.09 feet. thence North.87°44'31" East parallel and

250.00 feet by right angle measure from the South line of the Southeast 1/4 of said Section 15 for 1416.90 feet to the Point-of-Beginning

Together with the following described parcel:

A parcel of land lying in the South 1/2 of the Southeast 1/4 of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, the same being more particularly described as follows:

Begin at the Southwest corner of the Plat of Colony Park North, Unit 3, as recorded in Plat Book 28, Page 7 of the Public Records of Brevard County, Florida, said point lying on the West line of the, aforesaid South 1/2 of the Southeast 3/4; thence along the South line of said Plat of Colony Park North, Unit 3 for the next seven (7) bearings and distances; N.89°18'29"E., a distance of 205.00 feet; S.00°41'31"E., a distance of 66.18 feet; N.88°09'37"E., distance of 450.09 feet; N.88°09'42"E., a distance of 50.01 feet; N..88°09'37"E., a distance of 242.01 feet; S.84°54'05"E., a distance of 498.64 feet; N.89°20'56"E., a distance of 321.53 feet to the Southeast corner of said Plat of Colony Park North, Unit 3; thence N.00°39'04"W., along the East line of said Plat of Colony Park North, Unit 3, a distance of 5.00. feet to the Southwest corner of Lot 11, Plat of Colony Park North, Unit 2, as recorded in Plat Book 24, Page 74 of said Public Records; thence N.89°20'56"E., along the South line of said Plat of Colony Park North, Unit 2, a distance of 217.35 feet; thence S.00°39'04"E., along the West line of said Plat of Colony Park North, Unit 2, and the West line of the Plat of Colony Park North, Unit 1, as recorded in Plat Book 24, Page 20, of said Public Records, a distance of 389. 79 feet to a point

on the North line, of the Plat of Colony Park, Section 3, as recorded in Plat Book 20, Page 107, of said Public Records; thence S.37°45'45"W.; along said North line, a distance 573.48 feet to the Northwest corner of said Plat of Colony Park, Section 3; thence S.00°14'15"E., along the West line of said Plat of Colony Park; Section 3; and it's Southerly extension, a distance of 300.51 feet; thence S.87°47'10"W., parallel to the South line of the aforesaid Southeast ¼ of Section 15, a distance of 1417.00 feet to a point on the aforesaid West line of the Southeast 1/4; thence N.00°41'31"W., along said West line, a distance of 840.30 feet, to the Point-of-Beginning of this description.

Containing 30.00 acres, more or less, and being subject to any easements and/or Rights-of-way of record.

Together with the following described parcel:

The North twenty (20) acres of the West one-half (W ½) of the Northeast One Quarter (NE ¼) of Section 22, Township 23 South, Range 36 East, Public Records of Brevard County, Florida.

Together with the following described parcel:

The West ½ of the Northeast ¼ lying North of Tropical Trail of Section 22, Township 23 South, Range 36 East, less and except the North 20 acres of said West ½ of the Northeast ¼; the East 480 feet of said west ½ of the Northeast ¼ and less and except lands as described in O.R. Book 5677, Page 2790; O.R. Book 3372, Page 3841 both of the Public records of Brevard County, Florida.

Together with the following described parcel:

A tract of land lying in Section 22, Township 23 South, Range 36 East, Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of the Southeast ¼ of the Northwest ¼ of said Section 22 and run thence N.00°07'32"E., along the east line of the Northwest ¼ Section 22, a distance of 1670.46 feet to the Point-of-Beginning, thence run N.00°07'32"E., along the East line of the Northwest ¼ of Section 22, a distance of 326.76 feet; thence run S.88°32'14"E., 770.00 feet to a point on the East line of the Northwest ¼ Section 22, said point being the Point-of-Beginning; less and except the right-of-way of North Courtenay Parkway.

Together with the following described parcel:

A parcel of land being the West 1/2 of the East 1/2 of the Northeast 1/4 of Section 22, Township 23 South, Range 36 East, Brevard County, Florida, lying North of North Tropical Trail, said parcel being more particularly described as follows:

Begin at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 22, and run S.00°04'52" W., along the West line of the East 1/2 of the Northeast 1/4, a distance of 2147.34 feet, to a point on the centerline of North Tropical Trail; thence return to the Point-of-Beginning, and run N.88°41'22"E., along the North line of the Northeast 1/4 of said Section 22, a distance of 658.37 feet, to the Northeast corner of the West 1/2 of the East 1/2 of the Northeast 1/4; thence run S.00°02'26"W., along the East line of the West 1/2 of the East 1/2 of the Northeast 1/4, a distance of 2097.94 feet, to a point on the aforesaid centerline of North Tropical Trail; thence run Southwesterly, along said centerline, to an intersection with the first course of this description.

Together with the following described parcel:

The East one-quarter (E ¼) of the Northeast one-quarter (NE ¼) of Section 22, Township 23 South, Range 36 East, lying North of County Road (State Road 3) and West of Colony Park according to the plat thereof as recorded in Plat Book 18, Page 60, Public Records of Brevard County, Florida.

STATEMENT OF NO MORTGAGE

Malcolm R. Kirschenbaum, under Power of Attorney for Ronald E. DiMenna, Owner,
after being duly sworn, deposes and says:

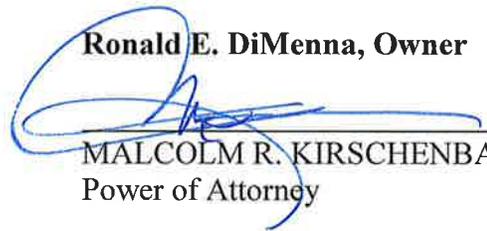
The undersigned is the Owner of the real property described as follows:

See Exhibit "A".

There are no mortgages on the above-described property.

Dated this 17th day of August, 2018.

Ronald E. DiMenna, Owner



MALCOLM R. KIRSCHENBAUM
Power of Attorney

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 17th day of August, by Malcolm R. Kirschenbaum, 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:

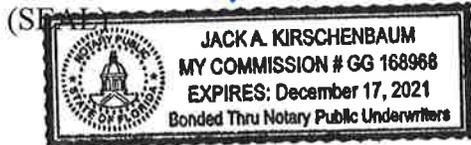


EXHIBIT "A"

DIMENNA SUBDIVISION

A parcel of land situated in the Southwest quarter of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, and described as follows:

Beginning at the Northeast corner of lot of land formerly owned by Adelalde E. Black, said corner being 16 chains South of the Northeast corner of the Southwest quarter of Section 15, Township 23 South, Range 36 East, thence North 4 chains, thence West 20 chains, thence South 4 chains, to the Northwest corner of aforesaid Adelalde E. Black's land, thence East 20 chains to Point-of-Beginning, Less the West 550 feet.

Together with the following described parcel:

A parcel of land lying in the South 1/2 of the Southeast 1/4 of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, the same being more particularly described as follows:

Commence at the Northwest corner of Lot 7, Block F of Colony Park, Section Three, according to the plat thereof, recorded in Plat Book 20, Page 107, Public Records of Brevard County, Florida, thence run South 02°14'15" East along the West line of Lot 7 and its extension Southerly for 300.51 feet to the Point-of-Beginning; thence continue South 02°14'15" East for 250.00 feet to the Southwest corner of that certain parcel of land described in Official Records Book 1474, Page 1008, Public Records of Brevard County, Florida, said Southwest corner lies on the South line of the Southeast 1/4 of said section 15; thence run South 87°44'31" West along the South line of the Southeast 1/4 of said Section 15 for 1423.45 feet to the Southwest corner of the Southeast 1/4 of said Section 15; thence run North 00°44'10" West along the west line of the Southeast 1/4 of said Section 15 for 250.09 feet, thence North.87°44'31" East parallel and 250.00 feet by right angle measure from the South line of the Southeast 1/4 of said Section 15 for 1416.90 feet to the Point-of-Beginning

Together with the following described parcel:

A parcel of land lying in the South 1/2 of the Southeast 1/4 of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, the same being more particularly described as follows:

Begin at the Southwest corner of the Plat of Colony Park North, Unit 3, as recorded in Plat Book 28, Page 7 of the Public Records of Brevard County, Florida, said point lying on the West line of the, aforesaid South 1/2 of the Southeast 1/4; thence along the South line of said Plat of Colony Park North, Unit 3 for the next seven (7) bearings and distances; N.89°18'29"E., a distance of 205.00 feet; S.00°41'31"E., a distance of 66.18 feet; N.88°09'37"E., distance of 450.09 feet; N.88°09'42"E., a distance of 50.01 feet; N.88°09'37"E., a distance of 242.01 feet; S.84°54'05"E., a distance of 498.64 feet; N.89°20'56"E., a distance of 321.53 feet to the Southeast corner of said Plat of Colony Park North, Unit 3; thence N.00°39'04"W., along the East line of said Plat of Colony Park North, Unit 3, a distance of 5.00 feet to the Southwest corner of Lot 11, Plat of Colony Park North, Unit 2, as recorded in Plat Book 24, Page 74 of said Public Records; thence N.89°20'56"E., along the South line of said Plat of Colony Park North, Unit 2, a distance of 217.35 feet; thence S.00°39'04"E., along the West line of said Plat of Colony Park North, Unit 2, and the West line of the Plat of Colony Park North, Unit 1, as recorded in Plat Book 24, Page 20, of said Public Records, a distance of 389.79 feet to a point

on the North line, of the Plat of Colony Park, Section 3, as recorded in Plat Book 20, Page 107, of said Public Records; thence S.37°45'45"W.; along said North line, a distance 573.48 feet to the Northwest corner of said Plat of Colony Park, Section 3; thence S.00°14'15"E., along the West line of said Plat of Colony Park; Section 3; and it's Southerly extension, a distance of 300.51 feet; thence S.87°47'10"W., parallel to the South line of the aforesaid Southeast ¼ of Section 15, a distance of 1417.00 feet to a point on the aforesaid West line of the Southeast 1/4; thence N.00°41'31"W., along said West line, a distance of 840.30 feet, to the Point-of-Beginning of this description.

Containing 30.00 acres, more or less, and being subject to any easements and/or Rights-of-way of record.

Together with the following described parcel:

The North twenty (20) acres of the West one-half (W ½) of the Northeast One Quarter (NE ¼) of Section 22, Township 23 South, Range 36 East, Public Records of Brevard County, Florida.

Together with the following described parcel:

The West ½ of the Northeast ¼ lying North of Tropical Trail of Section 22, Township 23 South, Range 36 East, less and except the North 20 acres of said West ½ of the Northeast ¼; the East 480 feet of said west ½ of the Northeast ¼ and less and except lands as described in O.R. Book 5677, Page 2790; O.R. Book 3372, Page 3841 both of the Public records of Brevard County, Florida.

Together with the following described parcel:

A tract of land lying in Section 22, Township 23 South, Range 36 East, Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of the Southeast ¼ of the Northwest ¼ of said Section 22 and run thence N.00°07'32"E., along the east line of the Northwest ¼ Section 22, a distance of 1670.46 feet to the Point-of-Beginning, thence run N.00°07'32"E., along the East line of the Northwest ¼ of Section 22, a distance of 326.76 feet; thence run S.88°32'14"E., 770.00 feet to a point on the East line of the Northwest ¼ Section 22, said point being the Point-of-Beginning; less and except the right-of-way of North Courtenay Parkway.

Together with the following described parcel:

A parcel of land being the West 1/2 of the East 1/2 of the Northeast 1/4 of Section 22, Township 23 South, Range 36 East, Brevard County, Florida, lying North of North Tropical Trail, said parcel being more particularly described as follows:

Begin at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 22, and run S.00°04'52" W., along the West line of the East 1/2 of the Northeast 1/4, a distance of 2147.34 feet, to a point on the centerline of North Tropical Trail; thence return to the Point-of-Beginning, and run N.88°41'22"E., along the North line of the Northeast 1/4 of said Section 22, a distance of 658.37 feet, to the Northeast corner of the West 1/2 of the East 1/2 of the Northeast 1/4; thence run S.00°02'26"W., along the East line of the West 1/2 of the East 1/2 of the Northeast 1/4, a distance of 2097.94 feet, to a point on the aforesaid centerline of North Tropical Trail; thence run Southwesterly, along said centerline, to an intersection with the first course of this description.

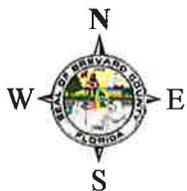
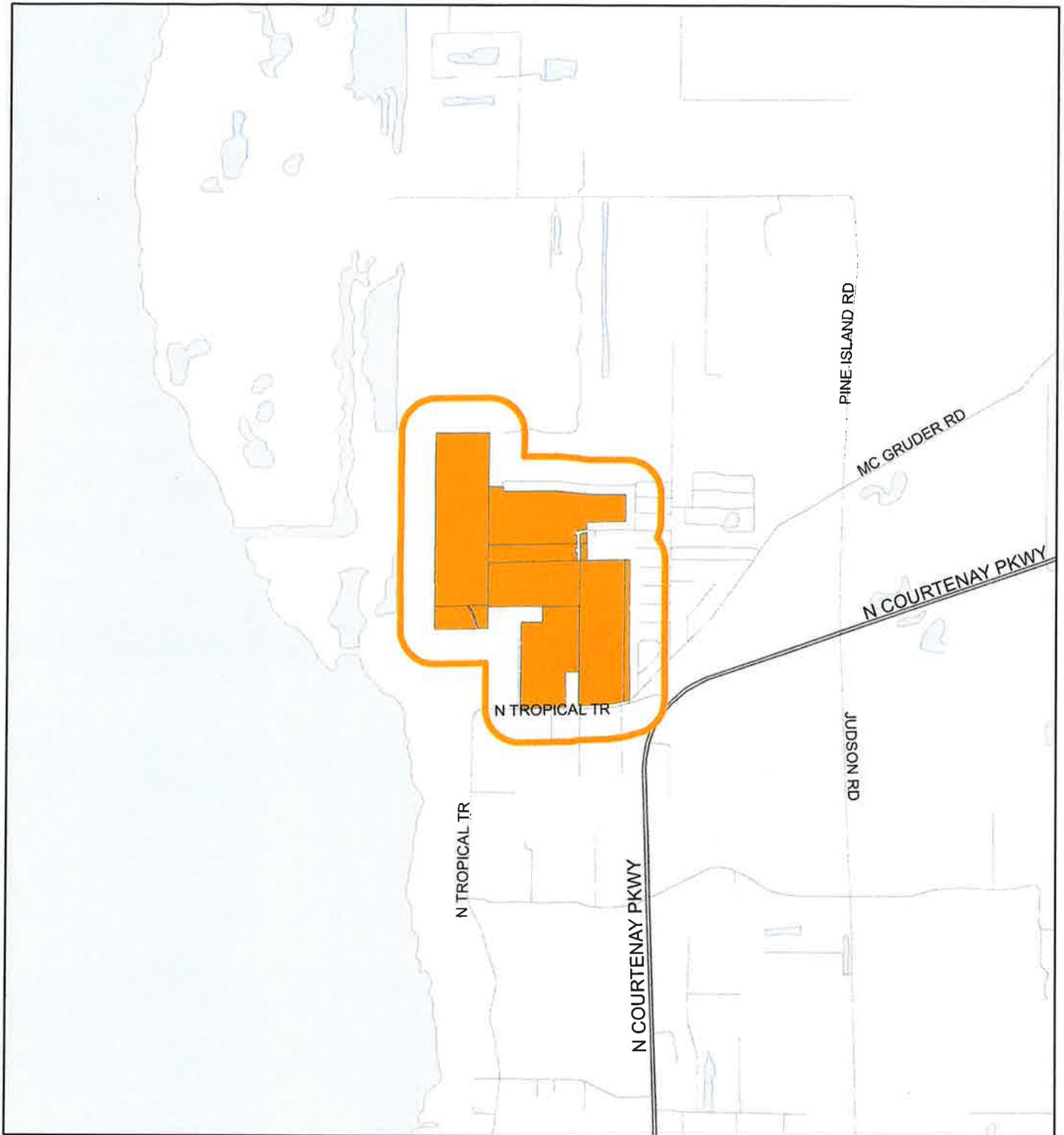
Together with the following described parcel:

The East one-quarter (E ¼) of the Northeast one-quarter (NE ¼) of Section 22, Township 23 South, Range 36 East, lying North of County Road (State Road 3) and West of Colony Park according to the plat thereof as recorded in Plat Book 18, Page 60, Public Records of Brevard County, Florida.

LOCATION MAP

DIMENNA, RONALD E.

18PZ00054



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.

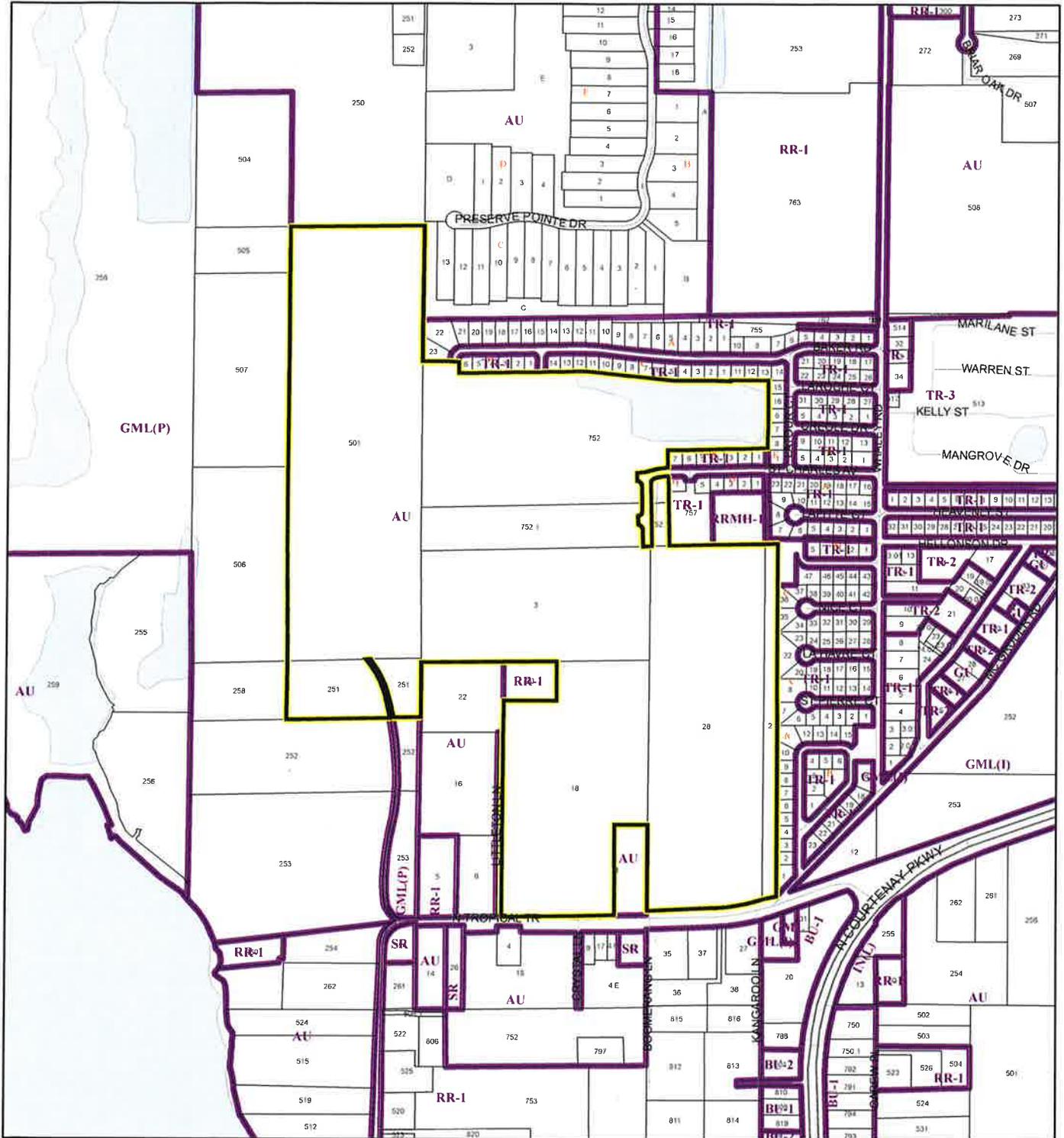
Produced by BoCC - GIS Date: 5/17/2018

-  Buffer
-  Subject Property

ZONING MAP

DIMENNA, RONALD E.

18PZ00054



1:9,600 or 1 inch = 800 feet

- Subject Property
- Parcels
- Zoning

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: 5/17/2018

H. PUBLIC HEARINGS

North Merritt Island Dependent Special District Board

Thursday, July 12, 2018 at 6:00 p.m.

Merritt Island Service Complex

2575 North Courtenay Parkway, Second Floor, Merritt Island, Florida

Planning and Zoning Board/Local Planning Agency

Monday, July 23, 2018 at 3:00 p.m.

Brevard County Government Center

2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida

Brevard County Board of County Commissioners

Thursday, August 2, 2018 at 5:00 p.m.

Brevard County Government Center

2725 Judge Fran Jamieson Way, Building C, First Floor, 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.

- 10. Ronald E. Dimenna** (Malcolm Kirschenbaum/Jack Kirschenbaum) requests a change of zoning classification from Agricultural Residential (AU) to Estate Use Residential (EU) with a Binding Development Plan (BDP). The property is 163.33 acres, located on the north side of North Tropical Trail, approximately 0.11 mile west of North Courtenay Parkway. (No assigned address. In the North Merritt Island area.) (18PZ00054) (District 2)

North Merritt Island Board Recommendation: Carbonneau/Balke – Denied. The vote was unanimous.

Planning and Zoning Board Recommendation: Moia/Lawandales – Approved with a BDP as submitted, and adding the stipulation that the owner will work with the County and all permitting agencies prior to the final subdivision approval, including right-of-entry, to enhance and improve the historical drainage outfall and grant a maintenance easement to the County for the purpose of maintenance of the drainage facility. The vote was unanimous.

Board of County Commissioners Action: Barfield/Smith – Approved with a BDP as submitted, and adding the stipulation that the owner will work with the County and all permitting agencies prior to the final subdivision approval, including right-of-entry, to enhance and improve the historical drainage outfall and grant a maintenance easement to the County for the purpose of maintenance of the drainage facility. The vote was unanimous. Tobia absent. BDP to be scheduled as a consent item on a subsequent Commission agenda, per Policy BCC-52. Resolution to be assigned upon receipt of recorded BDP.

PUBLIC HEARING

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. Housing Authority of Brevard County. Smith/Barfield. Tabled to the September 6, 2018, Zoning Meeting.
- Item H.2. This Item was withdrawn by applicant.
- Item H.3. Julian and Martha Goldsmith. Smith/Barfield. Approved as recommended.
- Item H.4. MHE, LLC. Adopted Ordinance No. 18-18, Small Scale Comprehensive Plan Amendment changing the Future Land Use designation from Neighborhood Commercial (NC) to Community Commercial (CC).
- Item H.5. MHE, LLC. Barfield/Smith. Approved as recommended, and applicant agreeing to granting the County an easement for stormwater and participating in the stormwater utility.
- Item H.6. 1322 Clearlake, LLC. Barfield/Smith. Approved as recommended.
- Item H.7. Vinings Palm Bay Investment, LLC. Smith/Isnardi. Tabled to the September 6, 2018, Zoning Meeting.
- Item H.8. Vinings Palm Bay Investment, LLC. Smith/Isnardi. Tabled to the September 6, 2018, Zoning Meeting.
- Item H.9. Merritt Square Realty, LLC; Merritt Square CH, LLC; and Merritt Square Nassim, LLC. Barfield/Isnardi. Approved as recommended, including conditions recommended by the Merritt Island Redevelopment Agency (MIRA) Board of Directors, including new language submitted by the applicant relating to Condition 4; the Company to park all non-conforming vehicles, and/or other undefined equipment that may be dropped off by lease(s), at the far west end of the parcel; and the key-kiosk for return of non-conforming vehicles also be located on the west side of the structure, with signage advising it is not a drop-off site.
- Item H.10. Ronald E. Dimenna. Barfield/Smith. Approved as recommended, with a Binding Development Plan as submitted.
- Item H.11. W.K.&R. Groves, Inc. Smith/Barfield. Tabled to the October 4, 2018, Zoning Meeting.