



Meeting Date
July 25, 2017

AGENDA	
Section	CONSENT
Item No.	II.A.3

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Binding Development Plan, Re: Gerard & Naresa Cancro (D4) FISCAL IMPACT: NONE
DEPT/OFFICE:	Planning & Development Department

Requested Action:
It is requested that the Board approve, and the Chairman sign, the subject Binding Development Plan.

Summary Explanation & Background:
A Binding Development Plan (BDP) is a voluntary agreement by a 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 approval of the zoning application by the Board. Following staff and legal review, a BDP is routinely presented to the Board in recordable form as a Consent agenda item in order to finalize the zoning action.

On May 25, 2017, the Board of County Commissioners approved a change of classification from BU-1 to BU-2, on property located on the north side of Ocean Blvd., approx. 150 ft. west of Highway A1A. (63 & 61 Ocean Blvd., Satellite Beach), subject to a Binding Development Plan as follows:

- Developer/Owner shall retain all BU-1 uses, and limit the BU-2 uses to dog boarding, grooming, training, and retail sales of related products.

Staff Contact: Jennifer Jones

Clerk to the Board instruction: After recordation, forward two certified copies to the Planning and Development Department

Exhibits Attached: Binding Development Plan, with exhibits, and check for recording

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR <input type="checkbox"/>
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County Manager Interim Frank Abbate <i>[Signature]</i>	Assistant County Manager Venetta Valdengo	Department Director / Extension Tad Calkins Planning & Development Dept. Ext. 56363 <i>[Signature]</i>
	Interim Assistant County Manager John Denninghoff <i>[Signature]</i>	



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

July 26, 2017

M E M O R A N D U M

TO: Jennifer Jones, Zoning

RE: Item II.A.3, Binding Development Plan Agreement with Gerard and Naresa Cancro

The Board of County Commissioners, in regular session on July 25, 2017, executed Binding Development Plan with Gerard and Naresa Cancro, for property located on the north side of Ocean Blvd., approximately 150 feet west of Highway A1A. 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

ell

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

WHEREAS, GERARD & NARSA CANCRO have requested a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial) on property described as Lots 6 & 9, Block 14, South Patrick Shores Second Section, as recorded in Plat Book 11, Page 105, and ORB 7277, Pages 2018 – 2021, both of the Public Records of Brevard County, Florida. (0.66 acres) Located on the north side of Ocean Blvd., approx. 150 ft. west of Highway A1A. (Lot 6 = 57, 63, & 61 Ocean Blvd., Satellite Beach; Lot 9 = No assigned address. In the Satellite Beach area.)

Section 23,

Township 26 S,

Range 37 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 (Binding Development Plan) retaining all BU-1 uses, and limiting the BU-2 uses to dog boarding, grooming, training, and retail sales of related products; and

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 from BU-1 to to BU-2, be APPROVED with a BDP, recorded in ORB 7946, Pages 375 – 377, dated July 26, 2017, retaining all BU-1 uses, and limiting the BU-2 uses to dog boarding, grooming, training, and retail sales of related products. The zoning classification relating to the above described property shall be changed to BU-2, and 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 July 26, 2017.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Curt Smith, Chairman
Brevard County Commission

As approved by Brevard County Commission on July 25, 2017.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – May 8, 2017)

(BCC Zoning Hearing – May 25, 2017)

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: Gerard J. Cancro
Address: 625 Jackson Court, Satellite Beach, FL 32937

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered this 25 day of July, 2017 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred as "County") and Gerard J. Cancro and Naresa R. Cancro (hereinafter referred to as "Owners").

RECITALS

WHEREAS Owners own property (hereinafter referred to as the "Property") in Brevard County Florida as more particularly describes in Exhibit "A" attached hereto and incorporated herein by this reference and

WHEREAS Owners have requested the BU-2 zoning classification(s), and approved unanimously by the Board of County Commissioners on May 25th, 2017, with limited BU-2 uses of training, boarding, grooming, and evaluation of dogs, along with retail sales of related products on the Property, while retaining, without limitation, all rights, provisions, and activities allowed under BU-1 zoning, and pursuant to the Brevard County Code, Section 62-1157,

WHEREAS, the County is authorized to regulate the 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 Owners, its grantees, successors or assigns in the interest or some other association and /or assigns satisfactory to the County shall be responsible for maintenance of any improvements.
2. The Owners shall comply with all regulations and ordinances of Brevard County, Florida. BU-2 zoning uses are limited to allow training, boarding, grooming, and evaluation of dogs, along with retail sales of related products on the Property. All rights, provisions and activities allowed under BU-1 zoning are retained by the Owners.
3. Owners, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.
4. 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 May 25th, 2017.
5. 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 Ordances of Brevard County, Florida, as may be amended.
6. Conditions precedent. All mandatory conditions set forth by this Agreement mitigate the potential for incompatibility and must be satisfied before Owners, or assignees 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 5 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
Scott Ellis, Clerk
(SEAL)

Curt Smith
Curt Smith, Chairman
As approved by the Board on July 25, 2017

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

WITNESSES:

Sacquel Gilcher
J. P. [unclear]
(Witness Name typed or printed)

OWNER(s)
Gerard J. Cancro and Naresa R. Cancro
625 Jackson Court,
Satellite Beach, FL 32937
(Address)

Sacquel Gilcher
Nicole LaLache
(Witness Name typed or printed)

Gerard J. Cancro
Naresa R. Cancro
(Owners)
Gerard J. Cancro and Naresa R. Cancro
(Name typed, printed or stamped)

STATE OF Florida §
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 19 day of June, 2017, by, President of who is personally known to me or who has produced _____ as identification.

My commission expires May 1, 2020 *Sacquel Gilcher* Notary Public

SEAL
Commissioner *Sacquel Gilcher*
(Name typed, printed or stamped)



EXHIBIT A
DESCRIPTION OF PROPERTY

Parcel ID#: 26-37-23-26-14-6

Tax Acct#: 2607533

Location: North side of Ocean Blvd., approx. 150 ft. west of Highway A1A

Address: Lot 6 = 57, 63, & 61 Ocean Blvd., (South Patrick Shores)

In Satellite Beach area;

Lot 9 = No assigned address (South Patrick Shores)

. In the Satellite Beach area.

WRITTEN STATEMENT OF NO MORTGAGE ON PROPERTY

**This statement is an affidavit sworn to by:
Gerard J. Cancro, and Naresa R. Cancro - Owners, attesting to the
described property has no Mortgage and is owned Free and Clear.**

Parcel ID#: 26-37-23-26-14-6

Tax Acct#: 2607533

Location: North side of Ocean Blvd., approx. 150 ft. west of Highway A1A

Address: Lot 6 = 57, 63, & 61 Ocean Blvd., (South Patrick Shores)

In Satellite Beach area;

Lot 9 = No assigned address (South Patrick Shores)

. In the Satellite Beach area.

Sworn to this 19 day of June, 2017


Gerard J. Cancro
Co-Owner


Naresa R. Cancro
Co-Owner

STATE OF Florida §
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 19 day of June, 2017, by,
Gerard J. Cancro and Naresa R. Cancro who is personally known to me or who has produced
_____ as identification.

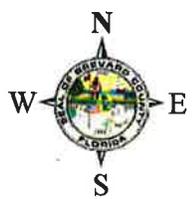
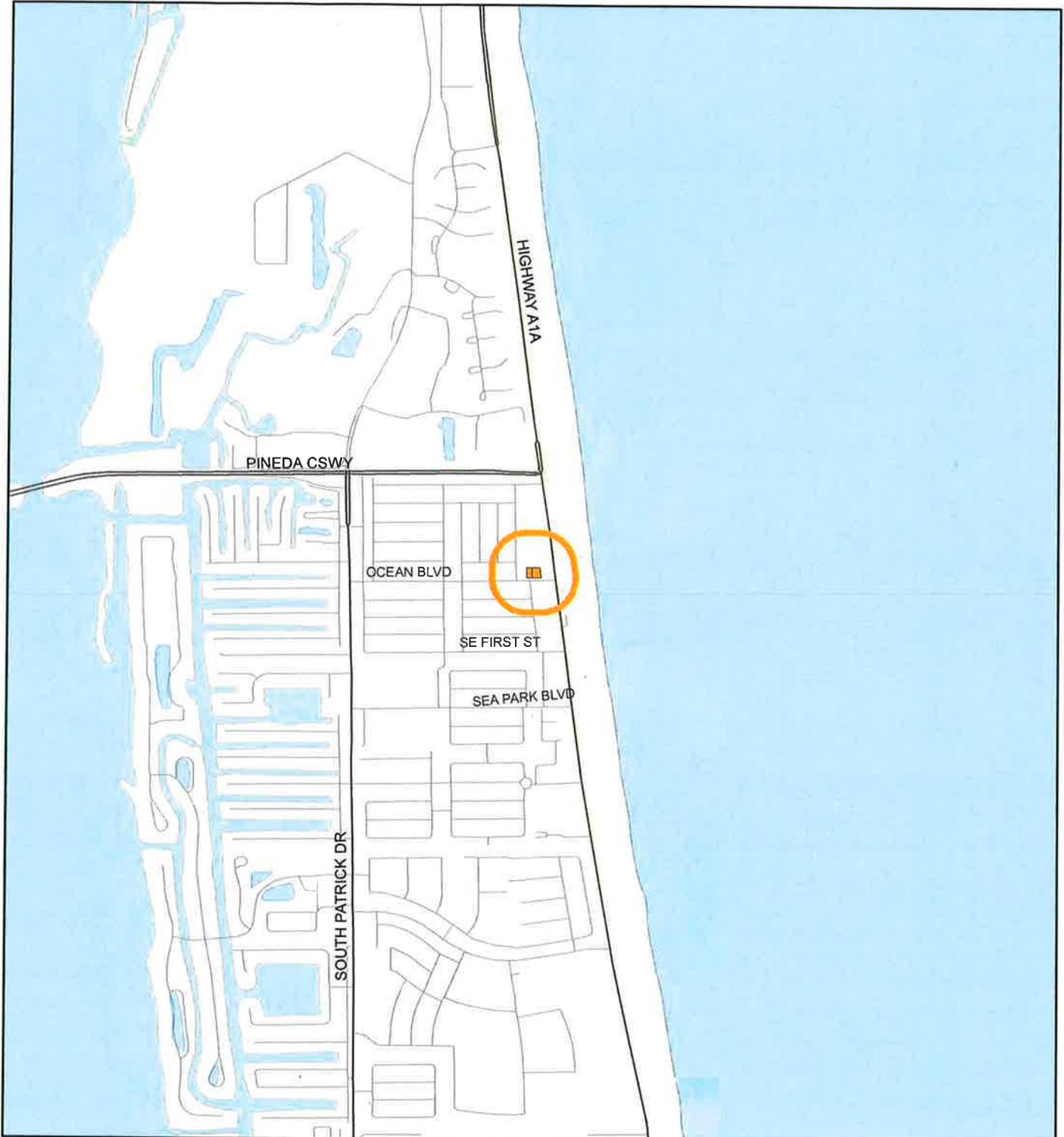
My commission expires May 1, 2020
Notary Public





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

LOCATION MAP
CANCRO, GERARD AND NARESA
17PZ00037



1:24,000 or 1 inch = 2,000 feet
Buffer Distance: 500 feet

— Buffer
■ Subject Property

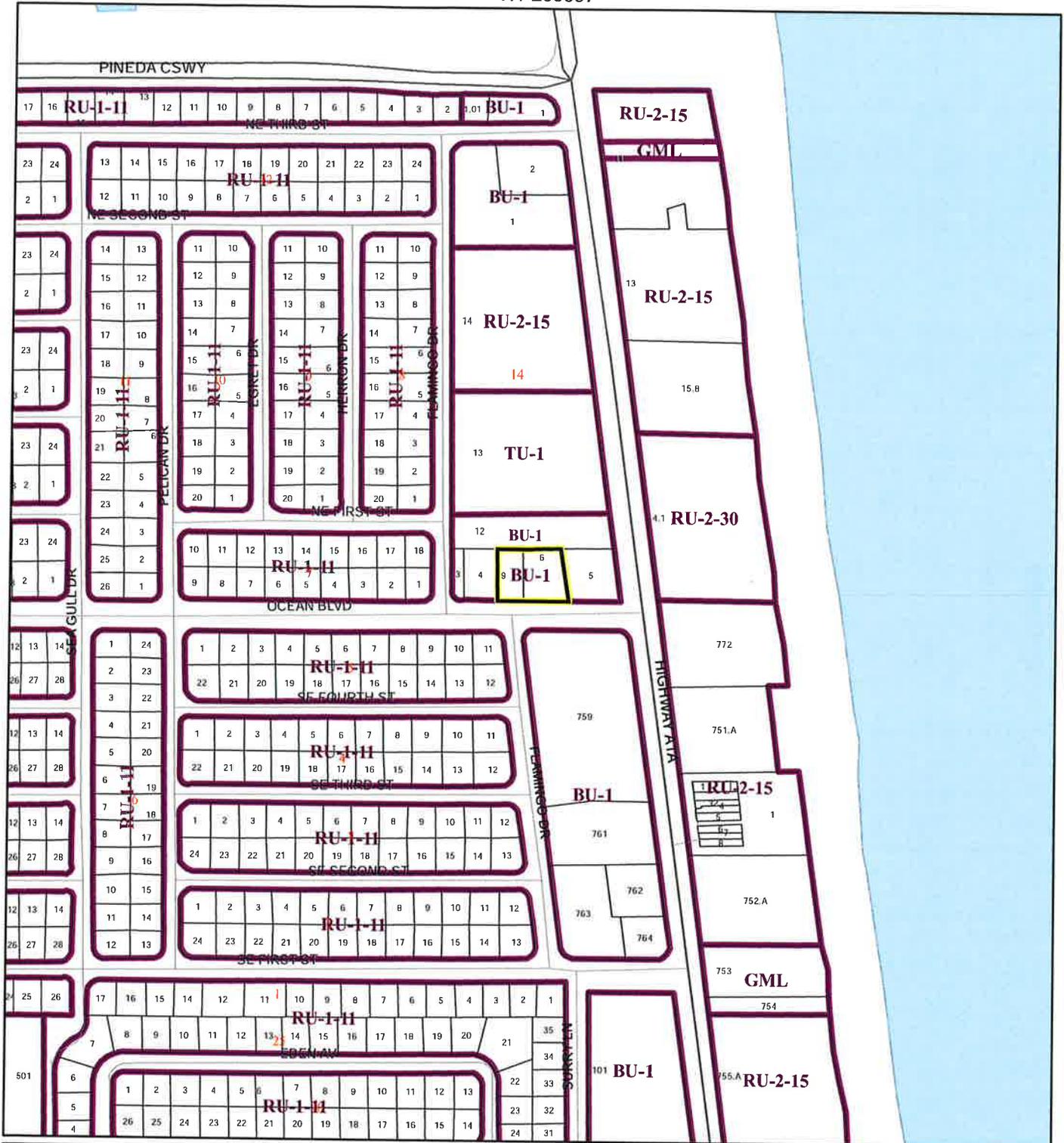
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 3/9/2017

ZONING MAP

CANCRO, GERARD AND NARESA

17PZ00037



1:4,800 or 1 inch = 400 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.

DISTRICT 4

IV.B.5. (17PZ00037) – GERARD & NARESA CANCRO – request a change of classification from BU-1 to BU-2, on 0.66 acres, located on the north side of Ocean Blvd., approx. 150 ft. west of Highway A1A. (Lot 6 = 57, 63, & 61 Ocean Blvd., Satellite Beach; Lot 9 = No assigned address. In the Satellite Beach area.)

P&Z Recommendation: Lawandales/Moia – Approved with a BDP retaining all BU-1 uses, and limiting the BU-2 use to dog boarding, grooming, training, and retail sales of related products. Vote was unanimous.

BCC ACTION: Isnardi/Barfield – APPROVED as recommended. Vote was unanimous. BDP TO BE SCHEDULED AS A CONSENT ITEM ON A SUBSEQUENT BCC AGENDA, PER POLICY BCC-52. RESOLUTION NUMBER TO BE ASSIGNED UPON RECEIPT OF RECORDED BDP.

IV.B.6. (17PZ00039) – ST. GEORGES BY THE LAKE, LLC – requests a change of classification from AU to IN(L), on 7.78 acres, located on the north side of Lake Washington Rd., approx. 0.3 mile west of Turtle Mound Rd. (4100 Lake Washington Rd., Melbourne)

P&Z Recommendation: Lawandales/Hammerling – Denied. Vote was unanimous.

BCC ACTION: Isnardi/Barfield – APPROVED with a BDP limited to a school with a maximum of 42 students, no overnight stays, no change to existing footprint of principal structure, no new construction, and no residential use. Vote was 4:1, with Tobia voting nay. BDP TO BE SCHEDULED AS A CONSENT ITEM ON A SUBSEQUENT BCC AGENDA, PER POLICY BCC-52. RESOLUTION NUMBER TO BE ASSIGNED UPON RECEIPT OF RECORDED BDP.

THE FOLLOWING ITEM HAS BEEN AUTOMATICALLY TABLED TO THE JULY 10, 2017, P&Z MEETING and AUGUST 3, 2017 BCC MEETING (Letter received 04-28-17)

IV.B.7. (17PZ00041) – LTM OF FLORIDA HOLDING, LLC – (Kim Rezanka) – requests a Small Scale Plan Amendment (17S.03) to change the Future Land Use designation from Residential 15 to CC; and a change of classification from GU to BU-2, on 2.42 acres, located at the north end of Dixie Hwy., approx. 0.22 mile west of U.S. Hwy 1. (No assigned address. In the Palm Shores area.)

IV.B.8. (17PZ00042) – SRK VIERA VILLAGE ASSOCIATES, L.P. – (Richard Delbalso) – requests an expansion of a CUP for Alcoholic Beverages for On-Premises Consumption in Conjunction with a Bar and Retail Sales, to expand existing bar area, and to include Outdoor Seating, in a PUD zoning classification, on 0.08 acres, located on the west side of Murrell Rd., approx. 420 ft. north of Viera Blvd. (5410 Murrell Rd., Unit 221, Rockledge)

P&Z Recommendation: Moia/Lawandales – Approved. Vote was unanimous.

BCC ACTION: Isnardi/Barfield – APPROVED. Vote was unanimous. 17PZ00042.

PUBLIC COMMENT

PLANNING AND ZONING BOARD RECOMMENDATIONS OF MAY 8, 2017; AND NORTH MERRITT ISLAND BOARD RECOMMENDATION OF MAY 11, 2017

- Item IV.B.1. Susie L. Moment. Pritchett/Barfield, approved with a BDP limited to (4) four units per acre, and adopted Ordinance No. 17-14 (17S.02).
- Item IV.B.2. Brian D. and Tammy M. Bossard. Tobia/Isnardi, approved with a BDP limited to two (2) units. Commissioner Pritchett voting nay.
- Item IV.B.3. Dana Hipple. Pritchett/Isnardi, approved with a BDP limited to three (3) horses, and no other AU(L) uses.
- Item IV.B.4. Eric and Amanda Obloy. Automatically tabled to August 3, 2017, Zoning meeting.
- Item IV.B.5. Gerard and Naresa Cancro. Isnardi/Barfield, approved with BDP retaining all BU-1 uses; and limiting the BU-2 use to dog boarding, grooming, training, and retail sales of related products.
- Item IV.B.6. St. George's by the Lake. Isnardi/Barfield, approved with BDP to include no residential overnight stay, limited to a school with 42 students, no new construction, and to stay within its original footprint. Commissioner Tobia voting nay.
- Item IV.B.7. LTM of Florida Holding, LLC. Isnardi/Barfield, tabled to August 3, 2017, Zoning meeting.
- Item IV.B.8. SRK Viera Village Associates, L.P. Isnardi/Barfield, approved as recommended.

BrevardClerk.US

Scott Ellis, Clerk of Court

700 South Park Avenue, Bldg. B
 P.O. Box 2767
 Titusville, FL 32781-2767
 (321) 637-2006

DBLIVE Transaction

#: 1943929

Receipt #: 61907092

Cashier Date: 7/26/2017

2:43:20 PM



Print Date:

7/26/2017 2:43:21 PM

Customer Information	Transaction Information	Payment Summary
() GERARD J CANCRO 57 OCEAN BLVD SATELLITE BEACH, FL 32937	DateReceived: 7/26/2017 Source Code: Titusville - Six Story Q Code: Titusville - Six Story Return Code: Hand Carried Trans Type: Recording Agent Ref Num:	Total Fees \$27.00 Total Payments \$27.00

1 Payments	
CHECK 1906	\$27.00

1 Recorded Items	
(AG) AGREEMENT	BK/PG: 7946/375 CFN:2017156294 Date: 7/26/2017 2:43:19 PM From: To:
Recording @ 1st=\$10 Add'l=\$8.50 ea.	3 \$27.00
Indexing @ 1st 4 Names Free, Add'l=\$1 ea.	3 \$0.00

0 Search Items

0 Miscellaneous Items
