



**F. Consent Agenda - Planning and Development  
ITEM 3.**



**AGENDA REPORT  
August 14, 2018**

**Acceptance, Re: Binding Development Plan - Panorama Mobile Home Park, Inc. (18PZ00032)  
(District 2)**

**SUBJECT:**

Acceptance, Re: Binding Development Plan - Panorama Mobile Home Park, Inc. (18PZ00032) (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 May 24th the Board of County Commissioners approved an amendment to an existing 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 of the zoning application by the Board. Following staff and legal review, a BDP is presented to the Board in recordable form as a Consent 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 use of the property to self-storage mini-warehouse.
- Developer/Owner shall limit building coverage to 40% of the site (maximum), as per the Land Development Regulations.
- Developer/Owner will provide a 25-foot wide landscape buffer and public sidewalk easement along the west property line of the subject parcel, adjacent to the right-of-way of South Tropical Trail.

The property is 1.76 acres, located at 225 S. Courtenay Parkway, Merritt Island.

**ATTACHMENTS:****Description**

- ▢ [BDP Package](#)

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>
<b>Planning and Development</b>	<b>Calkins, Tad</b>
<b>ACM Development</b>	<b>Denninghoff, John</b>
<b>County Manager</b>	<b>Abbate, Frank</b>



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

August 15, 2018

MEMORANDUM

TO: Jennifer Jones, Zoning

RE: Item F.3., Binding Development Plan Agreement with Panorama Mobile Home Park, Inc.

The Board of County Commissioners, in regular session on August 14, 2018, executed Binding Development Plan with Panorama Mobile Home Park, Inc., for property located at 225 S. Courtenay Parkway, Merritt Island. Said Plan was recorded in OR BK/PG 8239/1698. 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, Deputy Clerk

/dt

Encls. (2)

cc: Contracts Administration

Prepared by: Cole Oliver, Esq.  
Address: 516 Delannoy Ave. Cocoa, FL 32922

### BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 14 day of August, 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 Panorama Mobile Home Park, Inc., an Florida Corporation (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 BU-1 zoning classification(s) and desires to develop the Property as a SELF-STORAGE MINI-WAREHOUSE facility, 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.

2. The Developer/Owner shall limit use of the property to SELF STORAGE MINI-WAREHOUSE as regulated by the Brevard County Comprehensive Plan and the Land Development Regulations.

3. The Developer/Owner shall limit building coverage to 40% of the site (maximum), as per the Land Development Regulations.

4. The Developer/Owner will provide a 25 ft. wide landscape buffer and public sidewalk easement along the west property line of the subject parcel, adjacent to the right-of-way of South Tropical Trail.

5. 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.

6. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

7. 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 5/24/18. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

8. 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.

9. 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 8 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]  
Rita Pritchett, Chair  
As approved by the Board on \_\_\_\_\_

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

WITNESSES:

Monica Pickron  
Monica Pickron  
(Witness Name typed or printed)

DEVELOPER/OWNER

Panorama Mobile Home Park, Inc.  
305 NE 1st Street, Gainesville, FL  
(Address) 32601

[Signature]  
Tamlyn J. Hoppes  
(Witness Name typed or printed)

[Signature] President  
(President)  
Gary S. Edinger  
(Name typed, printed or stamped)

STATE OF FLORIDA §

COUNTY OF ALACHUA §

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of May, 2018, by Gary S. Edinger, President of Panorama Mobile Home Park, Inc., who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires  
SEAL  
Commission No.:

[Signature]  
Notary Public  
Tamlyn J. Hoppes  
(Name typed, printed or stamped)



## EXHIBIT "A"

### 225 S. Courtenay Pkwy.

### Cole Oliver Self Storage Site

#### Description:

A parcel of land lying in Section 35, Township 24 South, Range 36 East, being those lands as described in O.R. Book 2793, Page 2489 of the Public Records of Brevard County, Florida LESS AND EXCEPT there from the North 345.00 feet of the East 200.00 feet, both by right angle measure, of said lands per O.R. Book 2793, Page 2489; said subject parcel being more fully described as follows:

Commence at the northeast corner of the Northeast  $\frac{1}{4}$  of said Section 35 as marked by a brass spike stamped "Bussen-Mayer Eng.: 25-26-35-36" as shown on Florida Department of Natural Resources Certified Corner Record Document ("C.C.R.") No. 0036489; thence S.00°06'23"E., along the east line of said Northeast  $\frac{1}{4}$ , a distance of 2653.94 feet to the southeast corner of said Northeast  $\frac{1}{4}$  as marked by an unstamped railroad spike as shown on C.C.R. No. 0025107; thence S.89°30'52"W., along the south line of said Northeast  $\frac{1}{4}$ , a distance of 2638.37 feet to the northeast corner of Government Lot 2 of said Section 35; thence continue S.89°30'52"W., along the north line of said Government Lot 2, a distance of 8.06 feet to the west right-of-way line of the 100.00 foot wide right-of-way of South Courtenay Parkway as described in Deed Book 0420, Page 0025 of said Public Records; thence continue S.89°30'52"W., along said north line of Government Lot 2, a distance of 200.00 feet to the Point-of-Beginning of the lands herein described which lies 200.00 feet westerly, by right angle measure, of said west right-of-way line; thence S.00°13'19"E., parallel with said west right-of-way line, a distance of 345.00 feet to a point which lies 40.00 feet northerly, by right angle measure, of the south line of said lands per O.R. Book 2793, Page 2489; thence N.89°30'52"E., parallel with said south line, a distance of 200.00 feet to said west right-of-way line; thence S.00°13'19"E., along said west right-of-way line, a distance of 40.00 feet to said south line; thence departing said west right-of-way line, S.89°30'52"W., along said south line, a distance of 959.80 feet to the east right-of-way line of the variable width right-of-way of State Road No. 3 (a.k.a.: South Tropical Trail); thence departing said south line, N.08°48'36"W., along said east right-of-way line, a distance of 389.10 feet to said north line of Government Lot 2; thence departing said east right-of-way line, N.89°30'52"E., along said north line of Government Lot 2, a distance of 817.90 feet to the Point-of-Beginning.

Containing 7.16 acres (311,707 square feet), more or less; being subject to any restrictions, covenants, easements and/or rights-of-way of record.

STATE OF FLORIDA  
COUNTY OF ALACHUA

GARY S. EDINGER, after being duly sworn, deposes and says:

I am Gary S. Edinger, the President and Director of Panorama Mobile Home Park, Inc. and am authorized to make this Affidavit on behalf of the corporation. I am over the age of 18 and *sui juris*. Panorama Mobile Home Park is the owner of the real property described as follows:

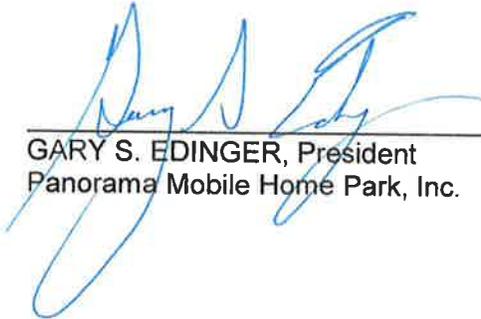
The North 385 feet of Government Lot 2, Lying East of Paved County Road, Section 35, Township 24 South, Range 36 East, as designated in Deed Book 430 page 361, of the Public Records of Brevard County Florida

Less and Except: A parcel of land being a portion of the North 385 feet of Government Lot 2, situated in the Southwest 1/4 of Section 35, Township 24 South, Range 36 East, Merritt Island, Brevard County, Florida, being more particularly described as follows;

Begin at the Northeast corner of the Southwest 1/4 of said Section 35, said corner lying on the West right of way line of South Courtenay Parkway, also known as County Road No. 3 (100 foot right of way); thence South 0 degrees 12 minutes 04 seconds East along said West right of way line and said East line of the Southwest 1/4 of Section 35, a distance of 311.43 feet; thence departing said East line and said West right of way line South 89 degrees 45 minutes 37 seconds West, a distance of 199.96 feet; thence North 0 degrees 12 minutes 04 seconds West, a distance of 309.26 feet to the North line of aforementioned Southwest 1/4 of Section 35 and the North line of aforementioned Government Lot 2; thence North 89 degrees 08 minutes 15 seconds East along said North lines, a distance of 199.98 feet to the Point of Beginning.

There are no mortgages on the above described property

Dated this 26<sup>th</sup> day of July, 2018.

  
GARY S. EDINGER, President  
Panorama Mobile Home Park, Inc.

STATE OF FLORIDA  
COUNTY OF ALACHUA

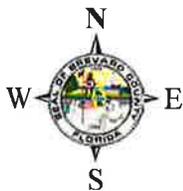
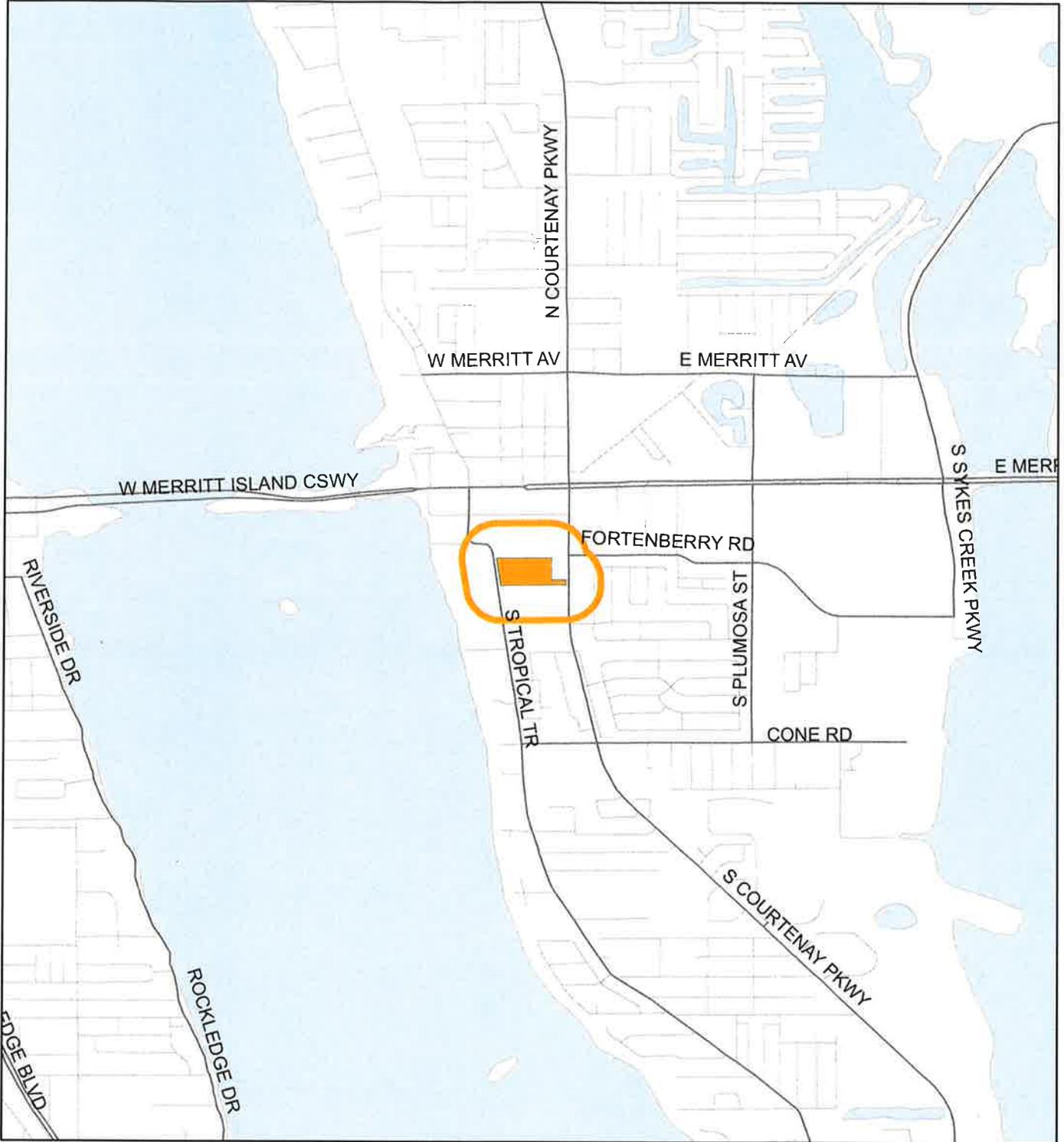
SWORN TO AND SUBSCRIBED before me by GARY S. EDINGER who is personally known to me and who took an oath this 26<sup>th</sup> day of July, 2018.



  
NOTARY PUBLIC, State of Florida

My Commission Expires: 6-17-22

LOCATION MAP  
PANORAMA MOBILE HOME PARK, INC.  
18PZ00032



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

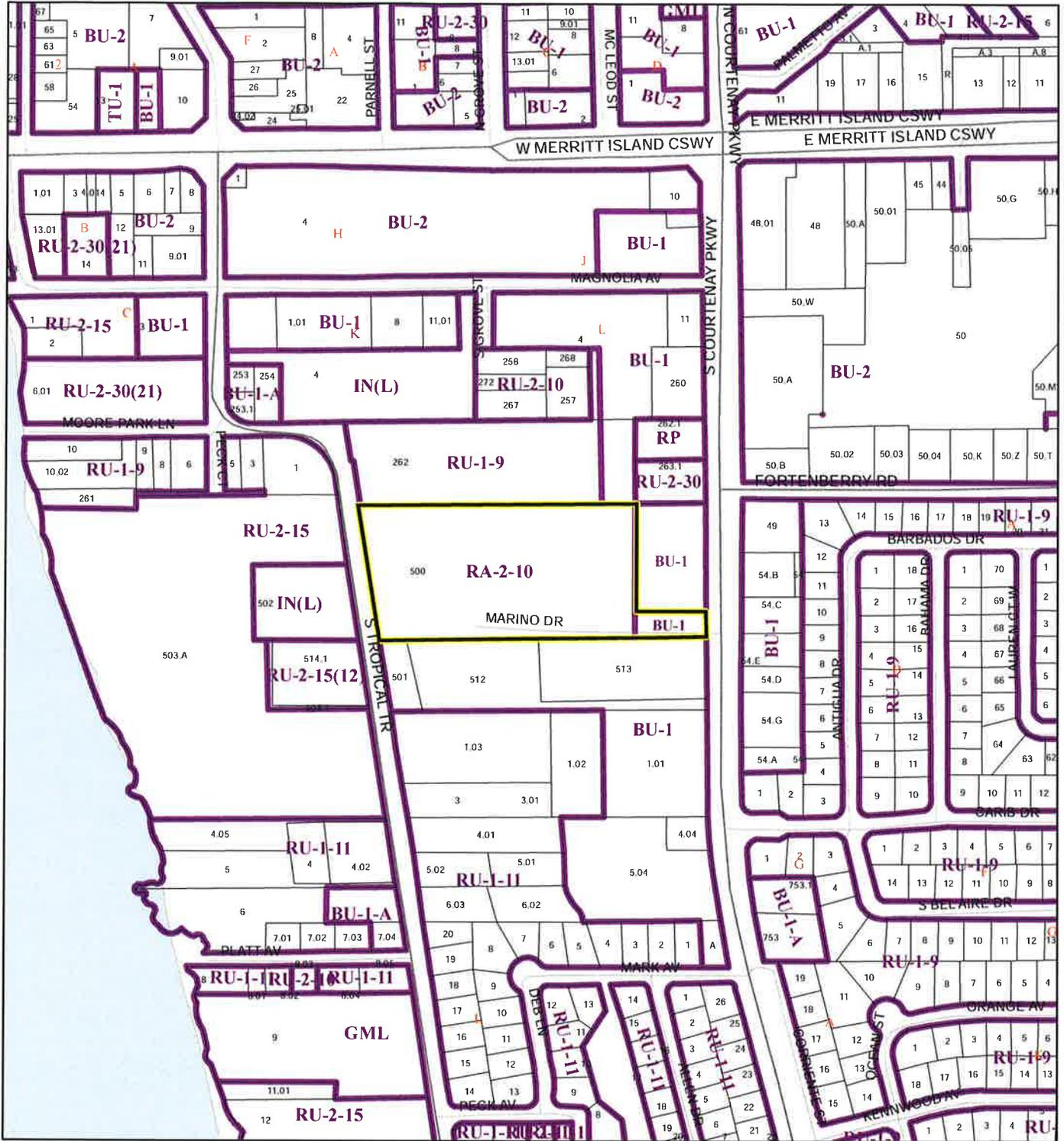
-  Buffer
-  Subject Property

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.

# ZONING MAP

PANORAMA MOBILE HOME PARK, INC.

18PZ00032



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 herein.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 3/13/2018

#### IV. PUBLIC HEARINGS

Planning and Zoning Board Agenda  
(Local Planning Agency)

**Monday, May 7, 2018 at 3:00 p.m.**

&

Board of County Commissioners

**Thursday, May 24, 2018 at 5:00 p.m.**

Both at the

Brevard County Government Center

2725 Judge Fran Jamieson Way, Bldg. C, 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.

- IV.A. Watermark Investors, LLC, and Diocese of Orlando, John-G. Noonan, Bishop (Bruce Moia) request a change of zoning classification from GU, BU-1, BU-2, IU, and IU-1 to PUD, and waivers for 40-ft. lot width and 4,800 sq. ft. lot size. The property is 129 +/- acres, located on the west side of U.S. Hwy 1, approx. 0.22 mile south of Broadway Blvd., Cocoa (18PZ00014) (District 1)

P&Z Recommendation: Lawandales/Wadsworth – Approved the PUD, PDP, and waivers for 40-ft. lot width and 4,800 sq. ft. lot size. The vote was unanimous.

**BCC ACTION: Isnardi/Barfield – Approved as recommended. The vote was unanimous.**

- IV.B. Michael N. Malegiannakis (Steve and Penny DeFillips) requests a CUP for a Private Boat Dock Accessory to a Single-Family Residential Lot in RU-1-13. The property is 0.03 acre, located at 300 Ross Ave., Melbourne Beach) (18PZ00016) (District 3)

P&Z Recommendation: McLellan/Lawandales – Approved. The vote was unanimous.

**BCC ACTION: Tobia/Barfield – Approved as recommended. The vote was unanimous.**

- IV.C. Panorama Mobile Home Park, Inc. (Cole Oliver and Joe Mayer) requests a Small Scale Comprehensive Plan Amendment from NC to CC. The property is 5.94 acres, located at 225 S. Courtenay Pkwy., Merritt Island. (18PZ00017) (District 2)

P&Z Recommendation: Moia/Hodgers – Approved. The vote was unanimous.

**BCC ACTION: Barfield/Smith – Approve as recommended, and adopted Ordinance No. 18-14, Small Scale Comprehensive Plan Amendment 18S.01. The vote was unanimous.**

- IV.D. Panorama Mobile Home Park, Inc. (Cole Oliver and Joe Mayer) requests a change of zoning classification from RA-2-10 and BU-1 to all BU-1. The property is 7.16 acres, located at 225 S. Courtenay Pkwy., Merritt Island. (18PZ00032) (District 2)

P&Z Recommendation: Barber/Lawandales – Approved with a BDP limiting the use of the property to a self-storage mini-warehouse, limiting building coverage to 40% of the site, and providing a 25-ft. wide landscape buffer and public sidewalk easement along the west property line of the subject parcel, adjacent to the right-of-way of S. Tropical Trail. The vote was unanimous.

**BCC ACTION: Barfield/Smith – Approved as recommended. The vote was unanimous. BDP to be scheduled as a consent item on a subsequent BCC Agenda, per Policy BCC-52. Resolution to be assigned upon receipt of recorded BDP.**

- IV.E. Praxair, Inc. (Kim Rezanka) requests a Small Scale Comprehensive Plan Amendment from Res 2 and Res 1:2.5 to PI. The property is 7.76 +/- acres, located at 2801 Hammock Rd., Mims. (18PZ00019) (District 1)

This item was tabled by staff to the May 21, 2018, P&Z/LPA meeting in order to stay on same agenda schedule as companion item IV.F.

## PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item IV.A. Watermark Investors, LLC, and Diocese of Orlando, John G. Noonan, Bishop. Isnardi/Barfield. Approved as recommended with a PDP.
- Item IV.B. Michael N. Malegiannakis. Tobia/Barfield. Approved as recommended.
- Item IV.C. Panorama Mobile Home Park. Barfield/Smith. Approved as recommended; and adopted Ordinance No. 18-14, Small Scale Comprehensive Plan Amendment 18S.01.
- Item IV.D. Panorama Mobile Home Park. Barfield/Smith. Approved as recommended with BDP limiting the use of property to a self-storage mini-warehouse, limiting building coverage to 40 percent of the site, and providing a 25-foot wide landscape buffer and public sidewalk easement along the west property line of the subject parcel adjacent to the right-of-way of S. Tropical Trail.
- Item IV.E. Praxair, Inc. Barfield/Isnardi. Approved as recommended; and adopted Ordinance No. 18-15, Small Scale Comprehensive Plan Amendment 18S.02.
- Item IV.F. Praxair, Inc. Barfield/Isnardi. Approved as recommended with a BDP that seeks to preserve the property in its natural state in perpetuity.
- Item IV.G. Indian River Behavioral Health. Isnardi/Barfield. Approved BDP for allowance of a 12-foot fence and include small trees to obscure the fence with applicant to submit an engineering revision to the approved Site Plan to incorporate the fence into the current construction project.
- Item IV.H. Schacht Family Holding Company, Inc. Smith/Isnardi. Approved as recommended with a BDP limited to the BU-2 use of self-storage mini-warehouses.
- Item IV.I. Carmine Ferraro, Trustee. Isnardi/Barfield. Tabled to the July 10, Zoning Meeting.
- Item IV.J. Crisafulli Enterprises, Inc. Barfield/Smith. Approved with BDP to limit development to 34 single-family lots and to limit the ingress and egress to one access point.
- Item IV.K. Grand Lake Estates. Tobia/Isnardi. Approved with BDP for minimum lot size to one-half acre in size, the maximum number of lots shall be limited to 40 lots with minimum home size not less than 2,300 square feet.
- Item IV.L. Horizon Title Company, Inc. Barfield/Smith. Approved the PDP which consists of 182 single-family home lots, including those with 100' x150', 80' x 130', and 50 x 130' lot size dimensions, and various amenities.

**RESOLUTION NO. 18PZ00032**

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

**WHEREAS, PANORAMA MOBILE HOME PARK, INC.** has requested a change of zoning classification from RA-2-10 (Single-Family Attached Residential) and BU-1 (General Retail Commercial), to all BU-1, on property described as Tax Parcel 500, as recorded in ORB 2793, Page 2489, of the Public Records of Brevard County, Florida. (7.16 acres) Located between N. Courtenay Pkwy. and S. Tropical Trail, approx. 350 ft. south of Fortenberry Rd. on the Courtenay Pkwy. side, and 0.26 mile north of Peck Ave. on the S. Tropical Trail side. (225 S. Courtenay Pkwy., Merritt Island)

**Sections 35,**

**Township 24 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 (Binding Development Plan) limiting the use of the property to a self-storage mini-warehouse, limiting building coverage to 40% of the site, and providing a 25-ft. wide landscape buffer and public sidewalk easement along the west property line of the subject parcel, adjacent to the right-of-way of S. Tropical Trail; 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 RA-2-10 and BU-1, to all BU-1, be APPROVED with a BDP, recorded in ORB 8239, Pages 1698 - 1701, dated August 16, 2018, limiting the use of the property to a self-storage mini-warehouse, limiting building coverage to 40% of the site, and providing a 25-ft. wide landscape buffer and public sidewalk easement along the west property line of the subject parcel, adjacent to the right-of-way of S. Tropical Trail. 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 August 16, 2018.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



by Rita Pritchett, Chair  
Brevard County Commission

As approved by Brevard County Commission on August 14, 2018.

ATTEST:



SCOTT ELLIS, CLERK  
(SEAL)

(P&Z Hearing – May 21, 2018)  
(BCC Zoning Hearing – May 24, 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.