



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

11/7/2024

Subject:

Acceptance, RE: Binding Development Plan with Ibrahim and Haroon Realestate, Inc. (Kim Rezanka)
(24Z00023) (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 Vice Chair sign, the Binding Development Plan.

Summary Explanation and Background:

A BDP (Binding Development Plan) is a voluntary agreement presented by the property owner to self-impose limits upon development of a property in support of a change of zoning or conditional use permit. Pursuant to Section 62-1157, a BDP shall be recorded in the public records within 120 days of the Board's approval of the zoning request. Following staff and legal review, the BDP is presented to the Board in recordable form as a Consent Agenda item in order to finalize the zoning action.

On September 05, 2024, the Board approved the request for a change of zoning classification from TR-3 with a BSP (Binding Site Plan) to BU-1 and the removal of the BSP, while adding a Binding Development Plan (BDP) that limits the BU-1 uses to retail, office, and personal services; requiring a 20 foot buffer along the east and south sides; and if there are any specimen trees within 50 feet of the property boundary, they will make all efforts to save and maintain those trees during construction. The attached BDP includes these conditions.

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

November 8, 2024

MEMORANDUM

TO: Desiree Jackson, Zoning


RE: Item F.5., Binding Development Plan with Ibrahim and Haroon Realestate, Inc.

The Board of County Commissioners, in regular session on November 7, 2024, accepted and executed Binding Development Plan with Ibrahim and Haroon Realestate, Inc. for the property lying in the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 31, Township 23 South, Range 36 East, Brevard County Florida. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Yes. 
Kimberly Powell, Clerk to the Board

Encls. (2)

Resolution 24Z00023

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

WHEREAS, Ibrahim and Haroon Realestate requests a change of zoning classification from TR-3 (Mobile Home Park) with a BSP (Binding Site Plan) to BU-1 (General Retail Commercial) with removal of the BSP (Binding Site Plan), Tax Parcel 754, less and except the western 250 ft., as recorded in ORB 10037, Pages 1239 – 1241; of the Public Records of Brevard County, Florida. Section 31, Township 23, Range 36. (2.86 acres) Located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1. (No address assigned. In the Cocoa 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; and

WHEREAS, the Board, after considering said application and the 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 TR-3 with a BSP to BU-1 with a BDP and removal of the BSP, be approved. 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 November 13, 2024.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



Rita Pritchett, Vice Chair
Brevard County Commission
As approved by the Board on November 7, 2024.

ATTEST:



RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – August 12, 2024

BOCC Hearing – September 5, 2024

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**



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November 8, 2024

MEMORANDUM

TO: Recording

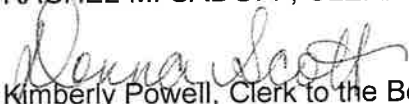
RE: Item F.5., Binding Development Plan with Ibrahim and Haroon Realestate, Inc.

The Board of County Commissioners, in regular session on November 7, 2024, accepted and executed Binding Development Plan with Ibrahim and Haroon Realestate, Inc. for the property lying in the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 31, Township 23 South, Range 36 East, Brevard County Florida. Enclosed are original Binding Development Plan Agreement and Check No. 1471 for \$44.00.

Please record the Agreement in the Public Records and return the recorded instrument to this office.

Your continued cooperation is always appreciated.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: 
Kimberly Powell, Clerk to the Board

Encls. (2)

RACHEL M. SADOFF
 CLERK OF THE CIRCUIT COURT & COMPTROLLER
 BREVARD COUNTY, FLORIDA



POST OFFICE BOX 2767
 TITUSVILLE, FLORIDA 32781-2767
 (321) 637-2006
 WWW.BREVARDCLERK.US

Transaction #: 3756135
 Receipt #: 63538904
 Cashier Date: 11/13/2024 12:29:33 PM
 Cashier Branch: Titusville - Six Story

Print Date:
 11/13/2024 12:29:37 PM

CUSTOMER INFORMATION	TRANSACTION INFORMATION		PAYMENT SUMMARY	
KIMBERLY BONDER REZANKA PA 111 FURMAN RD MERRITT ISLAND, FL 32953	Date Received:	11/13/2024	Total Fees	\$44.00
	Source Code:	Titusville - Six Story	Total Payments	\$44.00
	Return Code:	Mail (U.S. Postal Service)	Balance Due:	\$0.00
	Trans Type:	Recording		

1 Payments	
CHECK #1471	\$44.00

1 Recorded Items	
AGREEMENT	BK/PG: 10199/1665 CFN: 2024226745 Date: 11/13/2024 12:29:33 PM
From: To	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	5 \$44.00

1 Miscellaneous Items	
AGENT TRANSMITTAL	

Prepared by: Kimberly B. Rezanka, Esq.
Address: Lacey Lyons Rezanka
1290 Rockledge Blvd, Suite 103
Rockledge, FL 32955

BINDING DEVELOPMENT PLAN (BDP)

THIS AGREEMENT, entered into this 7th day of November, 2024 between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida (hereinafter referred to as "County") and **Ibrahim and Haroon Realestate, Inc.** (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, the Developer/Owner has requested, pursuant to the Brevard County Code, Section 62-1157, a rezoning of the Property from TR-3 (Mobile Home Park) to a zoning classification of BU-1 (General Retail Commercial), desiring to develop the Property as a multi-business flex space project for retail, office and personal services; and

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

NOW, THEREFORE, the Parties agree as follows:

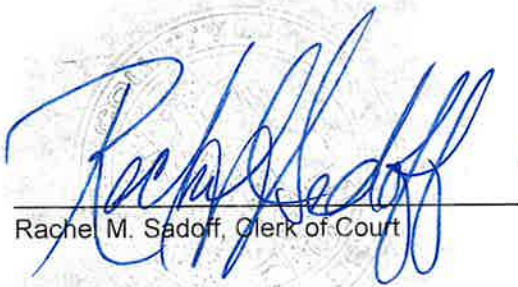
1. The above recitals are true and accurate and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct, maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the Parties that the Developer/Owner, its grantees, successors or assigns in interest, or some other association and/or assigned satisfactory to the County shall be responsible for the maintenance of any improvements.
3. The Developer/Owner shall adhere to the following conditions of development for the Property:

- a. The proposed development shall be required to have a 20-foot buffer along the east and south boundaries of the Property;
 - b. The BU-1 uses shall be limited to retail, office, and personal services; and
 - c. If there are any specimen trees within the 50-foot boundary along both the south and east sides of the Property, the Developer/Owner will make all efforts to save and maintain such trees during construction.
4. Upon receipt of resolution, the Board of County Commissioners shall execute the BDP and return a copy to the County's Planning and Development staff.
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
6. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on 11/07/2024.
In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
7. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in the above paragraph.

9. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

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

ATTEST:



Rachel M. Sadoff, Clerk of Court

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



Rita Pritchett, Vice Chair Chair

(SEAL)

NOV 07 2024

As approved by the Board on _____

WITNESS 1:

Kim Rezanka
Signature

Kim Rezanka
Printed Name

1290 US 1, Rockledge FL 32955
Address

IBRAHIM AND HAROON REALESTATE, INC.

By: WNI
Wasim Niazi, President

WITNESS 2:

Robyn Hattaway
Signature

Robyn Hattaway
Printed Name

1290 US 1, Rockledge FL 32955
Address

STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 31 day of October, 2024, by Wasim Niazi, as Director of Ibrahim and Haroon Realestate, Inc., who is personally known to me or who has produced as identification.

Tia Gaspar

My commission expires: 10/30/27
Commission No.: HH 459737

Notary Public SEAL
(Name typed, printed or stamped)

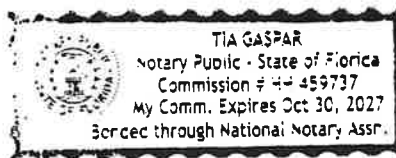


Exhibit "A"

LEGAL DESCRIPTION: As Furnished by "Fidelity National Title", Commitment Number: 11615753, Commitment Date: February 9, 2024 at 05:00 AM

A parcel of land lying in the Northeast 1/4 of the Southeast 1/4 of Section 31, Township 23 South, Range 36 East, Brevard County, Florida, described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of said Section 31; thence run North 89°38'00" West along the South line of said Northeast 1/4 of the Southeast 1/4 a distance of 541.59; feet thence run North 1°09'55" East, 8.31 feet to the Southwest corner of lands formerly owned by John T. Joyner, described in Deed Book "J", Page 263, Deed Book 440, Page 615, and as Parcel 1 in Official Records Book 187, Page 596, Public Records of Brevard County, Florida for the Point of Beginning; thence run North 89°24'34" West, 320.52 feet to a point on the Easterly Right of Way line of U.S. Highway No. 1; thence North 13°57'44" West along said Right of Way line, 336.67 feet to a point lying 336 feet, more or less, by right angle measurement, North of said South line of said Northeast 1/4 of the Southeast 1/4 of Section 31; thence run South 89°38'00" East parallel with said South line of the Northeast 1/4 of the Southeast 1/4, a distance of 889.90 feet to a point on the Westerly line of lands described in Deed Book "B", Page 170; thence run South 16°51'33" East along said Westerly line, a distance of 148.48 feet; thence run North 78°47'47" East, 17.00 feet to a point on the East line of the Northeast 1/4 of the Southeast 1/4 of Section 31; thence run South 1°50'42" West along said East line, a distance of 36.50 feet to the Northeast corner of said land described in Official records Book 187, Page 596, thence run North 88°51'00" West along the North line of said land described in said Official Records Book 187, Page 596, for a distance of 543.56 feet to the Northwest corner thereof, thence run South 1°09'55" West, 160.00 feet to the POINT OF BEGINNING.

Containing 206,626.51 Square Feet, 4.73 Acres

Less and Except the Herein Described portion of land being the Western 250.00 feet of the previously described parcel;

A parcel of land lying in the Northeast 1/4 of the Southeast 1/4 of Section 31, Township 23 South, Range 36 East, Brevard County, Florida, described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of said Section 31; thence run North 89°38'00" West along the South line of said Northeast 1/4 of the Southeast 1/4 a distance of 541.59; feet thence run North 1°09'55" East, 8.31 feet to the Southwest corner of lands formerly owned by John T. Joyner, described in Deed Book "J", Page 263, Deed Book 440, Page 615, and as Parcel 1 in Official Records Book 187, Page 596, Public Records of Brevard County, Florida, Thence run South 89°33'26" West, a distance of 70.09 to the Point of Beginning of the Herein described portion of land to be recognized as the "Less and Except" portion of the aforementioned lands; Thence run South 89°33'11" West, for a distance of 250.00 feet to the Easterly Right of Way line of U.S. Highway No. 1; Thence run North 14°59'51" West along the Easterly Right of Way line of U.S. Highway No. 1 for a distance of 336.67 feet to a point lying 336 feet, more or less, by right angle measurement, North of said South line of said Northeast 1/4 of the Southeast 1/4 of Section 31; thence run North 89°20'00" East parallel with said South line of the Northeast 1/4 of the Southeast 1/4, a distance of 250.00 feet to a point; Thence run South 14°57'22" East, for a distance of 337.61 feet back to the Point of Beginning.

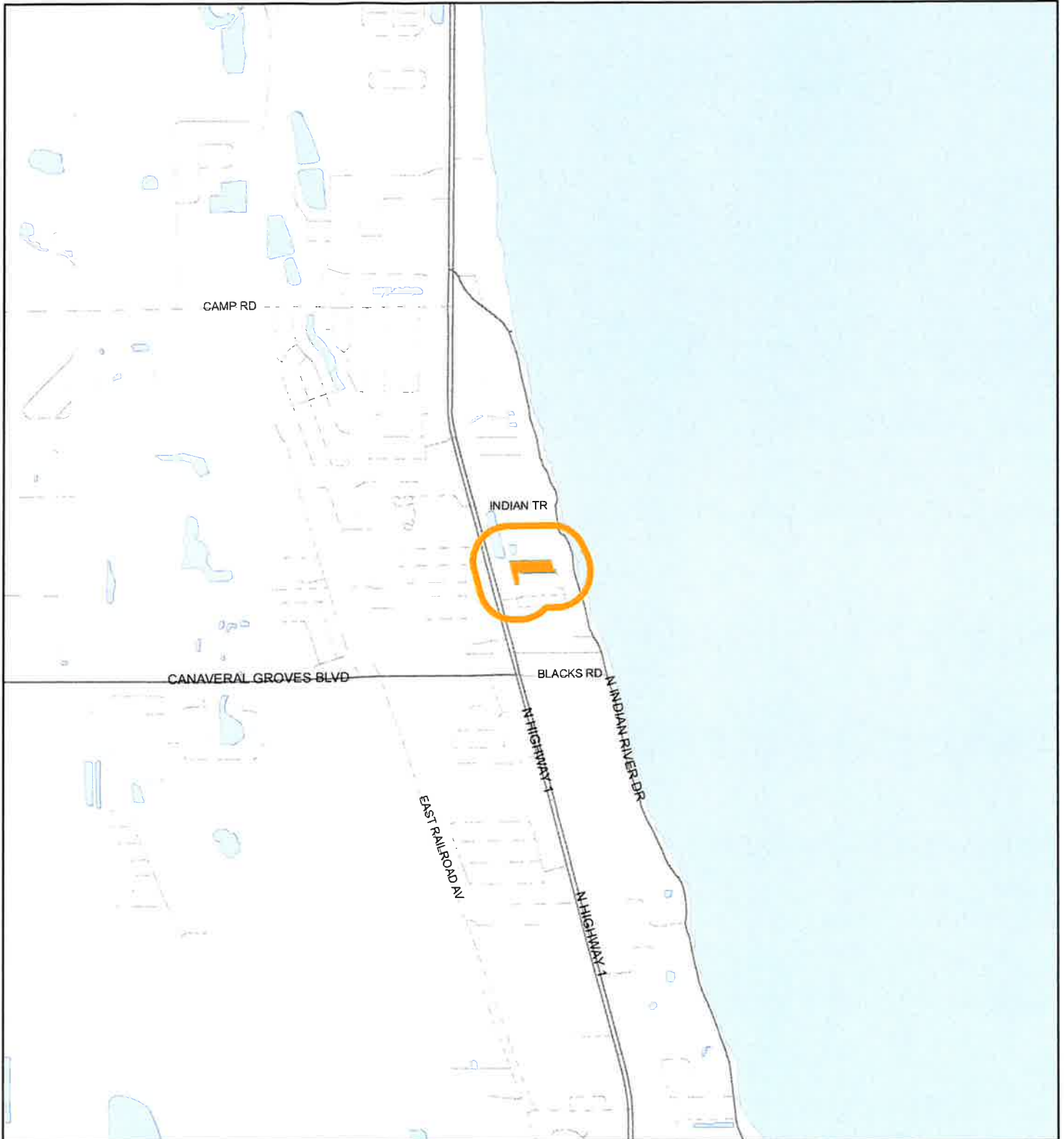
Containing 81,626.03 Square Feet, 1.87 Acres

Less and Except Right of Way for U.S. Highway No. 1



137 S. COURTENAY PKWY. #423, MERRITT ISLAND FL. 32952
PHONE: 321-209-0219 EMAIL: INFO@AOISOLUTIONSCO.COM
LICENSED BUSINESS No. LB 8335

LOCATION MAP
IBRAHIM & HAROON REALESTATE INC
24Z00023





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

Buffer Distance: 500 feet

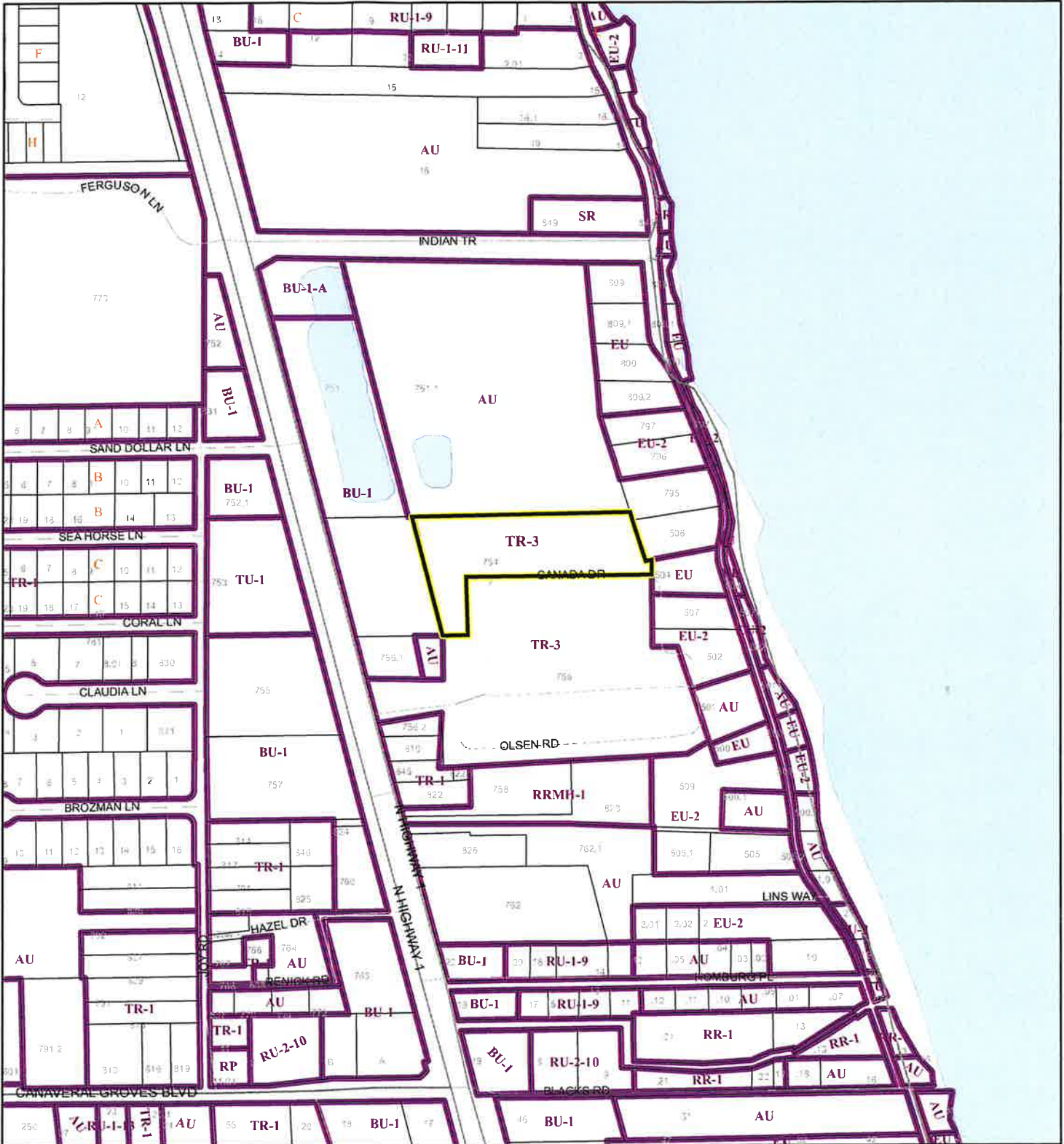
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/21/2024

-  Buffer
-  Subject Property

ZONING MAP

IBRAHIM & HAROON REALESTATE INC
24Z00023



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 5/21/2024

- Subject Property
- Parcels
- Zoning

H. PUBLIC HEARINGS

Planning and Zoning Board / Local Planning Agency
Monday, August 12, 2024, at 3:00 p.m.

Brevard County Board of County Commissioners
Thursday, September 05, 2024, at 5:00 p.m.

Both at the
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida

(24Z00023) Ibrahim and Haroon Realestate, Inc. (Kim Rezanka) requests a change of zoning classification from TR-3 (Mobile Home Park) with a BSP (Binding Site Plan) to BU-1 (General Retail Commercial) with removal of the BSP (Binding Site Plan), on 2.86 acres, located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1(No address assigned. In the Cocoa area.) (Tax Account 2317736) (District 1)

P&Z Recommendation: Bartcher/Thomas – Approved, on the condition of entering into a BDP that requires a 20-foot buffer along the east and south and restricts the BU-1 uses to retail, office, and personal service. The vote was unanimous.

BCC ACTION: Pritchett/Goodson. Approved the request for a change of zoning classification from TR-3 with a Binding Site Plan (BSP) to BU-1 with removal of the BSP, and adding a Binding Development Plan (BDP) that limits BU-1 uses to retail, office, and personal services, and requires a 20-foot buffer along the east and south sides as recommended by P&Z, and within that have 50-foot boundary for if there are any specimen trees they will make all efforts to save and maintain those trees during construction.