Agenda Report



2725 Judge Fran Jamieson Way Viera, FL 32940

Consent

F.4. 8/22/2023

Subject:

Acceptance, Re: Binding Development Plan with Ranger Storage, LLC (District 4)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

In accordance with Section 62-1157, it is requested that the Board of County Commissioners accept, and the Chair 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 May 4, 2023, the Board approved an amendment to an existing BDP, with a new BDP retaining all BU-1 uses and limiting the BU-2 use to indoor boat and RV storage only. The conditions in the previous BDP remain, and all conditions are as follows:

- Developer/Owner shall provide a vegetative buffer on the north side of the property substantially in accordance with Exhibit "B".
- The perimeter facing exterior walls of the proposed buildings shall meet the requirements for the screening requirements set forth in Section 62-1837.5(10). Vinyl coated chain link fence may be used as perimeter fencing on the west, east, and south property lines, but is not allowed along the north property line where adjacent to residential properties.
- Developer/Owner shall limit ingress and egress to Freeman Lane.
- Developer/Owner retains all BU-1 uses and limits the BU-2 uses to indoor RV and boat storage.

The attached agreement includes these provisions.

Clerk to the Board Instructions:

Upon recordation, please return two certified copies of the Binding Development Plan to Planning and Development.



FLORIDA'S SPACE COAST

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



August 30, 2023

MEMORANDUM

TO: Jennifer Jones, Zoning

RE: Item F.4., Binding Development Plan with Ranger Storage, LLC

The Board of County Commissioners, in regular session on August 22, 2023, executed Binding Development Plan (BDP) with Ranger Storage, LLC, from Lots 1 through 6, Block 20, plus the north one-half of the vacate streets on the south, Plat of Town of Pineda, according to the plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida. Enclosed is two certified copies of the BDP.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

hbs

Encls. (2)

CFN 2023186043, OR BK 9876 PAGE 382, Recorded 08/30/2023 at 01:41 PM, Rachel M. Sadoff, Clerk of Courts, Brevard County # Pgs:8

Prepared by:

Trauger Consulting Engineers

Address:

2210 Front St. Ste 204 Melbourne, FL 32901

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this <u>22</u> day of <u>August</u>, <u>2023</u> between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Ranger Storage, a Limited Liability Company (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-2 zoning classification(s) and desires to develop the Property as an RV/Boat Storage 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 impacts 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:

- Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
- 2. 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.

- 3. Developer/Owner voluntarily agrees to provide a vegetative buffer on the north side of the Property substantially in accordance with Exhibit "B" attached hereto (the "Plan").
- 4. The perimeter facing exterior walls of the proposed buildings shall meet the requirements for the screening requirements set forth in Section 62-1837.5(10). Vinyl coated chain link fence may be used as perimeter fencing on the west, east, and south property lines, but is not allowed along the north property line, where adjacent to residential properties.
- 5. The Developer/Owner shall limit ingress and egress to Freeman Lane.
- 6. The Developer/Owner retains all BU-1 uses and limits the BU-2 uses to indoor RV and boat storage.
- 7. 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 Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
- 8. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
- 9. 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 <u>05/04/23</u>. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
- 10. 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.
- 11. 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 Paragraph 10 above.

12. 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.

[Remainder of page left intentionally blank]

ATTEST:	BOARD OF COUNTY COMMISSIONERS		
	OF BREVARD COUNTY, FLORIDA		
17/11/1	/2725 Judge Fran Jamieson Way		
The Min I MI	Viera, FL 32940		
DANNUX/X/OGOT/	2 Sabel V		
Ragne M. Sadoff Clerk of Court	Rita Pritchett, Chair		
(SEAL)	As approved by the Board on AUG 22 2023		
	and a notary for each signature required. The notary may		
serve as one witness.)	(Pangar Starage LLC)		
WITNESSES:	(Ranger Storage, LLC) as DEVELOPER/OWNER		
	111.1M		
JUNICOL	Let NIX		
Matthew Mccusker	DALE A. MARTIN		
	Name typed, printed or stamped)		
	1201 ARRIVAS WAY Address) MELBOWENE FL 32940		
BRAM	Address) <u>MECBOWENE</u> FL 32940		
BRIAN GROPPE			
(Witness Name typed or printed)			
STATE OF FLORIDA §			
COUNTY OF Brevard §			
The foregoing instrument was acknowled	ledged before me, by means ofphysical presence or		
online notarization, this day of	August , 2023, by , of Ranger Storage, LLC , who is		
Tale A Machin	Sharran III		
Date A. Martin	, of Nanger Storage, LLC, who is		
personally known to me or who has produced	FL DriveRLic as identification.		
	2 26		
1 1	15Ktm		
My commission expires 6/14/2026	Notary Public		
SEAL Commission No.: HH251102	(Name typed, printed or stamped)		

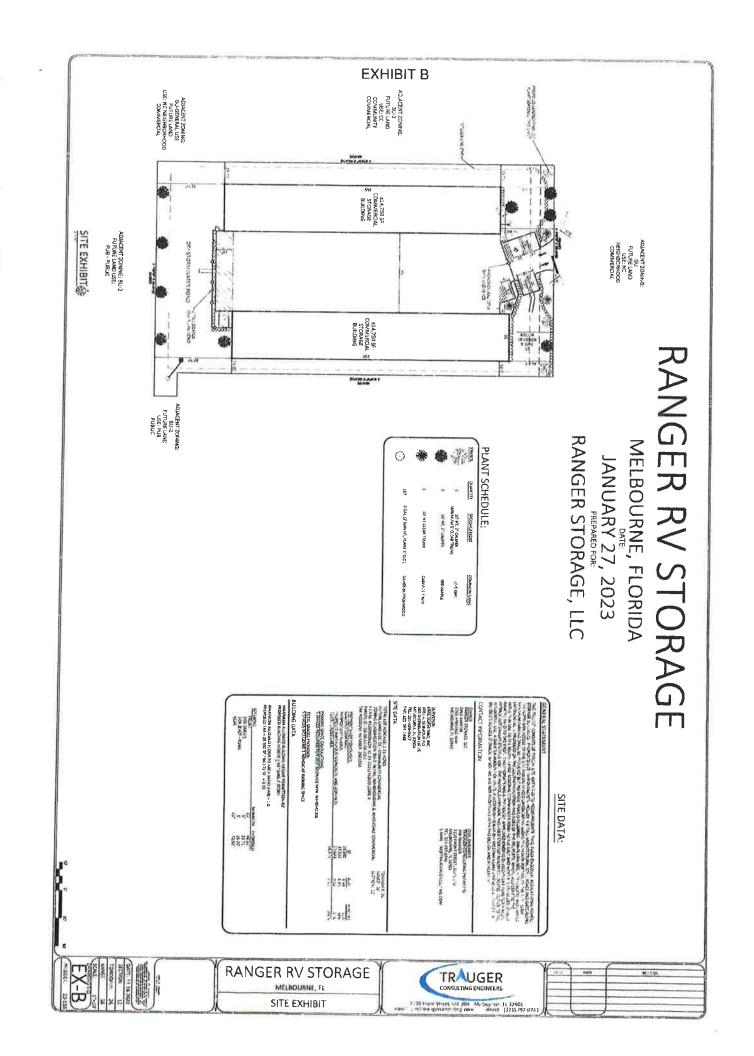
BRIAN R. GROPPE
Notary Public - State of Florida
Commission # HH 251102
My Comm. Expires Jun 14, 2026
Bonded through National Notary Assn.

EXHIBIT A

Lots 1 through 6, Block 20, plus the north ½ of the vacated streets on the south, Plat of Town of Pineda, according to the plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida.

And

Lots 1 through 16, Block 20, Plat of Town of Pineda, according to the plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida.



JOINDER IN BINDING DEVELOPMENT PLAN BY MORTGAGEE CORPORATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory
for the owner and holder of that certain Mortgage dated 19 SEPT 2022 given by
RANGER STORAGE LLC as mortgagor, in favor of the undersigned,
G.R. WILSON JR. TRUST as mortgagee, recorded in Official Records Book 96/6
Page 1844 of the Public Records of Brevard County, Florida, and encumbering lands described in said
Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the
change of property use and development requirements as set forth therein.
MORTGAGEE CORPORATION NAME AND ADDRESS
Mortgagee Corporation Name
277 MONTEREY DR. NAPLES FL 34119
Street City State Zip Code GEORGE & Wilson JR, MORTGAGEE
*Authorized Agent Signature Authorized Agent Printed Name and Title
*Note: All others besides CEO or President require attachment of original corporate resolution of authorization to sign documents of this type.
AFFIX CORPORATE SEAL
WITNESSES
Signature
Print Name
Signature

Print Name

STATE OF MARYLAND
COUNTY OF CHARLES
The foregoing instrument was acknowledged before me this
FLORIDA STATE D. L. as identification. Notary Public Signature
Name Printed SEAL
KAREN K CLARK Notary Public - State of Maryland Charles County My Commission Expires Apr 21, 2027

Resolution 23Z00009

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

WHEREAS, Ranger Storage, LLC, has requested an amendment to an existing BDP (Binding Development Plan) in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification, on property described as Lots 1 - 6, Block 20, plus the N ½ of the vacated streets on the south, Plat of Town of Pineda, according to the plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida. AND Lots 7 - 16, inclusive, Bock 20, Plat of Town of Pineda, as per plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida. Section 12, Township 26, Range 36. (2.21 +/- acres) Located on the south side of Freeman Lane, approx. 480 ft. east of Waelti Dr. (3335 Freeman Lane, Melbourne); 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 retaining all BU-1 uses, and limiting the BU-2 use to indoor RV and boat storage; and

WHEREAS, the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved with a BDP retaining all BU-1 uses, and limiting the BU-2 use to indoor RV and boat storage; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested amendment to an existing BDP, be approved with a BDP, recorded on 08/30/23, in ORB 9876, Pages 382 - 389, retaining all BU-1 uses, and limiting the BU-2 use to indoor RV and boat storage. 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 August 30, 2023.

ATTEOT

RACHEL SADOFF, CLERK

(SEAL)

Rita Pritchett, Chair

BOARD OF COUNTY COMMISSIONERS

Brevard County Commission

Brevard County, Florida

As approved by the Board on August 22, 2023.

Planning and Zoning Board Hearing – April 17, 2023 Board of County Commissioners Hearing – May 4, 2023

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.



FLORIDA'S SPACE COAST

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



August 30, 2023

MEMORANDUM

TO:

Recording

RE:

Item F.4., Binding Development Plan with Ranger Storage, LLC

The Board of County Commissioners, in regular session on August 22, 2023, approved and executed an amendment to an existing Binding Development Plan with Ranger Storage, LLC. Enclosed are original Binding Development Plan Agreement and Check No. 1206 for \$69.50.

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

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

RACHEL M. SADOFF, CLERK

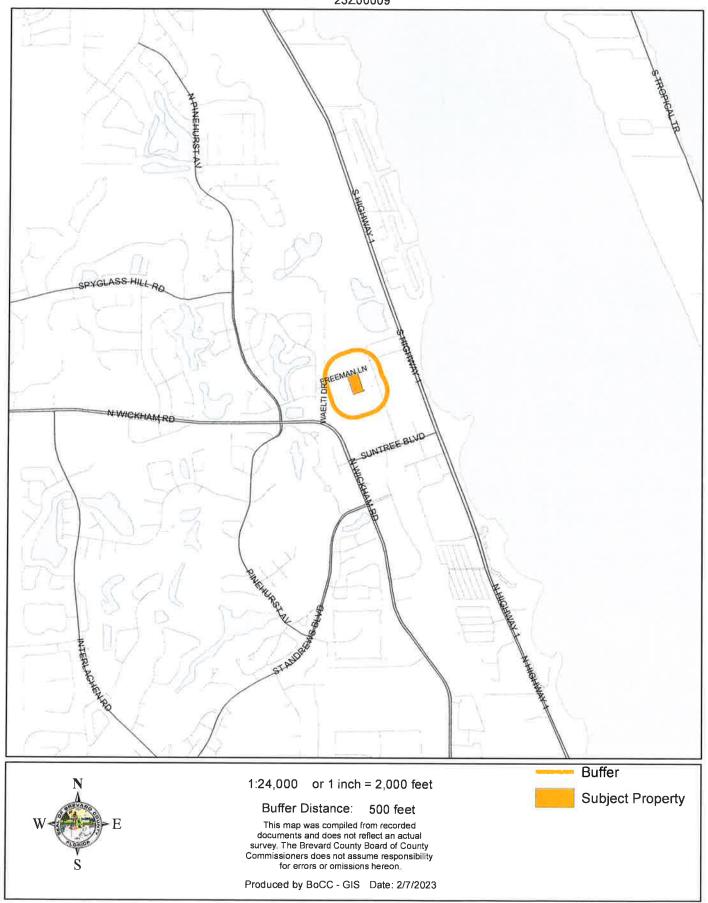
Kimberly Powell, Clerk to the Board

/hbs

Encls. (2)

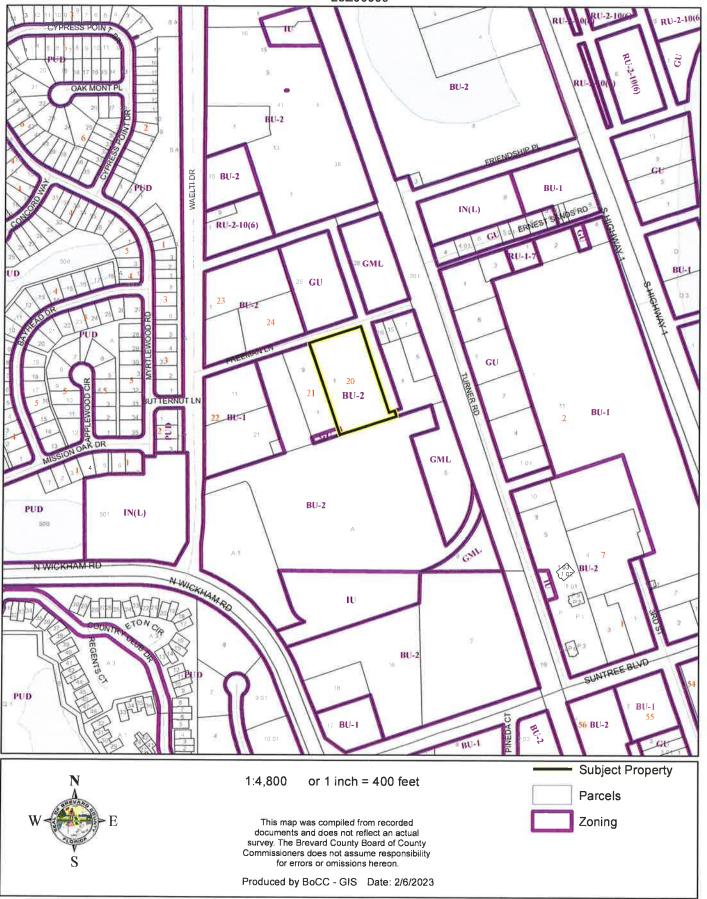
LOCATION MAP

RANGER STORAGE LLC 23Z00009



ZONING MAP

RANGER STORAGE LLC 23Z00009



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 #:

Receipt #:

3475075

63285535

Cashier Date: 08/30/2023 01:41:33 PM

Cashier Branch: Titusville - Six Story

08/30/2023 01:41:37 PM

CUSTOMER INFORMATION	TRANSACTION	INFORMATION	PAYMENT SUMMARY	
RANGER STORAGE LLC	Date Received:	08/30/2023	Total Fees:	\$69.50
3335 FREEMAN LN	Source Code:	Titusville - Six Story	Total Payments	\$69.50
MÉLBOURNE, FL 32940	Return Code:	Hand Carried	Balance Due:	\$0,00
	Trans Type:	Recording		
	INVESTIGATION OF A			W. St. 1 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.

іГ	a	ш	161	ILS
	_	-	_	-

CHECK #1206

\$69.50

1 Recorded Items

AGREEMENT

BK/PG: 9876/382 CFN: 2023186043 Date: 08/30/2023 01:41:32 PM

From: Ta

Recording @ 1st=\$10 Add'l=\$8.50 ea.

8

\$69.50

1 Miscellaneous Items

AGENT TRANSMITTAL

P&Z Agenda April 17, 2023 (BCC May 4, 2023) Page 3

9. (23Z00016) Norman Leigh Sherman and Karen Denise Turowski request a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to AU (Agricultural Residential), on property described as Lot 4.02, Block 2, Indian River Park, as recorded in ORB 9701, Pages 600 - 603, of the Public Records of Brevard County, Florida. Section 22, Township 20G, Range 34. (3.53 +/- acres) Located on the south side of Pine Needle St., approx. 300 ft. east of Hog Valley Rd. (4791 Pine Needle St., Mims) (Tax Account 2002089) (District 1)

P&Z Recommendation: Bartcher/Thomas - Approved. The vote was unanimous. BCC ACTION: Feltner/Goodson - Approved as recommended. The vote was unanimous.

10. (23Z00006) David C. Ramage and Cynthia R. Ramage Trust (Jack Kirschenbaum) request a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on 4.83 acres, located on the east side of U.S. Highway 1, approx. 0.23 mile north of E. Main St. (2615 U.S. Highway 1, Mims) (Tax Account 2103340) (District 1)

P&Z Recommendation: Bartcher/Sullivan - Approved with a BDP retaining all BU-1 uses, limiting the BU-2 use to a mini-warehouse with outdoor RV and boat storage only, and limiting the storage of RV's and boats to the rear of the property. The vote was unanimous. BCC ACTION: Feltner/Tobia - Approved as recommended, with a BDP retaining all BU-1 uses, limiting the BU-2 use to a mini-warehouse with outdoor RV and boat storage only, and limiting the storage of RV's and boats to the rear of the property. The vote was unanimous. The BDP will be scheduled as a Consent Item on a subsequent County Commission agenda, per Policy BCC-52. Resolution to be completed upon receipt of recorded BDP.

11.(23Z00009) Ranger Storage, LLC (Jim Trauger) requests an amendment to an existing BDP (Binding Development Plan) in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification, on 2.21 +/- acres, located on the south side of Freeman Lane, approx. 480 ft. east of Waelti Dr. (3335 Freeman Lane, Melbourne) (Tax Account 2601558) (District 4)

P&Z Recommendation: Bartcher/Thomas - Approved with a BDP retaining all BU-1 uses and limiting the BU-2 use to indoor RV storage only. The vote was unanimous. BCC ACTION: Feltner/Tobia - Approved with a BDP retaining all BU-1 uses and limiting the BU-2 use to indoor boat and RV storage only. The vote was unanimous. The BDP will be scheduled as a Consent Item on a subsequent County Commission agenda, per Policy BCC-52. Resolution to be completed upon receipt of recorded BDP.

12. (23SS00002) FMKT Mel Owner, LLC (Bruce Moia) requests a Small Scale Comprehensive Plan Amendment (23S.02), to change the Future Land Use designation from PI (Planned Industrial) and CC (Community Commercial), to all CC, on 11.48 acres, located on the east side of N. Wickham Rd., approx. .20 miles south of Pineda Ct. (In the Melbourne area.) (Tax Account 3011945) (District 4)

P&Z Recommendation: Sullivan/Thomas - Approved. The vote was unanimous.

- to change the Future Land Use designation from AGRIC to RES 1:2.5 on 3.4 acres, and AGRIC to RES 1 on 1 acre. (22SS00014).
- Item H.11. Norman Leigh Sherman Jr. and Karen Denise Turowski. Feltner/Goodson. Approved the request of changing zoning classification from RRMH-1 to AU as recommended. (23Z00016).
- Item H.12. David D. Ramage and Cynthia R. Ramage Trust. Feltner/Goodson. Approved the request of changing zoning classification from BU-1 to BU-with a BDP retaining all BU-1 uses, limiting the BU-2 use to a mini warehouse with outdoor RV and boat storage only, and limiting the storage of RV's and boats to the rear of the property as recommended. (23Z00006).
- Item H.13. Ranger Storage, LLC . Feltner/Tobia. Approved the request an amendment to an existing BDP retaining all BU-1 uses and limiting the BU-2 use to indoor RV and boat storage only in a BU-2 zoning classification as recommended. (23Z00009).
- Item H.14 FMKT Mel Owner, LLC. Feltner/Tobia. Adopted Ordinance No. 23-10, setting forth the second Small Scale Comprehensive Plan Amendment (23S.02), Approved the request of a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Pl and CC, to all CC as recommended. (23SS00002).
- Item H.15. FMKT Mel Owner, LLC.. Feltner/Goodson. Approved the request of changing zoning classification from BU-1 and BU-2 to PUD as recommended. (23Z00008).
- Item H.16. Crane View , LLC. Withdrawn by the applicant. Letter received April 20, 2023. (22SS00016).
- Item H.16. Crane View , LLC. Withdrawn by the applicant. Letter received April 20, 2023. (22Z00071).