



Agenda Report

Consent

F.6.

10/25/2022

Subject:

Acceptance, Re: Binding Development Plan with William and Jeanette Gonedridge (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & 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 August 4, 2022, the Board of County Commissioners approved a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), with a BDP limiting development to a total of two lots. The attached BDP includes this provision.

Clerk to the Board Instructions:

Upon recordation, please return two certified copies of the BDP to Planning & 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

October 26, 2022

MEMORANDUM

TO: Jennifer Jones, Zoning

RE: Item F.6., Binding Development Plan with William and Jeanette Gonedridge

The Board of County Commissioners, in regular session on October 25, 2022, executed Binding Development Plan Agreement with William and Jeanette Gonedridge for property located in the west 2/3 of the east ½ of the southeast ¼ of the southeast ¼ of the southwest ¼, in Section 31, Township 20S, Range 35E (except right-of-way for road as now laid out and dedicated), Brevard County, Florida. Enclosed for your necessary action are two certified copies of the recorded documents.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for Donna Scott
for Kimberly Powell, Clerk to the Board

/dt

Encls. (2)

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 25 day of OCTOBER, 2022 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and William and Jeanette Gonedridge, (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 RR-1 zoning classification(s) and desires to develop the Property as Single-Family Residential, 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:

1. 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 shall limit development to a total of two lots.

4. 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.
5. 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.
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 08/04/22. 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 Paragraph 7 above.
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:

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


Rachel M. Sadoff, Clerk of Court
(SEAL)



Kristine Zenka, Chair

As approved by the Board on OCTOBER 25, 2022


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


WITNESSES:

DEVELOPER/OWNER


Beatrice Chase
(Witness Name typed or printed)


(Developer/Owner)
WILLIAM J. GONFORIO
(Name typed, printed or stamped)


Jennifer Jones
(Witness Name typed or printed)


(Developer/Owner)
Jeanette D. Gonforio
(Name typed, printed or stamped)

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or _____ online notarization, this 26 day of Sept, 2022 by William & Jeanette Gonforio, President of _____, who is personally known to me or who has produced FLD as identification.

My commission expires
SEAL
Commission No.:



Notary Public
(Name typed, printed or stamped)

EXHIBIT A
Legal Description

The west 2/3 of the east ½ of the southeast ¼ of the southwest ¼, in Section 31, Township 20S, Range 35E (except right-of-way for road as now laid out and dedicated), Brevard County, Florida.

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 #: 3276064
Receipt #: 63106985
Cashier Date: 11/02/2022 02:13:08 PM
Cashier Branch: Titusville - Six Story

Print Date:
11/02/2022 02:13:16 PM

CUSTOMER INFORMATION		TRANSACTION INFORMATION		PAYMENT SUMMARY	
WILLIAM J GONEDRIDGE 9610 WOODLAND RIDGE DR UTD: 12/4/14 TAMPA, FL 33637	Date Received:	11/02/2022	Total Fees:	\$35.50	
	Source Code:	Parkway	Total Payments	\$35.50	
	Return Code:	Hand Carried	Balance Due:	\$0.00	
	Trans Type:	Recording			

1 Payments

CHECK #105	\$35.50
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1 Recorded Items

AGREEMENT	BK/PG: 9649/1842 CFN: 2022262128 Date: 11/02/2022 02:13:06 PM
From: To:	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	4 \$35.50

STATE OF FLORIDA
COUNTY OF BREVARD

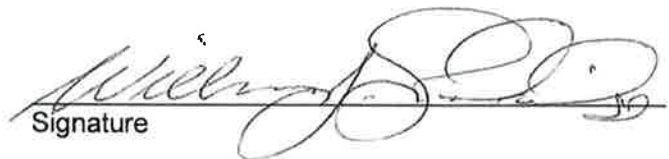
William Gonedridge, after being duly sworn, deposes and says:

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

Tax Parcel 519, as recorded in ORB 9382, Pages 2057 - 2058, of the Public Records of Brevard County, Florida.

There are no mortgages on the above described property

Dated this 26th day of September, 2022.


Signature

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 26th day of September, 2022, by

William Gonedridge, who is personally known to me or who has

produced FL DL as identification, and who did take an oath.

Notary Public:


State of Florida at Large
My Commission Expires:

(SEAL)



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COUNTY OF BREVARD

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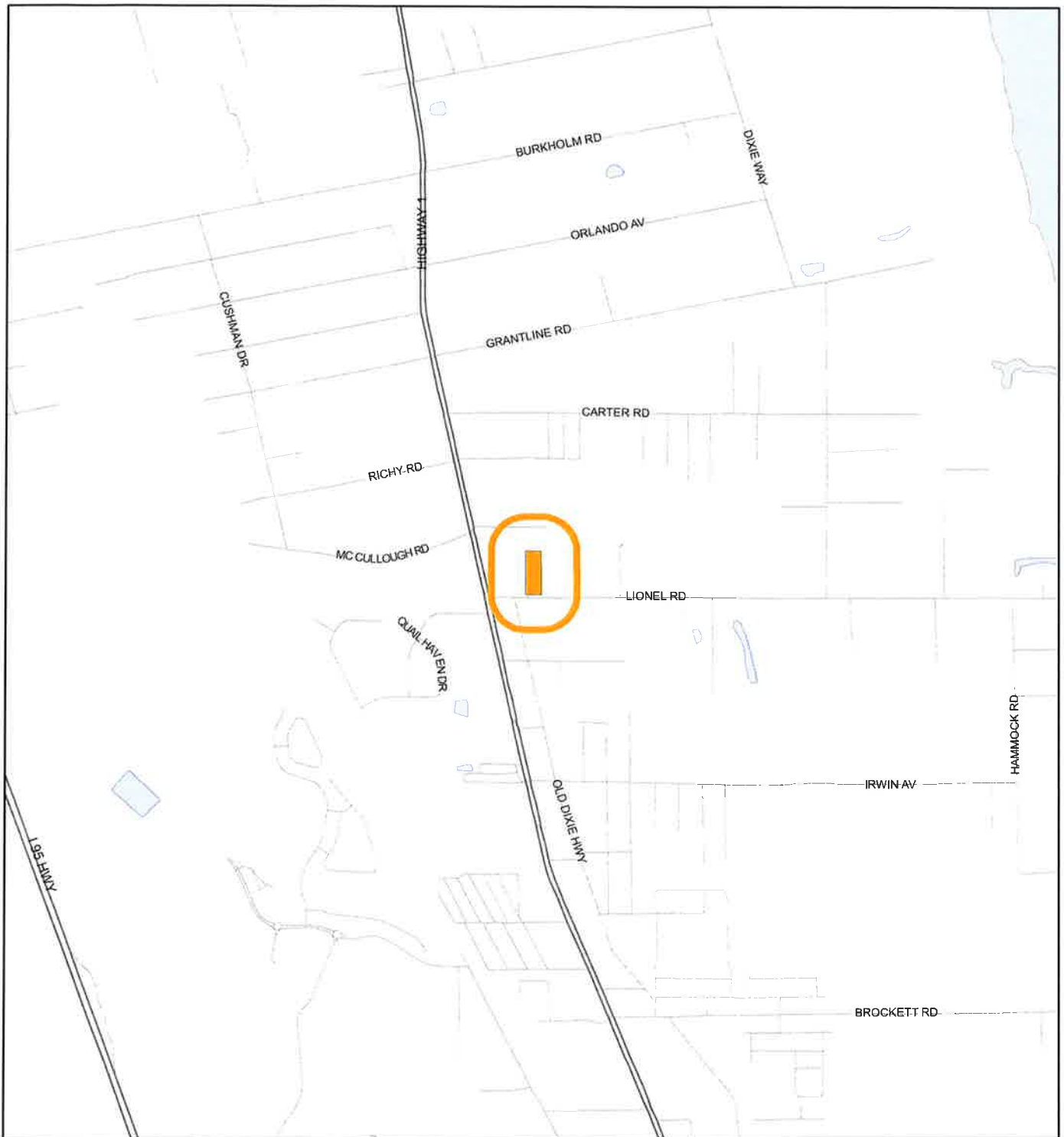

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My Commission Expires:

(SEAL)



LOCATION MAP

GONEDRIDGE, WILLIAM AND JEANETTE
22Z00018



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: 5/10/2022

— Buffer
— Subject Property

ZONING MAP

GONEDRIDGE, WILLIAM AND JEANETTE

22Z00018



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- Subject Property
- Parcels
- Zoning

H. PUBLIC HEARINGS

Planning and Zoning Board / Local Planning Agency
Monday, July 18, 2022, at 3:00 p.m.

Brevard County Board of County Commissioners
Thursday, August 4, 2022, at 5:00 p.m.

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

1. **(22Z00017) Daniel P. and Amber N. Allen** request a CUP (Conditional Use Permit) for Farm Animals and Fowl (2 pot-bellied pigs) for Medical Hardship, in a RR-1 (Rural Residential) zoning classification. The property is 1.03 acres, located on the west side of Wagon Rd., approx. 360 ft. north of Ranchwood Dr. (2625 Wagon Rd., Cocoa) (Tax Account 2405506) (District 1)

LPA Recommendation: Alward/Moia - Approved. The vote was 8:1, with Hopengarten voting nay.

BCC ACTION: Pritchett/Smith - Approved, limited to 2 pot-bellied pigs and 4 chickens (hens). The vote was 3:1 with Tobia voting nay.

2. **(22Z00024) Evan Bales and Kelsey Godfrey** (Charlene Morgan) request a CUP (Conditional Use Permit) for a Guesthouse in an RU-1-11 (Single-Family Residential) zoning classification. The property is 0.69 acres, located on the north side of Mili Ave., approx. 150 ft. east of Newfound Harbor Dr. (1770 Mili Ave., Merritt Island) (Tax Account 2522454) (District 2)

P&Z Recommendation: Minneboo/Glover - Approved. The vote was unanimous.

BCC ACTION: Pritchett/Tobia - Approved with the condition that a kitchen shall be prohibited. The vote was unanimous.

3. **(22Z00018) William and Jeanette Gonedridge** request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential) with a BDP (Binding Development Plan) limiting development to a total of two lots. The property is 3.33 acres, located on the north side of Lionel Rd., approx. 0.1 mile east of U.S. Highway 1. (3660 Lionel Rd., Mims) (Tax Account 2000372) (District 1)

P&Z Recommendation: Filiberto/Alward - Approved with a BDP limiting development to a total of two lots. The vote was unanimous.

BCC ACTION: Pritchett/Tobia - Approved as recommended, with a BDP limiting development to a total of two lots. 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.

4. **(22SS00004) Andrea Bedard and Nicholas Boardman** (Ronald Treharne) request a Small Scale Comprehensive Plan Amendment (22S.07), to change the Future Land Use designation from RES 4 (Residential 4) and NC (Neighborhood Commercial) to CC (Community Commercial). The property is 1.02 acres, located on the north side of Coquina Rd., approx. 214 ft. east of U.S. Highway 1. (23 Coquina Rd., Rockledge) (Tax Account 2511124) (District

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. Daniel P. and Amber N. Allen. Pritchett/Smith, with Commissioner Tobia voting Nay. Approved the request of CUP for Farm Animals limited to (2 pot-bellied pigs and 4 chickens) and Fowl for Medical Hardship in an RR-1 zoning classification. (22Z00017).
- Item H.2. Evan Bales and Kelsey Godfrey. Pritchett/Tobia. Approved the request of CUP for Guesthouse with the condition of a kitchen being prohibited in a RU-1-11 Zoning Classification as recommended. (22Z00024).
- Item H.3.** William and Jeanette Gonedridge. Pritchett/Tobia. Approved the request of change of zoning classification from AU to RR-1, with a BDP limiting development to a total of two separate lots. (22Z00018).
- Item H.4. Andrea Bedard and Nicholas Boardmen. Withdrawn by applicant. Letter received 07/27/2022.
- Item H.5. Andrea Bedard and Nicholas Boardmen. Pritchett/Tobia. Approved staff's recommendation to remand the request to change zoning classification from AU to BU-1 to the September 12, 2022, Planning and Zoning meeting for applicant to amend the request. (22Z00015).
- Item H.6. James A. and Vikki P. Dean. Pritchett/Tobia. Adopted Ordinance No. 22-22, setting forth the twelfth Small Scale Comprehensive Plan Amendment (22S.08), to change the Future Land Use designation from RES 1:2.5 to RES 1 as recommended. (22SS00005).
- Item H.7. James A. and Vikki P. Dean. Pritchett/Tobia. Approved the request of changing of zoning classification from AU to RR-1 as recommended. (22Z00019).
- Item H.8. DeRosa Holdings, LLC. Smith/Tobia. Approved the request of amending an existing BDP in an RU-2-12 zoning classification as recommended. (22Z00022).
- Item H.9. Island Bluff, LLC. Smith/Tobia. Approved the request of changing zoning classification from BU-1 and IN(L) with an existing BDP, to SR, removing the existing BDP, and adding a new BDP as recommended. (22Z00023).
- Item H.10. Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer. Smith/Pritchett. Adopted Ordinance No. 22-23, setting forth the eleventh Small Scale Comprehensive Plan Amendment (22S.06), to change the Future Land Use Designation from RES 4, NC, and CC, to all CC as recommended. (22SS00003).

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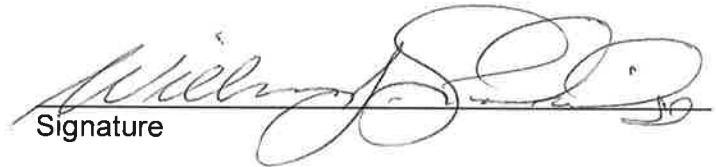
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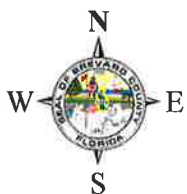
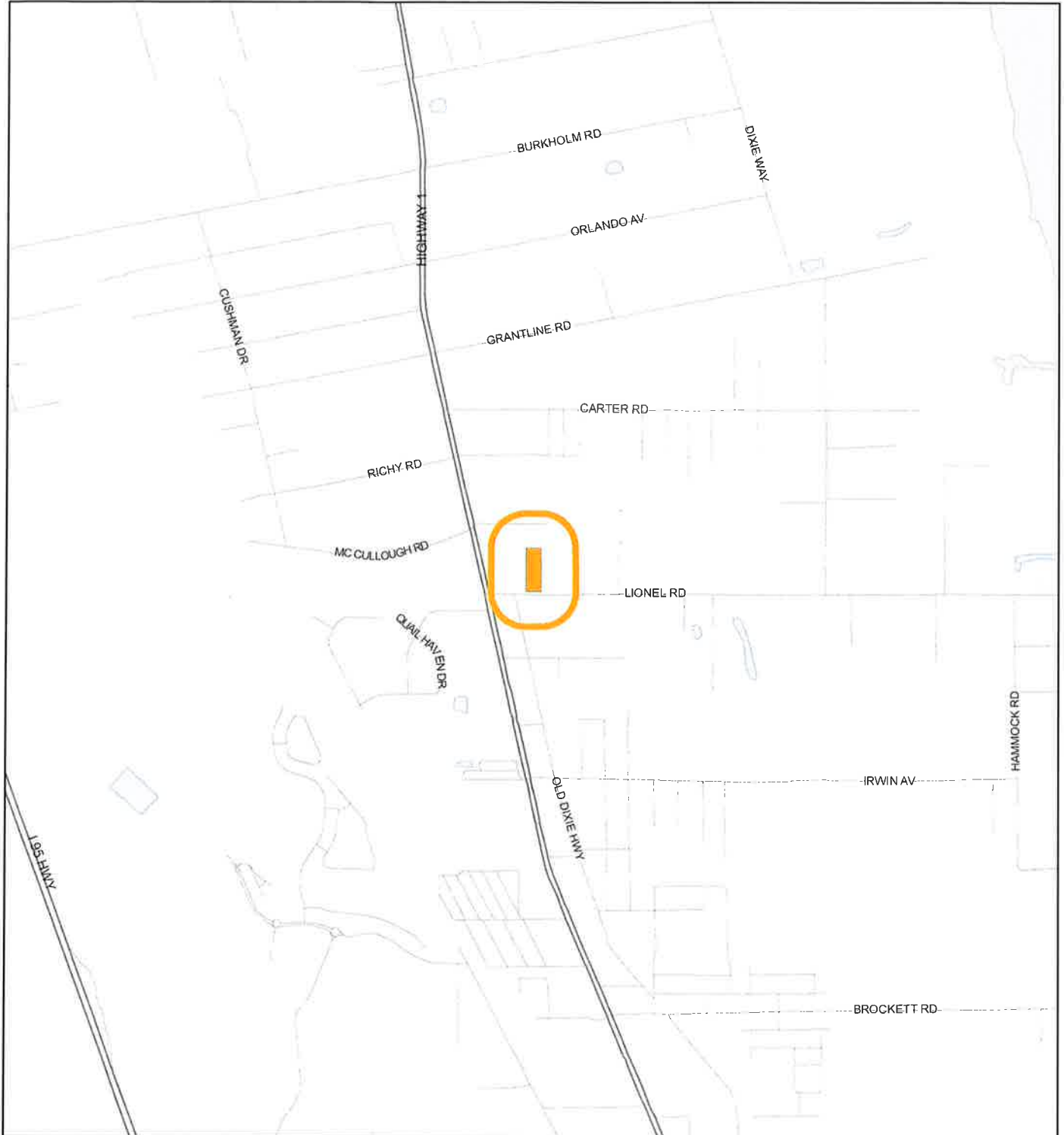
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