



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.5.

8/22/2023

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### **Subject:**

Acceptance, Re: Binding Development Plan with Seminole Storage Units 2, LLC (f.k.a., David C. Ramage and Cynthia R. Ramage Trust) (23Z00006) (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 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 a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial) with a BDP retaining all BU-1 uses and limiting the BU-2 use to a mini-warehouse with outdoor RV and boat storage and limiting the storage of RV's and boats to behind the building. 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.



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

**M E M O R A N D U M**

**TO:** Jennifer Jones, Zoning

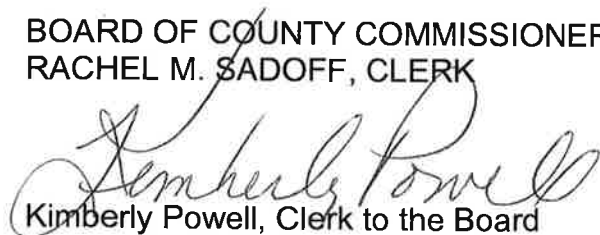
**RE:** Item F.5., Binding Development Plan with Seminole Storage Units 2, LLC (f.k.a., David C. Ramage and Cynthia R. Ramage Trust)

The Board of County Commissioners, in regular session on August 22, 2023, executed Binding Development Plan (BDP) with Seminole Storage Units 2, LLC (f.k.a., David C. Ramage and Cynthia R. Ramage Trust) retaining all BU-1 uses and limiting the BU-2 use to a mini-warehouse with outdoor RV and boat storage and limiting the storage of the RV's and boats to behind the building. 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)

Prepared by: Jack A. Kirschenbaum  
Address: 1795 W. NASA Boulevard  
Melbourne, FL 32901

### BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 11<sup>th</sup> day of August, 2023 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and SEMINOLE STORAGE UNITS 2, LLC (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 BU2 zoning classification(s) and CC Future Land Use and desires to develop the Property as a mini warehouse, 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 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.
4. The Binding Development Plan shall retain all BU1 uses but limit the BU2 use to a mini warehouse with outdoor RV and boat storage only, and limiting the storage of RVs and boats to the rear of the property, to wit: the outdoor storage shall be behind the building.
5. The property subject to this Binding Development Plan is Tax Account 2103340 located in Mims, Brevard County, Florida.
6. 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.
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 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 May 4, 2023. 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 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.
9. 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 9 above.

10. 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  
(SEAL)

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

  
Rita Pritchett, Chair

As approved by the Board on AUG 22 2023

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

WITNESSES:

  
Kiona McElroy  
(Witness Name typed or printed)

SEMINOLE STORAGE UNITS 2, LLC:

  
JAMES H. HODGES, Managing Member

STATE OF FLORIDA )

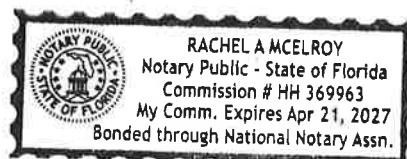
COUNTY OF BREVARD )

)SS:

THE FOREGOING INSTRUMENT was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11 day of August, 2023, by JAMES H. HODGES as Managing Member of SEMINOLE STORAGE UNITS 2, LLC, a Florida Limited Liability Company, on behalf thereof, who ☒ is personally known to me, or ☐ produced \_\_\_\_\_ as identification.

[AFFIX NOTARY SEAL]

#51228566 v1



  
Notary Public Signature

Print Notary Name: Rachel McElroy

My commission expires: 4-21-27

# BOUNDARY & TOPOGRAPHIC SURVEY

## A PORTION OF THE FOLLOWING:

### Parcel 1:

Start at the half mile pole post between Sections 17 and 18, Township 21 South, Range 35 East (which is the South line of the Northwest 1/4 of said Section 17) run East along said quarter section line 15.45 chains to the center of the Titusville and Enterprise Wagon Road, thence run North 22 degrees West along the center of said Wagon Road 11.82 chains to the Northwest corner of land formerly conveyed to Mark E. Bennett by deed recorded in Deed Book 58 at Page 175, Public Records of Brevard County, Florida, for a beginning point of the land hereby described, from said beginning point run North 71 1/2 degrees East along the North line of said Bennett's land 9.78 chains, more or less to a point, which is the Northeast corner of said Bennett's land, thence run North 14 degrees West 5.85 chains more or less to a post on the North line said Southwest 1/4 of the Northwest 1/4 of said Section 17, thence run West 11 chains, more or less, on said North line of said Southwest 1/4 of the Northwest 1/4 of said Section 17 to the center of said Titusville and Enterprise Wagon Road, thence run South 22 degrees East in the center of said Wagon Road 9.90 chains, more or less, to the Point of Beginning, and being a part of the South half of the Northwest 1/4 of Section 17, Township 21 South, Range 35 East (as conveyed to P.W. Roberts, also known as Philip W. Roberts, by deed dated February 14, 1912, and recorded in Deed Book 58, Page 208 Brevard County, Florida Records)

LESS AND EXCEPTING therefrom that part thereof conveyed by the said P.W. Roberts, also known as Philip W. Roberts to Joseph Guyton by deed dated February 20, 1912 and recorded in Deed Book 52 at Page 38 Brevard County, Florida Records, and therein described as: Begin at a post at Northwest corner of lands of Mark Bennett in Northwest 1/4 of Section 17, Township 21 South, Range 35 East, run North 22 degrees West 132 feet along Titusville and Enterprise Road, thence North 71 degrees 30 minutes East 660 feet, more or less, to line of lands formerly of S.P. Gray, thence South 14 degrees along East said lands of S.P. Gray 132 feet, more or less, to Northeast corner of lands of Mark Bennett in said Section and 1/4, thence South 71 degrees 30 minutes West 644 feet to Point of Beginning. EXCEPT right of way of U.S. Highway #1 or State Road #5 (formerly State Road #4).

### Parcel 2:

A parcel of land lying in the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 21 South, Range 35 East, Brevard County, Florida, described as follows:  
Commencing at the Southeast corner of said Northwest 1/4 of the Northwest 1/4 of Section 17, thence South 89 degrees 09 minutes 35 seconds West, along the south line thereof, 709.72 feet to the intersection with the easterly right of way line of U.S. Highway No. 1 and said point being the Point of Beginning of the parcel of land herein described; thence North 22 degrees 44 minutes 42 seconds West, along said right of way line, 43.24 feet; thence North 73 degrees 11 minutes 48 seconds East, 713.58 feet; thence South 00 degrees 40 minutes 07 seconds East, 236.36 feet to a point lying on the aforesaid South line of the Northwest 1/4 of the Northwest 1/4 of said Section 17; thence South 89 degrees 09 minutes 35 seconds West, along said line, 869.22 feet to the Point of Beginning.

### Parcel 3:

For the Point of Beginning, go East 1055.3 feet from the Southwest corner of South 1/2 of the Northwest 1/4 of Section 17, Township 21 South, Range 35 East, Brevard County, Florida, Tallahassee Meridian to the East Right-of-Way line of U.S. Highway No. 1; thence North 21 degrees 30 minutes West 439.00 feet along the East Right-of-Way aforesaid, to an iron pin which is the Point of Beginning, said point being the Northwest corner of the Nolle Tract; thence run North 68 degrees East on the North line of the Nolle Tract 566.00 feet to fence corner post; thence North 13 degrees 45 minutes West along fence line 101.05 feet; thence South 68 degrees West 579.63 feet to the East Right-of-Way line of U.S. HWY No. 1 aforesaid; thence South 21 degrees 30 minutes East 100.00 feet along the East Right-of-Way line aforesaid to the Point of Beginning.

AND

A parcel of land lying in Section 17, Township 21 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the intersection of the centerline of Stanley Street and the West Right-of-Way line of U.S. HWY No. 1 and run South 21 degrees 57 minutes 28 seconds East, along said West Right-of-Way line, a distance of 9.37 feet; thence run North 67 degrees 07 minutes 40 seconds East, a distance of 100.08 feet to the East Right-of-Way line of U.S. HWY No. 1 and the Point of Beginning of the herein described parcel; from said Point of Beginning run South 21 degrees 56 minutes 28 seconds East along said East Right-of-Way line a distance of 181.00 feet; thence run North 67 degrees 19 minutes 43 seconds East, a distance of 453.59 feet; thence run North 22 degrees 03 minutes 08 seconds West, a distance of 260.87 feet; thence run South 67 degrees 35 minutes 42 seconds West, a distance of 210.34 feet; thence run South 24 degrees 01 minutes 43 seconds East, a distance of 80.00 feet; thence run South 67 degrees 07 minutes 40 seconds West, a distance of 245.66 feet to the East Right-of-Way line of U.S. HWY No. 1 and the Point of Beginning of the herein described parcel.

LESS AND EXCEPT THE FOLLOWING:

A parcel of land lying in Section 17, Township 21 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the intersection of the centerline of Stanley Street and the West Right-of-Way line of U.S. HWY No. 1 and run South 21 degrees 57 minutes 28 seconds East, along said Right-of-Way line a distance of 9.37 feet; thence run North 67 degrees 07 minutes 40 seconds East, a distance of 100.08 feet to the East Right-of-Way line of U.S. HWY No. 1 and this being the Point of Beginning of herein described parcel. From the Point of Beginning run South 21 degrees 56 minutes 28 seconds East, along the East Right-of-Way line a distance of 181.01 feet; thence run North 67 degrees 19 minutes 43 seconds East, a distance of 245.66 feet; thence run North 22 degrees 03 minutes 08 seconds West, a distance of 181.01 feet; thence run South 67 degrees 07 minutes 40 seconds East, a distance of 245.66 feet to the Point of Beginning.

ALSO LESS AND EXCEPT:

Commence at the intersection of the North right of way line of Main Street (60 foot right of way) and said East right of way line of U.S. Highway No. 1 (100 foot right of way); thence run North 22 degrees 44 minutes 13 seconds West, along the East right of way line a distance of 757.24 feet to the Point of Beginning; thence continue North 22 degrees 44 minutes 13 seconds West, along said East right of way line a distance of 99.61 feet; thence leaving said East right of way line run North 66 degrees 42 minutes 20 seconds East a distance of 311.00 feet; thence run South 22 degrees 44 minutes 34 seconds East a distance of 179.20 feet; thence run South 66 degrees 18 minutes 17 seconds West a distance of 65.51 feet; thence North 24 degrees 50 minutes 24 seconds West a distance of 79.88 feet; thence South 66 degrees 45 minutes 08 seconds West a distance of 242.58 feet to the Point of Beginning.

### Parcel 4:

A parcel of land lying in Section 17, Township 21 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the intersection of the centerline of Stanley Street and the West Right-of-Way line of U.S. HWY No. 1 and run South 21 degrees 57 minutes 28 seconds East, along said Right-of-Way line a distance of 9.37 feet; thence run North 67 degrees 07 minutes 40 seconds East, a distance of 100.08 feet to the East Right-of-Way line of U.S. HWY No. 1 and this being the Point of Beginning of herein described parcel. From the Point of Beginning run South 21 degrees 56 minutes 28 seconds East, along the East Right-of-Way line a distance of 181.01 feet; thence run North 67 degrees 19 minutes 43 seconds East, a distance of 245.66 feet; thence run North 22 degrees 03 minutes 08 seconds West, a distance of 181.01 feet; thence run South 67 degrees 07 minutes 40 seconds East, a distance of 245.66 feet to the Point of Beginning.

EXHIBIT

A



Parcel 5:

Beginning 16.10 chains East of quarter section corner on the West line of Section 17, Township 21 South, Range 35 East and running East along quarter section line, 545.4 feet, thence North 22 degrees West, 318.8 feet; thence North 68 degrees 40 minutes East, 118.9 feet; thence North 19 degrees 43 minutes East, 100 feet; thence South 67 degrees 35 minutes West, 675 feet, thence South 22 degrees East, 180.8 feet to the Point of Beginning.

AND

Lots 21 and 22, China Ward, according to the plat thereof as recorded in Plat Book 1, Page 4, Public Records of Brevard County, Florida.

LESS AND EXCEPT any portion lying within the road right-of-way for U.S. Highway No. 1

ALSO LESS AND EXCEPT:

A portion of Lots 21 and 22, China Ward and Lots 1, 2, and 3, Puryear Ward according to the plat thereof as recorded in Plat Book 1, Page 4, Public Records of Brevard County, Florida, being described as follows: Commence at a nail & disk "LB 5736" marking the intersection of the North right of way line of Main Street with the East right of way line of U.S. Highway No.1 as the Point of Beginning; thence run North 22 degrees 44 minutes 26 seconds West, along said East line, 252.50 feet; thence run North 65 degrees 11 minutes 04 seconds East, 399.40 feet; thence run South 22 degrees 33 minutes 08 seconds East, 231 feet to the aforesaid North right of way line of Main Street; thence run South 62 degrees 06 minutes 04 seconds West, along said North line, 400.00 feet to the Point of Beginning.

ALSO LESS AND EXCEPT:

A portion of the property described in Official Records Book 4940, Page 2095, Public Records of Brevard County, Florida, lying in Section 17, Township 21 South, Range 35 East, being described as follows: Commence at a nail & disk "LB 5736" marking the intersection of the North right of way line of Main Street with the East right of way line of U.S. Highway No.1 as the point of reference; thence run North 22 degrees 44 minutes 26 seconds West, along said East line, 252.50 feet; thence run North 65 degrees 11 minutes 04 seconds East, 390.40 feet to the Point of Beginning; thence continue North 65 degrees, 11 minutes 04 seconds East, 54.85 feet to a point on the Northeastly line of the aforesaid property described in Official Records Book 4940, Page 2095; thence run South 22 degrees 51 minutes 26 seconds East, along said Northeastly line, 156.88 feet; thence run North 89 degrees 08 minutes 34 seconds East, along said Northeastly line, 24.84 feet; thence run South 46 degrees 08 minutes 30 seconds West, 19.93 feet; thence run South 02 degrees 32 minutes 17 seconds East, 54.26 feet; thence run South 01 degrees 58 minutes 32 seconds West, 5.98 feet to a point on the aforesaid North right of way line of Main Street; thence run South 62 degrees 06 minutes 04 seconds West, along said North line, 39.27 feet; thence run North 22 degrees 33 minutes 09 seconds West, 231.00 feet to the Point of Beginning.

Parcel 6:

Start at the half mile pole post between Sections 17 and 18, Township 21 South, Range 35 East (which is the South line of the Northwest 1/4 of said Section 17) run East along said quarter section line 15.45 chains to the corner of the Titusville and Enterprise Wagon Road; thence run North 22 degrees West, along the center of said Wagon Road 8.42 chains for a Point of Beginning of the land herein conveyed; from said Point of Beginning run North 71 1/2 degrees East 9.08 chains to a point; thence run North 14 degrees West 5.38 chains to a point; thence run South 71 1/2 degrees West 9.78 chains to the center of said Titusville and Enterprise Wagon Road, thence run South 22 degrees East in the center of aforesaid wagon Road 5.40 chains to a Point the Beginning, being a part of the South 112 of the Northwest 1/4 of Section 17, Township 21 South, Range 35 East, Brevard County, Florida, saving and excepting therefrom a certain lot, piece or parcel of land 100 feet fronting on the Titusville and Enterprise Wagon Road and described in a Deed from Mark E. Bennett and Evelyn H. Bennett, his wife, to CB. Burreason of Chicago, Illinois and recorded in Deed Book 72, Page 274, Public Records of Brevard County, Florida and also excepting that certain parcel of said land deeded to GB. Davis and Cecil as recorded in Deed Book 328, Page 502, Public Records of Brevard County, Florida, LESS AND EXCEPT therefrom the rights of way for U.S. Highway #1.

Parcel 7:

That part of the following described property lying West of Florida East Coast Railroad:

The North 100 feet of Lot 2 in Northeast 1/4 of Northeast 1/4 Section 29, Township 21 South, Range 35 East, commencing 146 2/3 yards North of the Southwest corner of said 1/4 section, thence running North 148 218 yards, thence East 330 yards, thence South 146 23 yards, thence West 330 yards to Point of Commencement.

Parcel 8:

That part of Lot 2 of the Unrecorded Subdivision of the Northeast 1/4 of the Northeast 1/4 of Section 29, Township 21 South, Range 35 East, lying West of Florida East Coast Railroad, more particularly described as follows: Begin at the Northeast corner of Lot 3, Highland Homes 1st Addition, as recorded in Plat Book 13, Page 11, Public Records of Brevard County, Florida; thence run North 01 degrees 13 minutes 00 seconds East, along the West line of the aforesaid Northeast 1/4 of the Northeast 1/4, a distance of 78.70 feet; thence run North 89 degrees 57 minutes 56 seconds East, along the South line of the North 100 feet of the aforesaid Lot 2, a distance of 565.33 feet to a point on the West Right-of-Way line of the Florida East Coast Railroad; thence along said West Right-of-Way line the following three courses and distances: South 27 degrees 17 minutes 49 seconds East, a distance of 128.68 feet; North 89 degrees 57 minutes 56 seconds East, a distance of 28.12 feet; South 27 degrees 17 minutes 49 seconds East, a distance of 308.17 feet; thence run South 89 degrees 59 minutes 42 seconds West along the Easterly extension of the North line of Lots 10 through 15 of the aforesaid Highland Homes 1st Addition, and said North line, a distance of 802.00 feet to the Southeast corner of Lot 4 of said Highland Homes 1st Addition; thence run North 01 degrees 13 minutes 00 seconds East, along the East line of Lots 3 and 4 of said Highland Homes 1st Addition, a distance of 387.95 feet to the Point of Beginning.

NOTES:

- BEARINGS BASED ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 1 AS BEING N22°51'14"W.
- NO UNDERGROUND UTILITIES, UNDERGROUND FOUNDATIONS, OR UNDERGROUND SIGN BASES WERE LOCATED.
- ELEVATIONS BASED ON BREVARD COUNTY BENCHMARK PID: "H 228", NGS PID: "AK0734" ELEVATION = 30.312 NAVD 1988 DATUM.

Digitally signed  
James R Shannon  
Shannon Date: 2023.03.23  
08:50:29 -04'00'

SHANNON SURVEYING, INC.  
499 NORTH S.R. 434 - SUITE 2045  
ALTAMONTE SPRINGS, FLORIDA, 32714  
(407) 774-8372 LB # 6898

DATE OF SURVEY: 03/08/2023

**Resolution 23Z00006**

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

**WHEREAS, David C. Ramage and Cynthia R. Ramage Trust (n.k.a. Seminole Storage Units 2, LLC,** has requested a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcel 298, as recorded in ORB 8486, Pages 1787 - 1791, of the Public Records of Brevard County, Florida. **Section 17, Township 21, Range 35.** (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); and

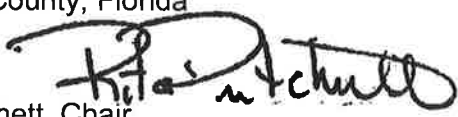
**WHEREAS,** a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved with a BDP retaining all BU-1 uses, 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; 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 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, to wit: the outdoor storage shall be behind the building; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from BU-1 to BU-2, be approved with a BDP, recorded on 08/30/23, in ORB 9876, Pages 476 - 480, retaining all BU-1 uses, and limiting the BU-2 use to a mini-warehouse with outdoor RV and boat storage only, to wit: the outdoor storage shall be behind the building. 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.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
Rita Pritchett, Chair  
Brevard County Commission  
As approved by the Board on August 22, 2023.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

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.**





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

**M E M O R A N D U M**

**TO:** Recording

**RE:** Item F.5., Binding Development Plan with Seminole Storage Units 2, LLC (f.k.a., David C. Ramage and Cynthia R. Ramage Trust)

The Board of County Commissioners, in regular session on August 22, 2023, approved and executed an amendment to an existing Binding Development Plan with Seminole Storage Units 2, LLC (f.k.a., David C. Ramage and Cynthia R. Ramage Trust). Enclosed are original Binding Development Plan Agreement and Check No. 553749 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

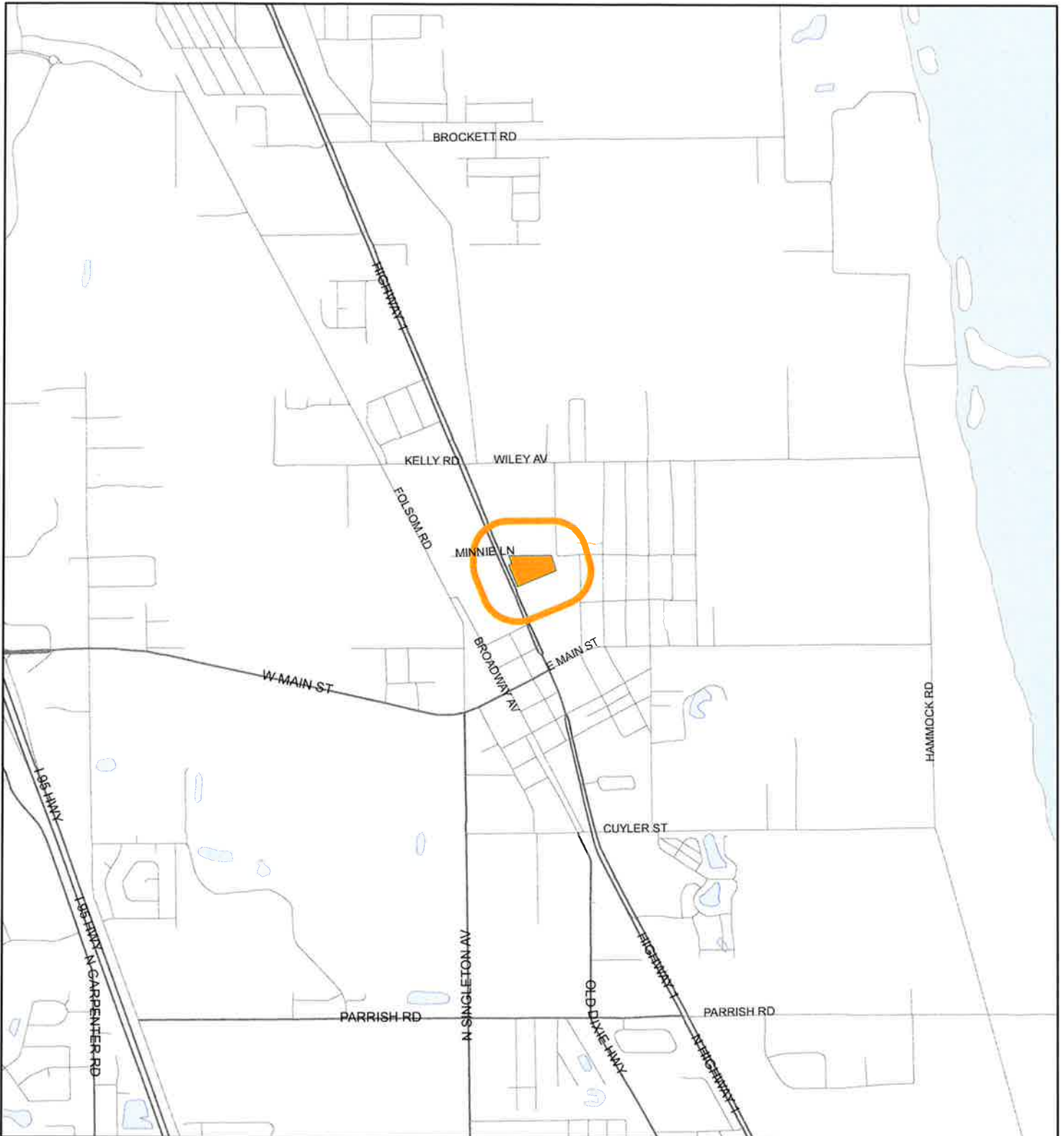
*for: Donna Scott*  
Kimberly Powell, Clerk to the Board

/hbs

Encls. (2)

# LOCATION MAP

DAVID C RAMAGE TRUST and CYNTHIA R RAMAGE TRUST  
23Z00006



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

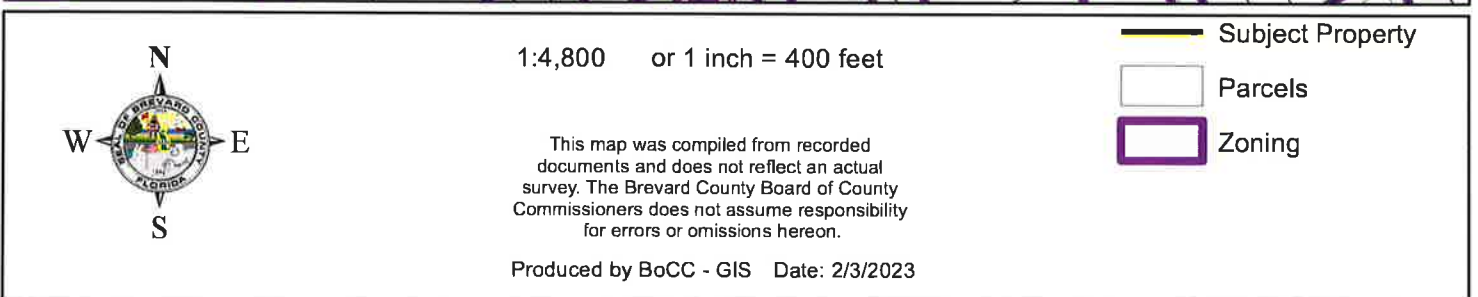
Buffer Distance: 500 feet

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: 2/3/2023

— Buffer  
— Subject Property

DAVID C RAMAGE TRUST and CYNTHIA R RAMAGE TRUST  
23Z00006





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 PI 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).

**AFFIDAVIT OF OWNER**

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

**BEFORE ME**, the undersigned authority, on this day personally appeared **JAMES H. HODGES**, as managing member of Seminole Storage Units 2, LLC, who, being by me first duly sworn, deposes and says:

1. I am Managing Member of Seminole Storage Units 2, LLC, a Florida limited liability company and I am authorized to make this Affidavit.
2. Seminole Storage Units 2, LLC is the record title owner of the real property shown on the Warranty Deed attached hereto as Exhibit "A" (the "Property").
3. The Property is currently vacant, and Affiant knows of no mortgages, liens, judgments, federal tax liens, mechanic's liens, or other lien of any kind or nature whatsoever which constitutes a lien or charge against the Property.

**FURTHER AFFIANT SAYETH NAUGHT.**

Dated this 11<sup>th</sup> day of August, 2023.

**SEMINOLE STORAGE UNITS 2, LLC**

By: \_\_\_\_\_

James H. Hodges, as Managing Member

STATE OF FLORIDA  
COUNTY OF Seminole

THE FOREGOING INSTRUMENT was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11 day of August, 2023, by JAMES H. HODGES as Managing Member of SEMINOLE STORAGE UNITS 2, LLC, a Florida Limited Liability Company, on behalf thereof, who ☒ is personally known to me, or ☐ produced \_\_\_\_\_ as identification.

[AFFIX NOTARY SEAL]



Notary Public Signature \_\_\_\_\_

Print Notary Name: Rachel McElroy

My commission expires: 4-21-27



Prepared by and return to:

Rosemary Goodrich  
Title Solutions of Florida, LLC  
118 Country Club Drive  
Titusville, FL 32780  
(321) 586-2095  
File No TV-22-592  
Parcel Identification No 21-35-17-00-298 and 21-35-17-00-333

[Space Above This Line For Recording Data]

## WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

**This Indenture** made the **24th day of July, 2023** between **CYNTHIA R. RAMAGE and DAVID C. RAMAGE, individually and as Co-Trustees of the Restatement of the DAVID C. RAMAGE TRUST dated May 29, 2003, and CYNTHIA R. RAMAGE and DAVID C. RAMAGE, individually and as Co-Trustees of the Restatement of the CYNTHIA R. RAMAGE TRUST dated May 29, 2002**, whose post office address is **1830 Tomato Farm Road, Mims, FL 32754** of the County of Brevard, State of Florida, Grantors, to **Seminole Storage Units 2 LLC, a Florida Limited Liability Company**, whose post office address is **850 Seminole Woods Boulevard, Geneva, FL 32732** of the County of Seminole, State of Florida, Grantee:

**Witnesseth**, that said Grantors, for and in consideration of the sum of **TEN DOLLARS (U.S.\$10.00)** and other good and valuable considerations to said Grantors in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Brevard County, Florida, to-wit:

**Parcel 1:**

Start at the half mile pole post between Sections 17 and 18, Township 21 South, Range 35 East (which is the South line of the Northwest 1/4 of said Section 17) run East along said quarter section line 15.45 chains to the center of the Titusville and Enterprise Wagon Road, thence run North 22 degrees West along the center of said Wagon Road 11.82 chains to the Northwest corner of land formerly conveyed to Mark E. Bennett by deed recorded in Deed Book 56 at Page 175, Public Records of Brevard County, Florida, for a beginning point of the land hereby described, from said beginning point run North 71 1/2 degrees East along the North line of said Bennett's land 9.78 chains, more or less to a point, which is the Northeast corner of said Bennett's Land, thence run North 14 degrees West 5.65 chains more or less to a post on the North line said Southwest 1/4 of the Northwest 1/4 of said Section 17, thence run West 11 Chains, more or less, on said North line of said Southwest 1/4 of the Northwest 1/4 of said Section 17 to the center of said Titusville and Enterprise Wagon Road, thence run South 22 degrees East in the center of said Wagon Road 9.90 chains, more or less, to the Point of Beginning, and being part of the South half of the Northwest 1/4 of Section 17, Township 21 South, Range 35 East (as conveyed to P.W. Roberts, also known as Philip W. Roberts, by deed dated February 14, 1912, and recorded in Deed Book 56, Page 208, Brevard County, Florida Records.

LESS AND EXCEPTING therefrom that part thereof conveyed by the said P.W. Roberts, also known as Philip W. Roberts to Joseph Guyton by deed dated February 20, 1912 and recorded in Deed Book 52 at Page 38, Brevard County, Florida Records, and therein described as: Begin at a post at Northwest corner of lands of Mark Bennett in Northwest 1/4 of Section 17, Township 21 South, Range 35 East, run North 22 degrees West 132 feet along Titusville and Enterprise Road, thence North 71 degrees 30 minutes East 660 feet, more or less, to line of lands formerly of S.P. Gray, thence South 14 degrees along East said lands of S.P. Gray 132 feet, more or less, to Northeast corner of lands of Mark Bennett in said Section and 1/4, thence South 71 degrees 30 minutes West 644 feet to Point of Beginning. EXCEPT right of way of U.S. Highway #1 or State Road #5 (formerly State Road #4).

**Parcel 2:**

A parcel of land lying in the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 21 South, Range 35 East, Brevard County, Florida, described as follows:

Commencing at the Southeast corner of said Northwest 1/4 of the Northwest 1/4 of Section 17, thence South 89 degrees 09 minutes 35 seconds West, along the South line thereof, 709.72 feet to the intersection with the Easterly right of way line of U.S. Highway No. 1 and said point being the Point of Beginning of the parcel of land herein described; thence North 22 degrees 44 minutes 42 seconds West, along said right of way line, 43.24 feet; thence North 73 degrees 11 minutes 48 seconds East, 713.58 feet; thence South 00 degrees 40 minutes 07 seconds East, 236.36 feet to a point lying on the aforesaid South line of the Northwest 1/4 of the Northwest 1/4 of said Section 17; thence South 89 degrees 09 minutes 35 seconds West, along said line, 669.22 feet to the Point of Beginning.

**Grantors warrant** that at the time of this conveyance, the subject property is not the Grantors' homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of a homestead property. Grantors' residence and homestead address is: 1830 Tomato Farm Road, Mims, FL 32754.

Together With all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject To taxes for 2023 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantors hereby covenant with the Grantee that the Grantors are lawfully seized of said land in fee simple, that Grantors have good right and lawful authority to sell and convey said land and that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

WITNESS  
PRINT NAME: Rosemary C. Goodrich

WITNESS  
PRINT NAME: Chad Conner

WITNESS  
PRINT NAME: Rosemary C. Goodrich

WITNESS  
PRINT NAME: Chad Conner

WITNESS  
PRINT NAME: Rosemary C. Goodrich

WITNESS  
PRINT NAME: Chad Conner

WITNESS  
PRINT NAME: Brian Yorker

WITNESS  
PRINT NAME: Brian Yorker

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 19th day of July, 2023, by CYNTHIA R. RAMAGE and DAVID C. RAMAGE, Co-Trustees of Restatement of the DAVID C. RAMAGE TRUST dated May 29, 2003 and CYNTHIA R. RAMAGE and DAVID C. RAMAGE, Co-Trustees of Restatement of the CYNTHIA R. RAMAGE TRUST dated May 29, 2002.

Signature of Notary Public  
Print, Type/Stamp Name of Notary

Rosemary C. Goodrich

Personally Known: \_\_\_\_\_ OR Produced Identification: X

Type of Identification

Produced: DRIVER License

Restatement of the DAVID C. RAMAGE TRUST dated May 29, 2003

By: Cynthia R. Ramage Co-Trustee  
CYNTHIA R. RAMAGE, Co-Trustee

By: David C. Ramage Co-Trustee  
DAVID C. RAMAGE, Co-Trustee

By: Cynthia R. Ramage  
CYNTHIA R. RAMAGE, Individually

By: David C. Ramage  
DAVID C. RAMAGE, Individually

Restatement of the CYNTHIA R. RAMAGE TRUST dated May 29, 2002

By: Cynthia R. Ramage Co-Trustee  
CYNTHIA R. RAMAGE, Co-Trustee

By: David C. Ramage Co-Trustee  
DAVID C. RAMAGE, Co-Trustee

By: Cynthia R. Ramage  
CYNTHIA R. RAMAGE, Individually

By: David C. Ramage  
DAVID C. RAMAGE, Individually



**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 #: 3475080  
Receipt #: 63285547  
Cashier Date: 08/30/2023 01:45:56 PM  
Cashier Branch: Titusville - Six Story

Print Date:  
08/30/2023 01:45:59 PM

**CUSTOMER INFORMATION**

GRAY ROBINSON PA  
PO BOX 3068  
ORLANDO, FL 32802

**TRANSACTION INFORMATION**

Date Received: 08/30/2023  
Source Code: Titusville - Six Story  
Return Code: Mail (U.S. Postal Service)  
Trans Type: Recording

**PAYMENT SUMMARY**

Total Fees: \$44.00  
Total Payments: \$44.00  
Balance Due: \$0.00

**1 Payments**

**CHECK #553749** \$44.00

**1 Recorded Items**

**AGREEMENT** BK/PG: 9876/476 CFN: 2023186055 Date: 08/30/2023 01:45:55 PM

From: To

Recording @ 1st=\$10 Add'l=\$8.50 ea. 5 \$44.00

**1 Miscellaneous Items**

**AGENT TRANSMITTAL**