

Meeting Date
July 25, 2017



AGENDA	
Section	CONSENT
Item No.	II.A.4

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Binding Development Plan, Re: Granite Property Development (District 1) FISCAL IMPACT: NONE
DEPT/OFFICE:	Planning & Development Department

Requested Action:

It is requested that the Board approve, and the Chairman sign, the subject Binding Development Plan.

Summary Explanation & Background:

A Binding Development Plan (BDP) is a voluntary agreement by a 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 approval of the zoning application by the Board. Following staff and legal review, a BDP is routinely presented to the Board in recordable form as a Consent agenda item in order to finalize the zoning action.

On May 4, 2017, the Board of County Commissioners approved a change of classification from PIP, BU-1, RVP, and AU, to RU-1-7, on property located on the west side of U.S. Hwy 1, approx. 100 ft. north of Pam Lem St. (No assigned address. In the Cocoa area), subject to a Binding Development Plan as follows:

- Developer/Owner shall limit density to four (4) dwelling units per acre, and density may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations
- Developer/Owner shall connect all lots to municipal water and sewer services to be provided by agreement with the City of Cocoa

Staff Contact: Jennifer Jones

Clerk to the Board instruction: After recordation, forward two certified copies to the Planning and Development Department

Exhibits Attached: Binding Development Plan, with exhibits, and check for recording

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
Interim County Manager	Assistant County Manager	Department Director / Extension					
Frank Abbate 	Venetta Valdengo	Tad Calkins, Director		Planning & Development Dept. Ext. 56363			
	Interim Assistant County Manager						
	John Denninghoff						



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

July 26, 2017

MEMORANDUM

TO: Jennifer Jones, Zoning

RE: Item II.A.4, Binding Development Plan Agreement with Granite Property Development

The Board of County Commissioners, in regular session on July 25, 2017, executed Binding Development Plan with Granite Property Development, for property located on the west side of U.S. Highway 1, approximately 100 feet north of Pam Lem Street. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/dt

Encls. (2)

cc: Contracts Administration

Prepared by:
John L. Soileau, Esq.
3490 North U.S. Highway 1
Cocoa, FL 32926

CFN 2017156300, OR BK 7946 PAGE 389.
Recorded 07/26/2017 at 02:46 PM. Scott Ellis, Clerk of Courts,
Brevard County
Pgs:5

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 25 day of July, 2017 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and GRANITE PROPERTY DEVELOPMENT, INC, a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RU-1-7 zoning classification(s) and desires to develop the Property as a single family residential subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

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

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer/Owner shall limit density to four (4) dwelling units per acre, and density may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. The developer/Owner shall connect all lots to municipal water and sewer services to be provided by agreement with the City of Cocoa.

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 Comprehensive Plan or Land Development Regulations as they may apply to the Property.

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

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 May 4, 2017. 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 will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as they may be amended.

8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility, and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7 above.

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

ATTEST:

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

Scott Ellis, Clerk
(SEAL)

Curt Smith, Chairman
As approved by the Board on July 25, 2017

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

WITNESSES

DEVELOPER/OWNER

(Witness Name typed or printed)

GRANITE PROPERTY DEVELOPMENT, INC.

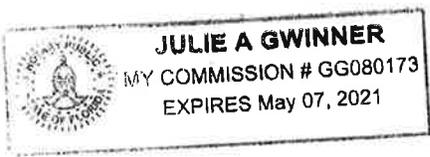
By:
As its President
15450 NW 27 AVENUE
MIAMI GARDENS, FL 33054
(Address)

STATE OF Florida §
COUNTY OF Palm Beach §

The foregoing instrument was acknowledged before me this 9 day of MAY, 2017, by Daniel Duke, as President of GRANITE PROPERTY DEVELOPMENT, INC., who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public
Julie Gwinner
(Name typed, printed or stamped)



JOINDER IN BINDING DEVELOPMENT PLAN

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 December 18, 2008 , given by Granite Property Development, Inc., as mortgagor, in favor of the undersigned, Jonnie F. Salmi , as mortgagee, recorded in Official Records Book 5903 , page 6374, 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.

WITNESSES:

Edward Miller

MORTGAGEE NAME/ADDRESS

Jonnie F. Salmi

317 Meridian Run Dr., Cocoa, FL 32926

(Address)

Edward Miller
(Witness name typed or printed)

Andrea Sharpe

Jonnie F. Salmi

Jonnie F. Salmi

Andrea Sharpe
(Witness name typed or printed)

Jonnie F. Salmi
(Name/title typed, printed or stamped)

STATE OF Florida §

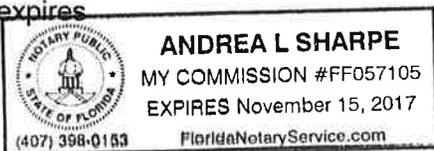
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 10 day of , 2017, by , who is personally known to me or who has produced personally known to me as identification.

My commission expires

Andrea L. Sharpe
Notary Public

SEAL
Commission No.



Andrea L. Sharpe
(Name typed, printed or stamped)

EXHIBIT A

DESCRIPTION: (AS PROVIDED)

A parcel of land lying in Section 6, Township 24 South Range 36 East, being all of Parcel 45 of O.R. Book 2507, Page 2711, together with those portions of Parcel 47 of said O.R. Book 2507, Page 2711 and Parcel 48 O.R. Book 2589, Page 2750, all as recorded in the Public Records of Brevard County, Florida which lie easterly of the 100.00 foot wide Florida East Coast Railway right-of-way as shown on Right-of-Way and Track Map, Flagler System, Station 8763 + 00.2 to Station 8868 + 69.0 (dated: 12-31-27); said overall subject parcel being more fully described as follows:

Commence at the center of said Section 6 as marked by a concrete monument marked "RMR" as set by L.R. Paxton; thence N.00°16'00"W., along the west line of the Northeast 1/4 of said Section 6 as surveyed by L.R. Paxton a distance of 368.69 feet to the northwest corner of said Parcel 45 and to the Point-of-Beginning of the lands herein described which lies S.00°16'00"E. and 189.53 feet from a second (2nd) concrete monument marked "RMR" as set by L.R. Paxton; thence N.89°15'16"E., along the north line of said Parcel 45, a distance of 1479.45 feet to the northeast corner of said Parcel 45 and to the westerly line of the 143.00 foot wide right-of-way of U.S. Highway No. 1 (a.k.a.: State Road No. 5) as shown on State of Florida Road Department Right-of-Way Map Section No. 7002-177 (dated: September 1954); thence S.14°43'27"E., along the east line of said Parcel 45 and said westerly right-of-way line, a distance of 1265.85 feet to the southeast corner of said Parcel 45; thence departing said westerly right-of-way line, S.89°35'26"W., along the south line of said Parcel 45, a distance of 1642.81 feet to the easterly right-of-way line of said railway; thence along the westerly line of said Parcel 45, the following five (5) courses to wit N.19°18'36"W.; along said easterly railway right-of-way line, a distance of 220.77 feet; N.89°35'26"E. departing said easterly railway right-of-way line, a distance of 177.00 feet; N.00°16'00"W., a distance of 210.00 feet; S.89°35'26"W., a distance of 249.42 feet to said easterly railway right-of-way line; N.19°18'36"W.; along said easterly railway right-of-way line and along the westerly line of those portions of said Parcels 47 and 48 which lie easterly of said railway right-of-way, a total distance of 1096.92 feet to the north line of said Parcel 48; thence departing said easterly railway right-of-way line, N.89°29'30"E., along the north line of said Parcel 48, a distance of 350.29 feet to said west line of the Northeast 1/4 as surveyed by L.R. Paxton; thence S.00°16'00"E., along said west line of the Northeast 1/4 and the east line of said Parcel 48, a distance of 257.71 feet to the Point-of-Beginning.

ZONING MAP

GRANITE PROPERTY DEVELOPMENT, INC.

16PZ00118

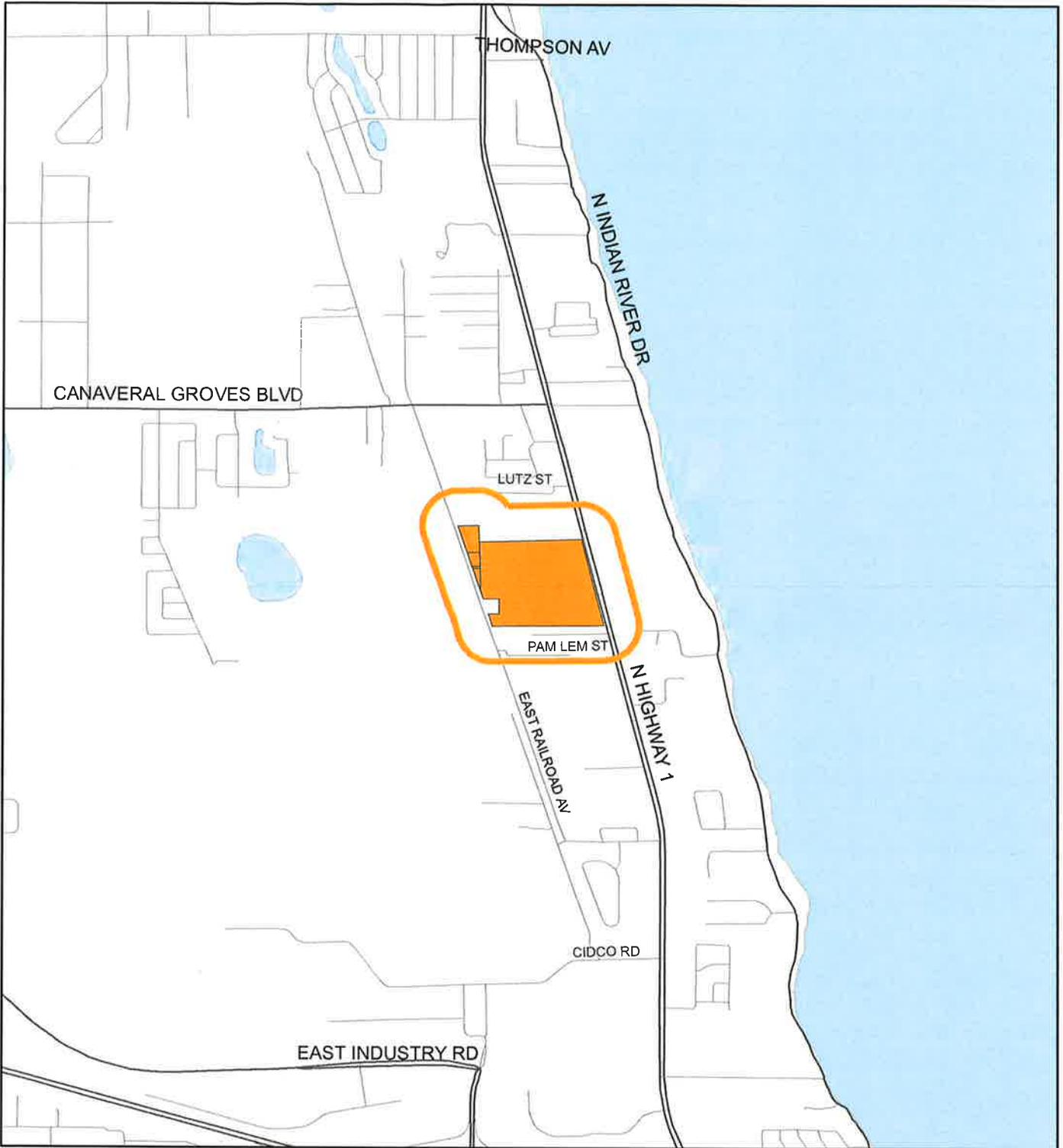


1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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

LOCATION MAP
GRANITE PROPERTY DEVELOPMENT, INC.
16PZ00118



1:24,000 or 1 inch = 2,000 feet
Buffer Distance: 500 feet

— Buffer
— Subject Property

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 2/27/2017

b. Plan Amendment 2017-1.2 – a proposal initiated by Granite Property Development, Inc. to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial and Community Commercial, to Residential 4, on 48.25 +/- acres, located on the west side of U.S. Hwy 1, approx. 100 ft. north of Pam Lem St.

LPA Recommendation: Lawandales/Glover – Approved. Vote was unanimous.

BCC ACTION of 05/04/17: Pritchett/Barfield – Approved. Vote was unanimous. (Commissioner Tobia absent)

c. Plan Amendment 2017-1.3 – a proposal initiated by Light Findings, LLC, and John G. Noonan, as Bishop of the Diocese of Orlando, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Industrial, Community Commercial, Neighborhood Commercial, and Residential 8_Directive, to Residential 4, on 130 +/- acres, located west of U.S. Hwy 1, north of Camp Rd.

LPA Recommendation: Lawandales/McLellan – Approved. Vote was unanimous.

BCC ACTION of 05/04/17: Pritchett/Isnardi – Approved. Vote was unanimous. (Commissioner Tobia absent)

P&Z AGENDA:

DISTRICT 3

IV.B.6. (17PZ00029) – FLORIDA POWER & LIGHT COMPANY – (Mel Scott) – requests a change of classification from GU, AU, and RR-1 to GML(U) with a CUP for Electric, Natural Gas, Water, and Wastewater Utilities, on 462 acres, located on the west side of Fleming Grant Rd., approx. 1.5 miles west of U.S. Hwy 1. (No assigned address. In the Micco area.)

P&Z Recommendation: Barber/Lawandales – Approved. Vote was unanimous.

BCC ACTION of 05/04/17: Pritchett/Isnardi – Approved. Vote was unanimous. (Commissioner Tobia absent) 17PZ00029.

DISTRICT 1

IV.B.7. (16PZ00118) – GRANITE PROPERTY DEVELOPMENT, INC. – (Douglas Engle) – requests a change of classification from PIP, BU-1, RVP, and AU to RU-1-7, with a BDP limited to four units per acre, on 48.25 acres, located on the west side of U.S. Hwy 1, approx. 100 ft. north of Pam Lem St. (No assigned address. In the Cocoa area.)

P&Z Recommendation: McLellan/Lawandales – Approved with a BDP limited to four (4) units per acre, and requiring connection to public water and sewer for the entire development. Vote was unanimous.

BCC ACTION of 05/04/17: Pritchett/Isnardi – Approved as recommended. Vote was unanimous. (Commissioner Tobia absent). BDP TO BE SCHEDULED AS A CONSENT ITEM ON A SUBSEQUENT BCC AGENDA, PER POLICY BCC-52. RESOLUTION NUMBER TO BE ASSIGNED UPON RECEIPT OF RECORDED BDP.

ITEMS TABLED FROM APRIL 16, 2017, BOARD OF COUNTY COMMISSIONERS MEETING, PLANNING AND ZONING BOARD RECOMMENDATIONS OF APRIL 17 AND APRIL 24, 2017; PORT ST. JOHN BOARD RECOMMENDATIONS OF APRIL 12, 2017; AND NORTH MERRITT ISLAND BOARD RECOMMENDATIONS OF APRIL 13, 2017

- Item IV.A.1. NAJJAD, Inc. Barfield/Isnardi, tabled to August 3, 2017, Board meeting. Commissioner Tobia was absent.
- Item IV.B.1. AGRO-IRON, Inc. Barfield/Isnardi, approved as recommended. Commissioner Tobia was absent.
- Item IV.B.2. Jessica and Daryl Williams. Isnardi/Barfield, approved as recommended. Commissioner Tobia was absent.
- Item IV.B.3. 2620 U.S, Highway 1, LLC. Pritchett/Isnardi, approved with BDP limited to business units, trailer/truck/boat storage, maintenance of a 50 foot buffer, no access to Folsom Road, and the truck parking will not be less than 300 feet from Folsom Road. Commissioner Tobia was absent.
- Item IV.B.4. T&M United Corporation. Pritchett/Barfield, approved as recommended. Commissioner Tobia was absent.
- Item IV.B.5. Douglas O. Jenkins. Barfield/Pritchett, approved as recommended. The Board adopted Ordinance No. 17-08, Small Scale Plan Amendment (17S.01), Barfield/Isnardi. Commissioner Tobia was absent.
- Item IV.B.6. Florida Power and Light Company. Pritchett/Isnardi, approved as recommended. Commissioner Tobia was absent.
- Item IV.B.7. Granite Property Development, Inc. Pritchett/Isnardi, approved as recommended. Commissioner Tobia was absent.
- Item IV.B.8. Light Findings, LLC. and John G. Noonan, as Bishop of the Diocese of Orlando. Barfield/Pritchett, approved as recommended. Commissioner Tobia was absent.

BrevardClerk.US

Scott Ellis, Clerk of Court

700 South Park Avenue, Bldg. B

P.O. Box 2767

Titusville, FL 32781-2767

(321) 637-2006

DBLIVE Transaction

#: 1943937

Receipt #: 61907096

Cashier Date: 7/26/2017

2:46:47 PM



Print Date:

7/26/2017 2:47:21 PM

Customer Information	Transaction Information	Payment Summary
() GREGORY T WOOD 2407 BIGNONA ST MELBOURNE, FL 32901	Date Received: 07/26/2017 Titusville - Source Code: Six Story Titusville - Q Code: Six Story Hand Return Code: Carried Trans Type: Recording Agent Ref Num:	Total Fees \$44.00 Total Payments \$44.00

1 Payments

CHECK 8038	\$44.00
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1 Recorded Items

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Recording @ 1st=\$10 Add'l=\$8.50 ea.	5 \$44.00
Indexing @ 1st 4 Names Free, Add'l=\$1 ea.	3 \$0.00

0 Search Items**0 Miscellaneous Items**