

Meeting Date
July 22, 2014



AGENDA	
Section	CONSENT
Item No.	II.A.1

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

SUBJECT:	Binding Development Plan, Re: Majestic Oak Estates, Ltd
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:**

On May 29, 2014, the Board of County Commissioners approved a request for a change of classification from TR-1 (Single-Family Mobile Home) to TR-3 (Mobile Home Park), with a BDP limiting density to 185 units (46.54 acres); and TR-1 (Single-Family Mobile Home) and BU-1 (General Retail Commercial) to All BU-1 (5.04 acres), on property located on the north side of S.R. 46, approx. 0.20 mile west of Cambridge Dr. (No assigned address. In the Mims area.) The BDP is limited to the following:

- The Developer/Owner shall limit density to 185 units and may be further restricted by any changes to the Comprehensive Plan or Land Development Regulations.

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

<b>Contract /Agreement (If attached)</b>		<b>Reviewed by County Attorney</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR <input type="checkbox"/>
County Manager	Assistant County Manager		Department Director / Extension		Robin M. Sobrino, AICP, Director		
Stockton Whitten	Mel Scott, AICP		Planning & Development Dept. Ext. 52069				



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972

July 24, 2014

MEMORANDUM

TO: Recording

RE: Item II.A.1., Binding Development Plan Agreement with Majestic Oak Estates, Ltd

The Board of County Commissioners, in regular session on July 22, 2014, executed Binding Development Plan Agreement with Majestic Oak Estates, Ltd, for property located on the north side of S.R. 46, approx. 0.20 mile west of Cambridge Dr. (No assigned address. In the Mims area.). Enclosed are original Binding Development Agreement and Check Number 6812 in the amount of \$35.50. **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  
SCOTT ELLIS, CLERK

  
Tammy Etheridge, Deputy Clerk

/jl

Encl. (2)

Prepared by: Honeycutt & Associates, Inc.  
Address: 3700 S. Washington Ave. Titusville, FL 32780

## BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 22 day of July, 2014 between the BOARD OF COUNTY COMMISSIONER OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Majestic Oak Estates, LTD, 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 TR-3 zoning classification(s) and desires to develop the Property as a mobile home park, 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 regulated 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 185 units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

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 Comprehensive Plan or land development regulations as they may apply to this Property.

4. 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.

5. 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 be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on May 29, 2014. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

6. 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 it may be amended.

7. 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 6 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:

[Signature]  
Scott Ellis, Clerk  
(SEAL)

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

[Signature]  
Mary Bolin Lewis  
Chairman  
As approved by the Board on JUL 22 2014

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

WITNESS:

[Signature]  
[Signature]  
(Witness Name typed or printed)

Eileen S. Kehoe  
Eileen S. Kehoe  
(Witness Name typed or printed)

DEVELOPER/OWNER

Majestic Oaks Estates, LTD  
PO Box 145, Mims, FL 32754  
(Address)

[Signature]  
(Registered Agent)  
Michael S. Liguori  
(Name typed, printed or stamped)

STATE OF Fla. da s  
COUNTY OF Brevard s

The foregoing instrument was acknowledged before me this 9 day of May, 2014,  
by Michael S. Liguori, (title) of \_\_\_\_\_, who is  
personally known to me or who has produced FLDL as identification.

My commission expires:  
SEAL  
Commission No.:

[Signature]  
Notary Public  
Eileen S. Kehoe  
(Name typed, printed or stamped)



EILEEN S. KEHOE  
MY COMMISSION # FF 043799  
EXPIRES: September 23, 2017  
Bonded Thru Budget Notary Services

PLAT BOOK 25, PAGE 70 TO THE PUBLIC RECORDS #27

### LEGAL DESCRIPTION

A PART OF THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14, RUN THENCE SOUTH 1 DEGREES 01'44" EAST, ALONG THE EAST LINE OF SAID SECTION 14, 497.39 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE CONTINUE SOUTH 1 DEGREES 01'44" EAST, ALONG SAID EAST LINE OF SECTION 14, 2,119.76 FEET TO A POINT IN A CURVE OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 46, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 34,302.5 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0 DEGREES 21'57", AN ARC DISTANCE OF 219.02 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 88 DEGREES 56'18" WEST ALONG SAID RIGHT OF WAY LINE, 143.49 FEET; THENCE NORTH 1 DEGREES 04'11" WEST 300.00 FEET; THENCE SOUTH 88 DEGREES 56'18" WEST, 967.49 FEET TO THE EASTERLY LINE OF SHERWOOD RANCHETTES AS RECORDED IN PLAT BOOK 25, PAGE 70 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 1 DEGREES 06'38" WEST, ALONG SAID EASTERLY LINE, 1,336.44 FEET; THENCE NORTH 88 DEGREES 58'49" EAST, 125.00 FEET; THENCE NORTH 1 DEGREES 06'38" WEST, 441.95 FEET; THENCE SOUTH 87 DEGREES 32'46" EAST, 956.53 FEET; THENCE NORTH 67 DEGREES 12'47" EAST, 272.39 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2244, PAGE 694 AND OFFICIAL RECORDS BOOK 2241, PAGE 2936, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AND LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14, RUN THENCE SOUTH 1 DEGREES 01'44" EAST, ALONG THE EAST LINE OF SAID SECTION 14, 2,012.15 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE CONTINUE SOUTH 1 DEGREES 01'44" EAST, ALONG SAID EAST LINE OF SECTION 14, 605.00 FEET TO A POINT IN A CURVE OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 46, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 34,302.5 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0 DEGREES 21'57", AN ARC DISTANCE OF 219.02 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 88 DEGREES 56'18" WEST ALONG SAID RIGHT OF WAY LINE, 143.49 FEET; THENCE NORTH 1 DEGREES 04'11" WEST 605.70 FEET; THENCE NORTH 88 DEGREES 56'18" EAST, 362.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 46.54 ACRES MORE OR LESS.

TR-1 to TR-3  
with BWP

\_\_\_\_\_  
Signature

# 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  
#: 1363365  
Receipt #: 61336551  
Cashier Date: 7/25/2014  
11:45:46 AM



Print Date:  
7/25/2014 11:45:48 AM

Customer Information	Transaction Information	Payment Summary
(3720) HONEYCUTT & ASSOCIATES INC DENNIS WRIGHT 5195 S WASHINGTON AVE TITUSVILLE, FL 32780	DateReceived: 07/25/2014 Source Code: Titusville - Six Story Q Code: Titusville - Six Story Return Code: Hand Carried Trans Type: Recording Agent Ref Num:	Total Fees \$35.50 Total Payments \$35.50

## 1 Payments

CHECK 6812	\$35.50
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## 1 Recorded Items

(AG) AGREEMENT	BK/PG: 7174/1417 CFN:2014147954 Date: 7/25/2014 11:45:44 AM From: To:
Recording @ 1st=\$10 Add'l=\$8.50 ea.	4 \$35.50
Indexing @ 1st 4 Names Free, Add'l=\$1 ea.	2 \$0.00

## 0 Search Items

## 1 Miscellaneous Items

(AGTR) AGENT TRANSMITTAL
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Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972

July 25, 2014

**MEMORANDUM**

**TO:** Jennifer Jones, Zoning

**RE:** Item II.A.1., Binding Development Plan Agreement with Majestic Estates, Ltd

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Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

A handwritten signature in black ink, appearing to read "T. Etheridge".

Tammy Etheridge, Deputy Clerk

/jl

Encl. (1)

for



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972

July 24, 2014

**MEMORANDUM**

**TO:** Recording

**RE:** Item II.A.1., Binding Development Plan Agreement with Majestic Oak Estates, Ltd

The Board of County Commissioners, in regular session on July 22, 2014, executed Binding Development Plan Agreement with Majestic Oak Estates, Ltd, for property located on the north side of S.R. 46, approx. 0.20 mile west of Cambridge Dr. (No assigned address. In the Mims area.). Enclosed are original Binding Development Agreement and Check Number 6812 in the amount of \$35.50. **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  
SCOTT ELLIS, CLERK

  
Tammy Etheridge, Deputy Clerk

*for*  
/jl

Encl. (2)

RETURN: Clerk to the Board Room

CFN 2014147954, OR BK 7174 PAGE 1417.  
Recorded 07/25/2014 at 11:45 AM, Scott Ellis, Clerk of Courts,  
Brevard County  
# Pgs:4

Prepared by: Honeycutt & Associates, Inc.  
Address: 3700 S. Washington Ave. Titusville, FL 32780

### BINDING DEVELOPMENT PLAN

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#### 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 TR-3 zoning classification(s) and desires to develop the Property as a mobile home park, 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 regulated 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 185 units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
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4. 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.
5. 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 be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on May 29, 2014. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
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IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

[Signature]  
Scott Ellis, Clerk  
(SEAL)

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

[Signature]  
Mary Bolin Lewis  
Chairman  
As approved by the Board on JUL 22 2014

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

WITNESS:

[Signature]  
[Signature]  
(Witness Name typed or printed)

Eileen S Kehoe  
Eileen S. Kehoe  
(Witness Name typed or printed)

DEVELOPER/OWNER

Majestic Oaks Estates, LTD  
PO Box 145, Mims, FL 32754  
(Address)

[Signature]  
(Registered Agent)  
Michael S. Liguori  
(Name typed, printed or stamped)

STATE OF Fla. da §  
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 9 day of May, 2014,  
by Michael S. Liguori (title) of \_\_\_\_\_, who is  
personally known to me or who has produced FLDL as identification.

My commission expires:  
SEAL  
Commission No.:

[Signature]  
Notary Public  
Eileen S. Kehoe  
(Name typed, printed or stamped)



EILEEN S. KEHOE  
MY COMMISSION # FF 043799  
EXPIRES: September 23, 2017  
Bonded Thru Budget Notary Services

**LEGAL DESCRIPTION**

A PART OF THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14, RUN THENCE SOUTH 1 DEGREES 01'44" EAST, ALONG THE EAST LINE OF SAID SECTION 14, 497.39 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE CONTINUE SOUTH 1 DEGREES 01'44" EAST, ALONG SAID EAST LINE OF SECTION 14, 2,119.76 FEET TO A POINT IN A CURVE OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 46, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 34,302.5 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0 DEGREES 21'57", AN ARC DISTANCE OF 219.02 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 88 DEGREES 56'18" WEST ALONG SAID RIGHT OF WAY LINE, 143.49 FEET; THENCE NORTH 1 DEGREES 04'11" WEST 300.00 FEET; THENCE SOUTH 88 DEGREES 56'18" WEST, 967.49 FEET TO THE EASTERLY LINE OF SHERWOOD RANCHETTES AS RECORDED IN PLAT BOOK 25, PAGE 70 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 1 DEGREES 06'38" WEST, ALONG SAID EASTERLY LINE, 1,336.44 FEET; THENCE NORTH 88 DEGREES 58'49" EAST, 125.00 FEET; THENCE NORTH 1 DEGREES 06'38" WEST, 441.95 FEET; THENCE SOUTH 87 DEGREES 32'46" EAST, 956.53 FEET; THENCE NORTH 67 DEGREES 12'47" EAST, 272.39 FEET TO THE POINT OF BEGINNING.

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CONTAINING 46.54 ACRES MORE OR LESS.

TR-1 to TR-3  
with BDP

\_\_\_\_\_  
Signature

**MAJESTIC OAK ESTATES, LTD  
PO BOX 145  
MIMS, FLORIDA 32754**

**May 8, 2014**

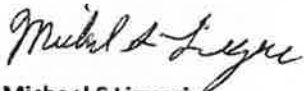
**Brevard County Planning and Development Department  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940**

**RE: Majestic Oak Estates, LTD Rezoning (14PZ-00033)**

**Dear Sirs:**

**This is to confirm that Majestic Oak Estates LTD is the owner of the property as shown on the attached Special Warranty Deed with the legal description attached as "Exhibit A" and that there is no mortgage or mortgages on this property.**

**Yours Truly,**



**Michael S Liguori  
Registered Agent**

**THIS INSTRUMENT PREPARED BY  
AND SHOULD BE RETURNED TO:**

James N. Carlin Jr.  
Roetzel & Andress, LPA  
420 S. Orange Ave., 7<sup>th</sup> Floor  
Orlando, FL 32801  
(407) 835-8553

Purchase Price: \$150,000.00  
State Documentary Stamps: \$1,050.00  
Parcel Identification No.: 21-34-14-00-17

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED**, made this 15<sup>th</sup> day of November, 2013, by **EAGLE FL VI SPE, LLC**, a North Carolina limited liability company, whose mailing address is 200 West Second Street, 3<sup>rd</sup> Floor, Winston-Salem, North Carolina 27101 (hereinafter referred to as the "Grantor") to **MAJESTIC OAK ESTATES, LTD** a Florida Limited Partnership, whose mailing address is P.O. Box 145, Mims, Florida 32754 (hereinafter referred to as the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships [including joint ventures], public bodies and quasi-public bodies.)

**WITNESSETH:**

**THAT** the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate in Brevard County, Florida more particularly described as follows:

See Exhibit "A" (hereinafter referred to as the "Property").

**TOGETHER** with all of the Grantor's interest in and to all tenements, hereditaments, easements and appurtenances, including riparian rights, if any, belonging or in anywise appertaining to the Property.

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

**AND** the Grantor does hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey this land; that the Grantor hereby specially warrants that title to the land is free from all encumbrances made by Grantor, and Grantor will defend the same against the lawful claims of all persons claiming by, through, or under Grantor, but against none other.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name, by its proper officer thereunto duly authorized as of the day and year first above written.

Signed, sealed and delivered

[Signature]  
Signature  
Tammy Wilson  
Print Name

[Signature]  
Signature  
Major W. Loftin Jr  
Print Name

EAGLE FL VI SPE, LLC, a North Carolina limited liability company

By: [Signature]  
Name: Randall Jenkins  
Title: Vice President

STATE OF ALABAMA  
COUNTY OF JEFFERSON

THE FOREGOING INSTRUMENT was acknowledged before me this 13 day of November, 2013, by Randall Jenkins, as Vice President of EAGLE FL VI SPE, LLC, a North Carolina limited liability company, who [X] is personally known to me or [ ] produced \_\_\_\_\_ as identification, and that he acknowledged executing the same on behalf of said limited liability company in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by said limited liability company.

[Signature]  
Notary Signature  
Leisa DeSimone  
Print/Type Name

(Notarial Seal)



My Commission Expires 08/24/2016

Exhibit "A"

Property

A PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14, RUN THENCE SOUTH 1° 01'44" EAST, ALONG THE EAST LINE OF SAID SECTION 14, 497.39 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE CONTINUE SOUTH 1° 01'44" EAST, ALONG SAID EAST LINE OF SECTION 14, 2,119.76 FEET TO A POINT IN A CURVE OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 46, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 34,302.5 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0° 21'57", AN ARC DISTANCE OF 219.02 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 88° 58'18" WEST ALONG SAID RIGHT OF WAY LINE, 143.49 FEET; THENCE NORTH 01° 04'11" WEST, 300.00 FEET; THENCE SOUTH 88° 56'18" WEST, 967.49 FEET TO THE EASTERLY LINE OF SHERWOOD RANCHETTES AS RECORDED IN PLAT BOOK 25, PAGE 70, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 01° 06'38" WEST, ALONG SAID EASTERLY LINE, 1,336.44 FEET; THENCE NORTH 88° 58'49" EAST, 125.00 FEET; THENCE NORTH 01° 06'38" WEST, 441.95 FEET; THENCE SOUTH 87° 32'46" EAST, 956.53 FEET; THENCE NORTH 67° 12'47" EAST, 272.39 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2244, PAGE 694 AND OFFICIAL RECORDS BOOK 2241, PAGE 2936, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PENDING BDP

Name: Majestic Oak Estates

P&Z Date: 5/5/14 BCC Date: 5/29/14

8120 Day Deadline Date: September 27, 2014

Sent to Co. Attorney: June 17, 2014

Zoning Approval: PA8 Date: 6/13/14

Comments:

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Planning & Development Department  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940

## Inter-Office Memo

BOARD OF COUNTY COMMISSIONERS

TO: Diane Byrum, County Attorney's Office  
FROM: Jennifer Jones, Special Projects Coordinator II  
SUBJ: Binding Development Plan for Majestic Oak Estates, Ltd  
DATE: June 17, 2014

Attached for review is the binding development plan for Binding Development Plan for Majestic Oak Estates, Ltd. The property is described as 46.54 acres of Tax Parcel 17, as recorded in ORB 7014, Page 2796, Public Records of Brevard County, Florida, Section 14, Township 21, Range 34 (46.54 acres) Located on the north side of S.R. 46, approx. 0.20 miles west of Cambridge Dr. (No assigned address. In the Mims area.)

The zoning request was approved, with the BDP, by the Board of County Commissioners on May 29, 2014.

Please have this BDP reviewed and return it to me with approval and/or comments by Monday, July 7, 2014.

Thank you.

/jj  
attachment

APPROVED  \_\_\_\_\_

DENIED \_\_\_\_\_

COMMENTS \_\_\_\_\_

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**(III.B.2. Continued)**

**Remainder of Tax Parcel 817** (1.76 acres) 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) to the required 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements; 3.) CUP for a light source to exceed 50 footcandles; and 4.) Acceptance of a modified BDP to include this property.

**Tax Parcel 760** (5.45 acres) 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) to the required 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements; 3.) CUP for a light source to exceed 50 footcandles; and 4.) Amendment to an existing BDP. (15.5 acres total) Located on the northwest corner of S.R. 520 and Friday Rd., Cocoa. (Tax Parcel 758: 5120 Highway 520, Cocoa. Parcel 762: No assigned address. Parcel 817: No assigned address. Parcel 760: 335 Friday Rd., Cocoa)

*LPA Recommendation: Thodey/Moia – Approved. Vote was unanimous.*

*P&Z Recommendation: Thodey/Moia – Approved. Vote was unanimous.*

**THIS ITEM HAS BEEN TABLED AT THE REQUEST OF STAFF TO THE 08/07/14 ZONING MEETING**

**III.B.3. (14PZ-00033) – JOSEPH K. AND ANNETTE G. DITTMER** – request a change of classification from GU to AU(L) on 1.01 acres, located on the north side of Caraway Street, approx. 154 feet west of Cherokee Ave. (3222 Caraway St., Cocoa)

*P&Z Recommendation: Ott/Barber – Denied. Vote was unanimous.*

**THIS ITEM HAS BEEN AUTOMATICALLY TABLED BY THE APPLICANT TO THE 08/07/14 ZONING MEETING (Letter received 05/15/14)**

**III.B.4. (14PZ-00034) – MAJESTIC OAK ESTATES, LTD** – (Rodney Honeycutt) – requests a change of classification from TR-1 to TR-3, with a BDP limiting density to 185 units, (46.54 acres); and TR-1 and BU-1 to All BU-1 (5.04 acres), on 51.47 acres total, located on the north side of S.R. 46, approx. 0.20 mile west of Cambridge Dr. (No assigned address. In the Mims area.)

*P&Z Recommendation: McLellan/Ott – Approved. Vote was unanimous.*

**BCC ACTION: Fisher/Nelson – APPROVED with a BDP limiting density to 185 units. Vote was 3:1, with Infantini voting nay. 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.**

**THE FOLLOWING ITEM WAS TABLED BY STAFF PENDING ADOPTION OF COMPREHENSIVE PLAN 2014.1.2**

Item III.A.1. (13PZ-0010) Section 22, Township 20G, Range 34, Sub. #A1, Block 7, Lot 1, on 20.57 acres; and Section 35, Township 20, Range 34, Parcel 3 owned by the State of Florida (DOT) – 18.3 acres; located on the west side of I-95, between Gandy Road and Hidden Lakes. Fisher/Nelson, approved as recommended. Commissioner Infantini voted nay.

**PLANNING AND ZONING BOARD RECOMMENDATIONS OF MAY 5, 2014**

Item III.A.2. LGH Grove, LLC and Harvey's Indian River Groves, Inc. Nelson/Infantini. Tabled to the August 7, 2014 Zoning Meeting.

Item III.B.1. Cocoa Expo Sports Center, LLC. Tabled at request of staff to the August 7, 2014 Zoning Meeting.

Item III.B.2. Cocoa Expo Sports Center, LLC. Tabled at the request of staff to the August 7, 2014 Zoning Meeting.

Item III.B.3. Joseph K. and Annette G. Dittmer. Automatically tabled to the August 7, 2014 Zoning Meeting.

Item III.B.4. Majestic Oak Estates, Ltd. Fisher/Nelson, approved as recommended. Commissioner Infantini voted nay.

Item III.B.5. River Fly-In LLC. Fisher/Nelson, approved as recommended. BDP must be approved by TICO prior to being brought back to the Board of County Commissioners for approval.

Item III.B.6. Charles C. Chandler, Sr., Trustee. Nelson/Fisher, approved as recommended.

Item III.B.7. Robert A. Schepperle. Infantini/Fisher, approved as recommended.

Item III.B.8. EPT Melbourne, Inc. Nelson/Infantini, approved as recommended.

Item III.B.9. CP Venture Five – AV LLC. Fisher/Infantini, approved as recommended.

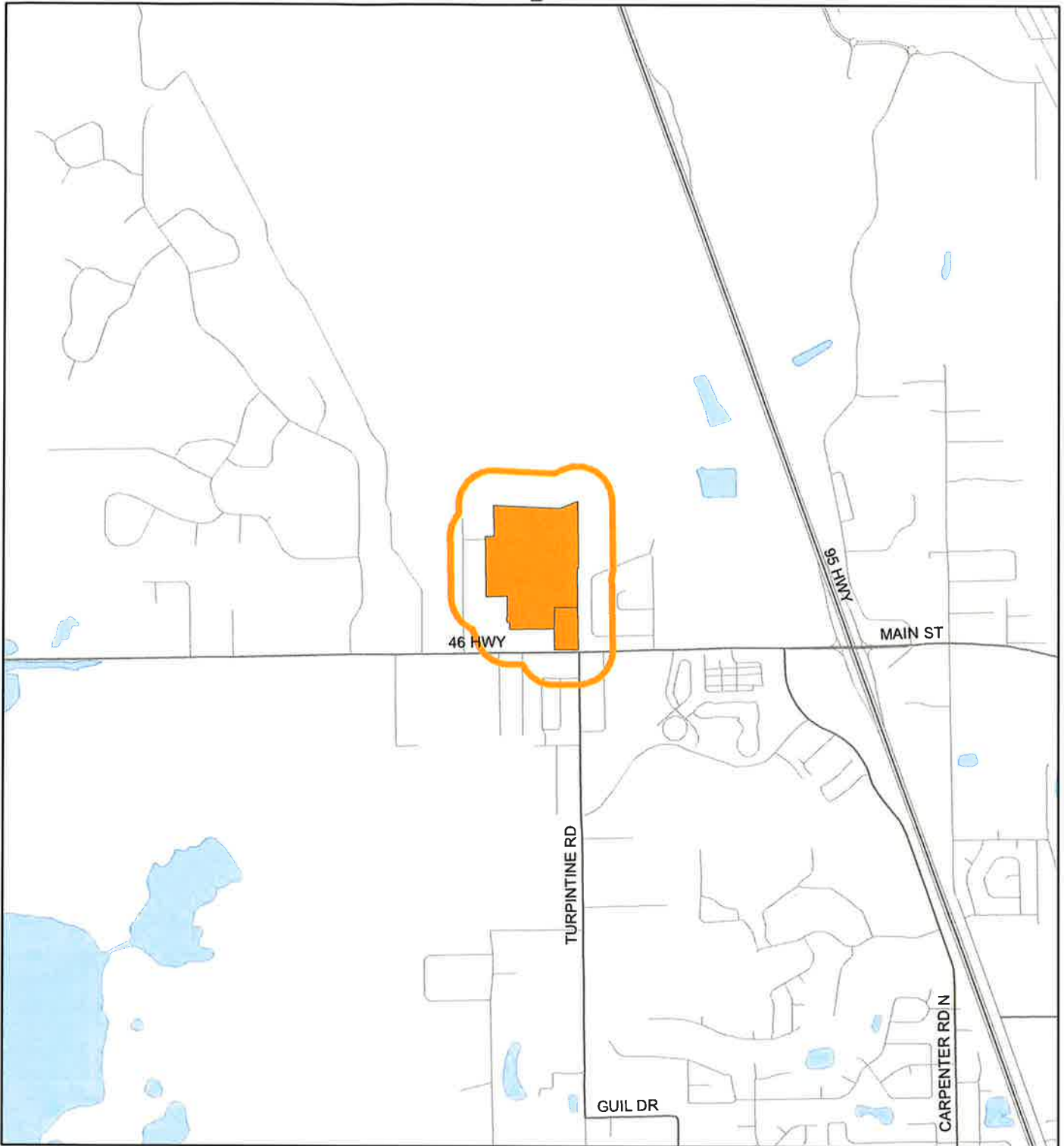
Item III.B.10. The Viera Company. Nelson/Fisher, approved as recommended.

Item III.B.11. Univest Partners of Brevard, Inc. Fisher/Nelson, approved as recommended.

# LOCATION MAP



MAJESTIC OAK ESTATES LTD

14PZ\_00034



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

Buffer Distance: 500 feet

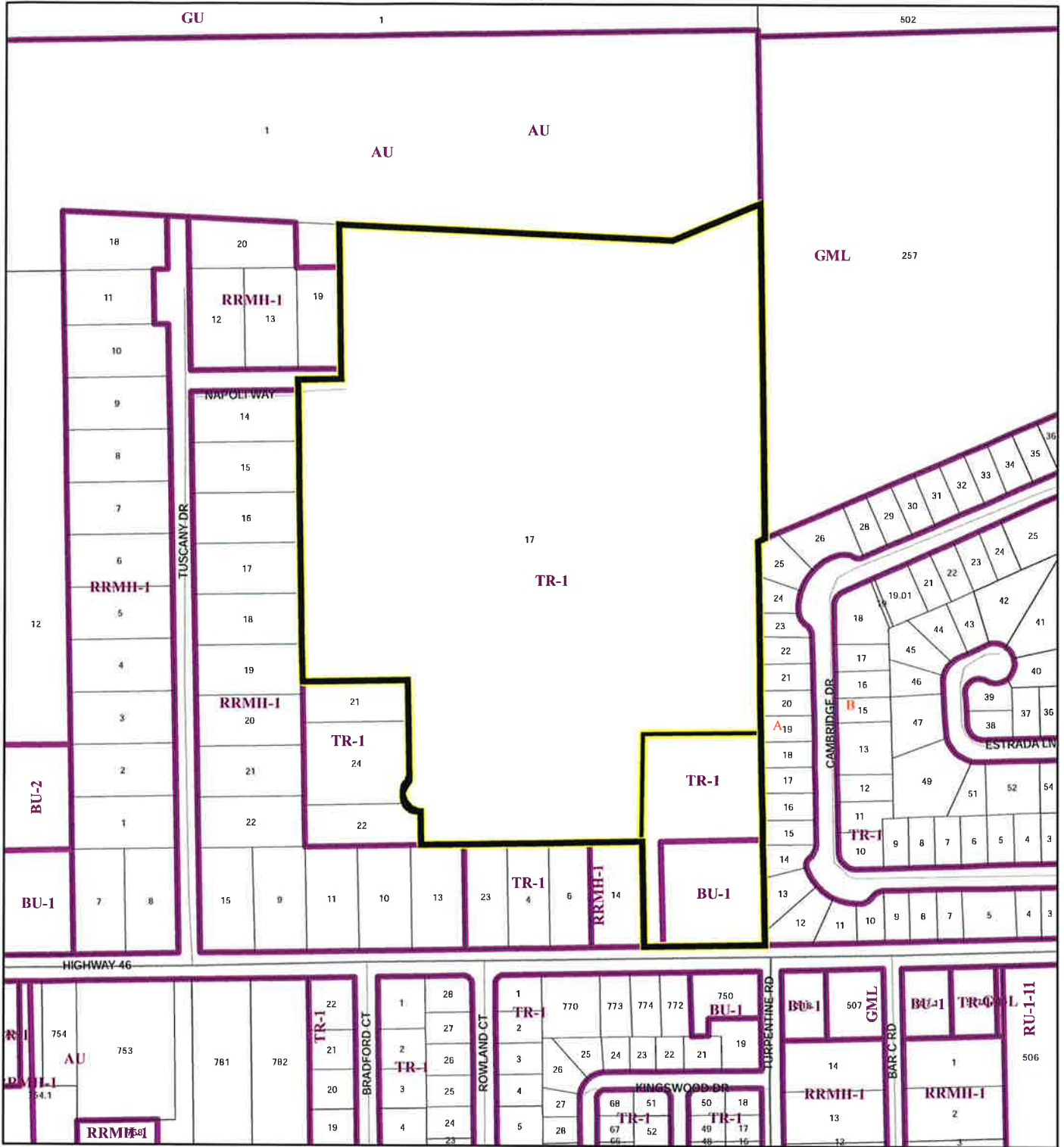
-  Buffer
-  Subject Property

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.

# ZONING MAP

## MAJESTIC OAK ESTATES LTD

### 14PZ\_00034



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.