



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.5.

2/20/2024

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### **Subject:**

Acceptance, Re; Binding Development Plan with Charles Steven Douglas and Debra Kay Douglas, Trustees; and Sandra J. Douglas (Brittany LeCun) (District 3)

### **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 December 7, 2023, the Board approved a change of classification from IU-1 (Heavy Industrial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), with a BDP limited to outdoor RV and boat storage.

The attached agreement includes these provisions.

### **Clerk to the Board Instructions:**

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



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

February 21, 2024

**MEMORANDUM**

**TO:** Tad Calkins, Planning and Zoning Director

**RE:** Item F.5., Binding Development Plan (BDP) with Charles Steven Douglas and Debra Kay Douglas, Trustees; and Sandra J. Douglas (Brittany LeCun)

The Board of County Commissioners, in regular session on February 20, 2024, executed BDP with Charles Steven Douglas and Debra Kay Douglas, Trustees, and Sandra J. Douglas (Brittany LeCun), for all that portion of the east 398 feet of the west 1,248 feet of the south 329 feet of Lot 3, Section 11, Township 30 South, Range 38 East, Brevard County; and Tax Parcel 554, as Recorded in ORB 5798, Pages 4006 – 4007, of the Public Records of Brevard County. Enclosed are two certified copies of the recorded BDP.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/ds

Encls. (2)



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Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

February 21, 2024

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

**TO:** Recording

**RE:** Item F.5., Acceptance of Binding Development Plan (BDP) with Charles Steven Douglas and Debra Kay Douglas, Trustees; and Sandra J. Douglas (Brittany LeCun)

The Board of County Commissioners, in regular session on February 20, 2024, executed and accepted the BDP with Charles Steven Douglas and Debra Kay Douglas, Trustees, and Sandra J. Douglas (Brittany LeCun), for all that portion of the east 398 feet of the west 1,248 feet of the south 329 feet of Lot 3, Section 11, Township 30 South, Range 38 East, Brevard County; and Tax Parcel 554, as Recorded in ORB 5798, Pages 4006 – 4007, of the Public Records of Brevard County. Enclosed are original Binding Development Plan Agreement and Check No. 3402 for \$61.00.

**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

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

**Resolution 23Z00023**

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

**WHEREAS, Charles Steven Douglas and Debra Kay Douglas, Trustees; and Sandra J. Douglas,** have requested a change of zoning classification from IU-1 (Heavy Industrial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcel 554, as recorded in ORB 5798, Pages 4006 - 4007, of the Public Records of Brevard County, Florida. **Section 11, Township 30, Range 38.** (2.79 acres) Located on the northeast corner of Micco Rd., and Ron Beatty Blvd. (No assigned address. In the Micco area.); and

**WHEREAS,** a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved with a BDP retaining all BU-1 uses, and limiting the BU-2 uses to mini-storage, and outdoor boat and RV storage; and

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

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from IU-1 to BU-2, be approved with a BDP, recorded on 02/21/24, in ORB 9997, Pages 221 - 227, retaining all BU-1 uses, and limiting the BU-2 use to outdoor RV and boat storage. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of February 21, 2024.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



Jason Steele, Chair  
Brevard County Commission  
As approved by the Board on February 20, 2024.

ATTEST:



RACHEL SADOFF, CLERK

(SEAL)

Planning and Zoning Board Hearing – June 12, 2023

Board of County Commissioners Hearings – August 3, 2023; September 7, 2023; and December 7, 2023 (re-opening of public hearing)

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.**

**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 #: 3590306  
Receipt #: 63382902  
Cashier Date: 02/21/2024 10:54:35 AM  
Cashier Branch: Titusville - Six Story

Print Date:  
02/21/2024 10:54:39 AM

**CUSTOMER INFORMATION**

CHRISTOPHER & BRITTANY LECUN  
5165 WILDEN RD  
SEBASTIAN, FL 32976

**TRANSACTION INFORMATION**

Date Received: 02/21/2024  
Source Code: Titusville - Six Story  
Return Code: Hand Carried  
Trans Type: Recording

**PAYMENT SUMMARY**

Total Fees \$61.00  
Total Payments \$61.00  
Balance Due: \$0.00

**1 Payments**

**CHECK #3402** \$61.00

**1 Recorded Items**

**AGREEMENT** BK/PG: 9997/221 CFN: 2024035522 Date: 02/21/2024 10:54:35 AM  
From: To  
Recording @ 1st=\$10 Add'l=\$8.50 ea. 7 \$61.00

**1 Miscellaneous Items**

**AGENT TRANSMITTAL**

Prepared by: Brittany LeCun  
Address: 5165 Wilden Road Micco FL 32976

CFN 2024035522, OR BK 9997 PAGE 221,  
Recorded 02/21/2024 at 10:54 AM, Rachel M. Sadoff,  
Clerk of Courts, Brevard County  
# Pgs:7

## **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 20th day of February, 2024 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Douglas, Charles Steven Trustee; Douglas, Debra Kay Trustee; and Douglas, Sandra J. (hereinafter referred to as "Developer/Owner").

### **RECITALS**

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

WHEREAS, Developer/Owner has requested the BU-2 zoning classification(s) and desires to develop the Property as outdoor RV and boat storage, 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.

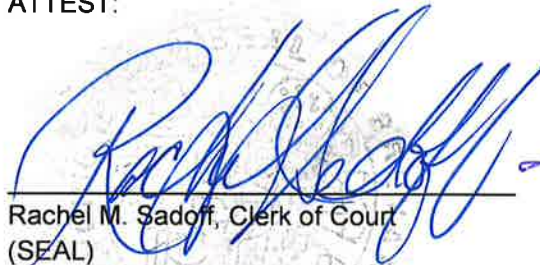
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. Developer/Owner retains all BU-1 uses and limits the BU-2 uses to outdoor RV and boat storage.
4. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
5. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
6. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on December 7, 2023. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
7. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7 above.

9. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

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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:

  
Rachel M. Sadoff, Clerk of Court  
(SEAL)

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

  
Jason Steele, Chair  
As approved by the Board on FEB 20 2024

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

WITNESSES:

(INSERT BUSINESS NAME or INDIVIDUAL NAME(s))  
as DEVELOPER/OWNER



SEE ATTACHED PAGES

\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
(Address)



Marie Brumbaugh  
Christine Brumbaugh

(Witness Name typed or printed)  
CHRISTINE BRUMBAUGH

Charles Steven Douglas  
CHARLES STEVEN DOUGLAS

(~~President~~) OWNER  
(Name typed, printed or stamped)

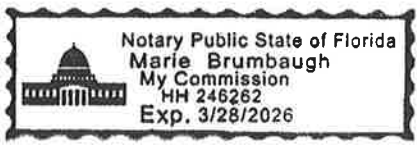
STATE OF Florida §  
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of X physical presence or  
\_\_\_\_\_ online notarization, this 12<sup>th</sup> day of December, 2022, by  
Charles Steven Douglas, Owner President of property, who is  
personally known to me or who has produced \_\_\_\_\_ as identification.

Marie Brumbaugh

My commission expires 3/28/2023  
SEAL  
Commission No.: HH 246262

Notary Public  
(Name typed, printed or stamped)



Marie Brumbaugh Debra Kay Douglas  
(Witness Name typed or printed) (Name typed, printed or stamped)  
Christine Brumbaugh Debra Kay Douglas  
(Witness Name typed or printed) (Name typed, printed or stamped)

STATE OF Florida §  
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of X physical presence or  
\_\_\_\_\_ online notarization, this 12<sup>th</sup> day of December, 2023, by  
Debra Kay Douglas, Owner of property, who is  
personally known to me or who has produced \_\_\_\_\_ as identification.

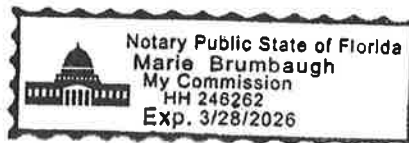
My commission expires 3/28/2026

SEAL

Commission No.: HH 246262

Marie Brumbaugh  
Notary Public

(Name typed, printed or stamped)



Marie Brumbaugh  
elster m m

(Witness Name typed or printed)

Christine Brumbaugh

Sandra J Douglas  
Sandra J Douglas

(Name typed, printed or stamped)

STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of X physical presence or  
\_\_\_\_\_ online notarization, this 12<sup>th</sup> day of December, 2023, by  
Sandra J. Douglas, Owner President of property, who is  
personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires 3/28/2026

SEAL

Commission No.: HH246262

Marie Brumbaugh

Notary Public

(Name typed, printed or stamped)



## Exhibit A

All that portion of the east 398 feet of the west 1,248 feet of the south 329 feet of Lot 3, Section 11, Township 30 South, Range 38 East, Brevard County, Florida. Tax Parcel 554, as Recorded in ORB 5798, Pages 4006 - 4007, of the Public Records of Brevard County, Florida.

STATE OF FLORIDA  
COUNTY OF BREVARD

Debra Kay Douglas, Trustee, after being duly sworn, deposes and says:

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

All that portion of the east 398 feet of the west 1,248 feet of the south 329 feet of Lot 3, Section 11, Township 30 South, Range 38 East, Brevard County, Florida. Tax Parcel 554, as Recorded in ORB 5798, Pages 4006 - 4007, of the Public Records of Brevard County, Florida.

There are no mortgages on the above described property

Dated this 29<sup>th</sup> day of January, 2024

Debra Kay Douglas  
Signature

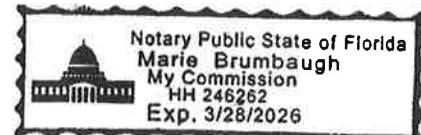
STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 29<sup>th</sup> day of January, 2024, by Debra Kay Douglas, who is personally known to me or who has produced Driver's License as identification, and who did take an oath.

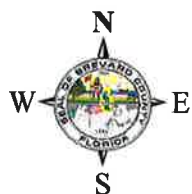
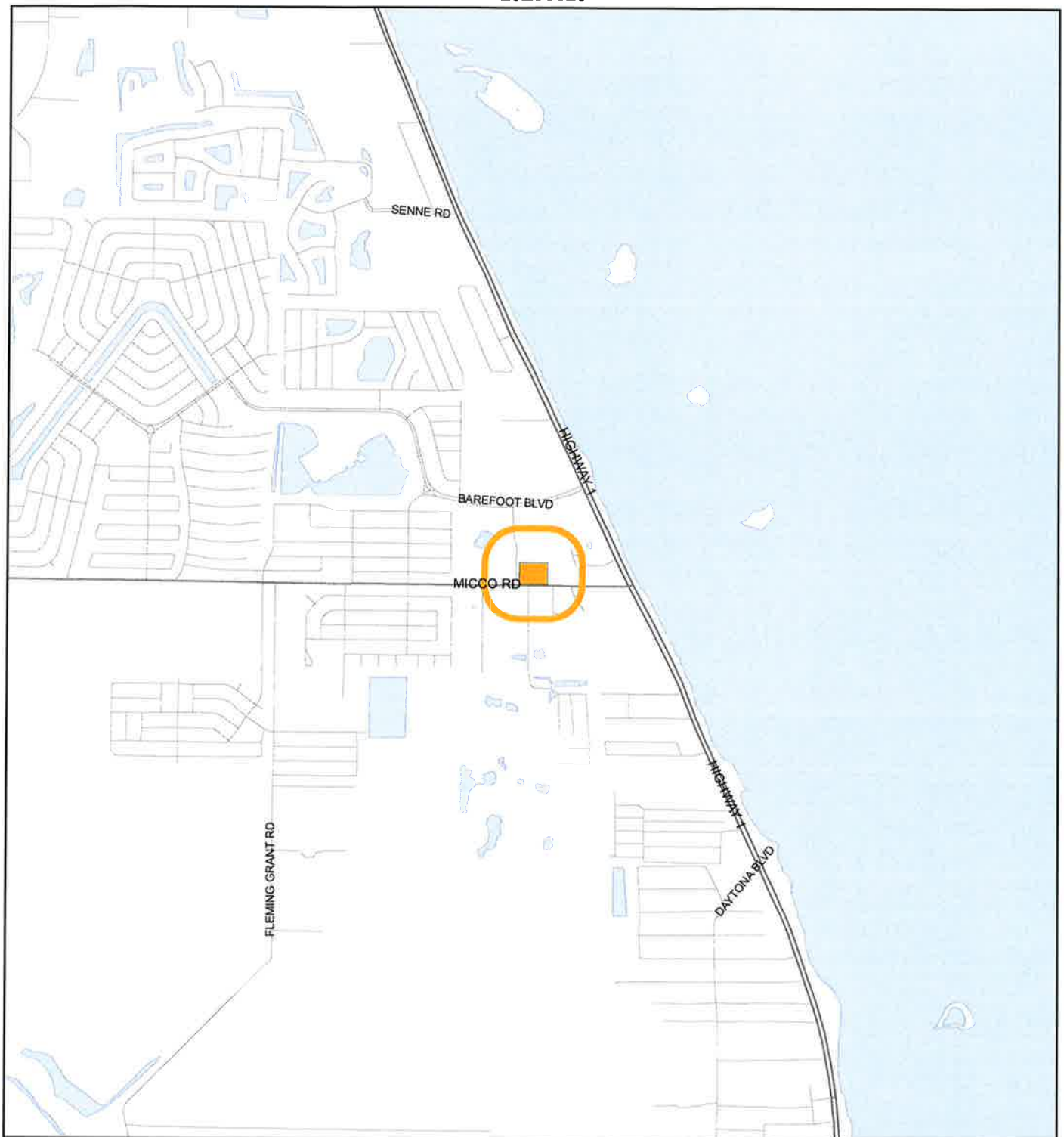
Notary Public:

Marie Brumbaugh  
State of Florida at Large  
My Commission Expires: 3/28/2026

(SEAL)



**LOCATION MAP**  
**DOUGLAS, DEBRA & CHARLES & SANDRA**  
**23Z00023**



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

Buffer Distance: 500 feet

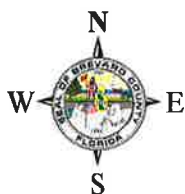
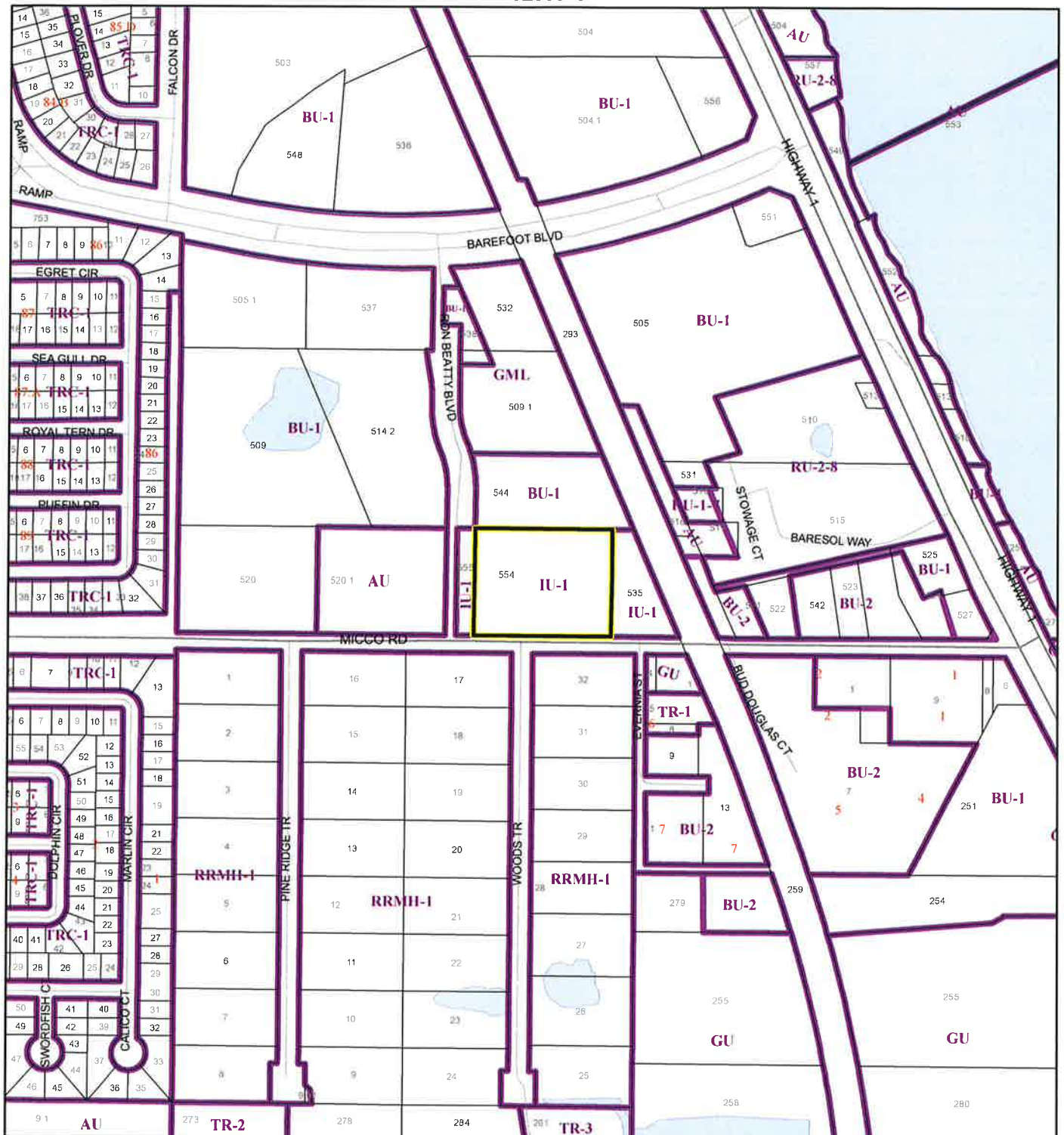
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/19/2023

— Buffer  
— Subject Property

# ZONING MAP

DOUGLAS, DEBRA & CHARLES & SANDRA  
23Z00023



1:4,800 or 1 inch = 400 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: 4/19/2023

- Subject Property
- Parcels
- Zoning



5. **(23Z00026) Mina St, LLC** (W. Nathan Meloon) requests a change of zoning classification from RU-1-13 (Single-Family Residential) to RU-2-10 (Medium Density Multi-Family Residential). The property is 0.21 acres, located on the north side of South Court, approx. 600 ft. west of N. Highway A1A (29 & 31 South Court, Indialantic) (Tax Account 2716147) (District 5)

P&Z Recommendation: Glover/Thomas – Approved with a BDP limited to a minimum of 90-day rentals. The vote was 9:2 with Minneboo and Sullivan voting nay.

**BCC ACTION: Steele/Goodson – Denied. The vote was unanimous.**

6. **(23Z00022) Sean and Danielle Gleason** (Kim Rezanka) request a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential), on 9.47 acres; and a BDP (Binding Development Plan) limited to 22 units on entire 22.21 acres. The property is 22.21 acres total, located on the north side of E. Crisafulli Rd., approx. 285 ft. west of Broad Acres St. (1550 E. Crisafulli Rd., Merritt Island) (Tax Account 2316598) (District 2) **2) THIS ITEM WAS WITHDRAWN BY THE APPLICANT. LETTER RECEIVED 07/12/23.**

7. **(23Z00024) Tracey C. and Teresa B. Higginbotham** (Randy Rodriguez) request a change of zoning classification from GU (General Use) to AU (Agricultural Residential). The property is 3.55 acres, located approx. 0.20 miles north of Port St. John Pkwy., and approx. 0.35 miles east of Golfview Ave. (No assigned address. In the Cocoa area.) (Tax Accounts 2312731, 2319995, & 2319996) (District 1) **THIS ITEM WAS AUTOMATICALLY TABLED TO THE 08/14/23 MEETING AT THE REQUEST OF THE APPLICANT. LETTER RECEIVED 06/01/23.**

8. **(23Z00023) Charles Steven Douglas and Debra Kay Douglas, Trustees; and Sandra J. Douglas** (Brittany LeCun) request a change of zoning classification from IU-1 (Heavy Industrial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 2.79 acres, located on the northeast corner of Micco Rd., and Ron Beatty Blvd. (No assigned address. In the Micco area.) (Tax Account 3010512) (District 3)

LPA Recommendation: Bartcher/Glover – Approved with a BDP limited to all BU-1 uses and the only BU-2 use of mini-storage, and boat and RV storage. The vote was 10:1 with Hodgers voting nay.

**BCC ACTION: Tobia/Feltner – Continued to the 08/03/23 BCC meeting. The vote was unanimous.**

**BCC ACTION of 08/03/23: Feltner/Steele – Continued to the 09/07/23 BCC meeting. The vote was unanimous.**

**BCC ACTION of 09/07/23: Tobia/Feltner – Approved with a BDP retaining all BU-1 uses and limiting the BU-2 uses to ministorage, and outdoor RV and boat storage. The vote was unanimous.**

**BCC ACTION OF 12/07/23: Reopened Public Hearing. Tobia/Feltner. Approved with a BDP retaining all BU-1 uses and limiting the BU-2 uses to outdoor RV and boat storage. 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.**



## PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item G.1.** **Charles Steven Douglas and Debra Kay Douglas, Trustees.** Tobia/Feltner. Approved request for a change of zoning classification from IU-1 to BU-2; and removed mini-storage as an allowable use from the BDP. (23Z00023)
- Item G.2. **Paulk Family Trust.** Pritchett/Tobia. Adopted Ordinance No. 23-32, setting forth the twelfth Small Scale Comprehensive Plan Amendment (23S.19) to change the Future Land Use designation from RES 1 to RES 2. (23SS00019)
- Item G.3. **Paulk Family Trust.** Pritchett/Tobia. Approved the request for a change of zoning classification from AU to SR. (23Z00063)
- Item G.4. **Lind, Inc.** Pritchett/Tobia. Adopted Ordinance No. 23-33, setting forth the thirteenth Small Scale Comprehensive Plan Amendment (23S.21) to change the Future Land Use designation from RES 4 and CC to all CC. (23SS00021)
- Item G.5. **Lind, Inc.** Pritchett/Tobia. Approved the request for a change of zoning classification from AU and BU-1 to BU-2. (23Z00072)
- Item G.6. **Charles K. and Judith A. Donaldson Goodson/Pritchett.** Approved the request for a change of zoning classification from AU to RU-2-4. (23Z00070)
- Item G.7. **Sundev Inc of FL.** Pritchett/Tobia. Approved the request for a change of zoning classification from TU-2 to BU-1. (23Z00071)
- Item G.8. **Lori A. Clark** Pritchett/Goodson. Approved the request for a change of zoning classification from BU-1 to BU-2. (23Z00069)
- Item G.9. **FL and NC Investment Properties, LLC.** Tobia/Goodson. Denied the request for a change of zoning classification from RR-1 to AU; and directed County Attorney's Office to provide the finding of fact. (23Z00066)