



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

5/4/2021

Subject:

Acceptance, Re: Binding Development Plan with HKH Tropical LP (District 2)

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 3, 2020, the Board approved a rezoning request from RU-1-7 (Single-Family Residential) and RU-2-30 (High Density Multi-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential) with a BDP limited to a maximum of 85 units.

Clerk to the Board Instructions:

Upon recordation, please return two certified copies of the BDP 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

May 5, 2021

M E M O R A N D U M

TO: Jennifer Jones, Zoning

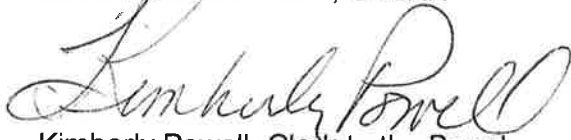
RE: Item F.2., Binding Development Plan Agreement with HKH Tropical LP

The Board of County Commissioners, in regular session on May 4, 2021, executed Binding Development Plan with HKH Tropical LP, for property located at the Northeast corner of the Southeast ¼ of the Southeast ¼, Section 22, Township 24 South, Range 36 East, Brevard County, Florida. Said Plan was recorded in OR/BK 9118/1903. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/dt

Encls. (2)

cc: Contracts Administration

Resolution 20Z00033

On motion by Commissioner Lober, seconded by Commissioner Smith, the following resolution was adopted by a unanimous vote:

WHEREAS, Tropical Manor Holdings, LLC has requested a change of zoning classification from RU-1-7 (Single-Family Residential) and RU-2-30 (High Density, Multi-Family Residential) to RU-2-12 (Medium Density, Multi-Family Residential) with a BDP (Binding Development Plan) limited to a maximum of 85 units, on property described as Tax Parcel 783, as recorded in ORB 8336, Pages 370 – 372, of the Public Records of Brevard County, Florida. **Section 22, Township 24, Range 36.** (8.47 acres) Located on the west side of Jordan Rd., at the end of Grove Blvd., and approx. 727 ft. north of Lucas Rd. (1165 Jordan Rd., Merritt Island); 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; 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 as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RU-1-7 and RU-2-30 to RU-2-12 with a BDP, recorded on May 11, 2021, in ORB 9118, Pages 1903 - 1910, limited to a maximum of 85 units be approved. 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 May 11, 2021.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida

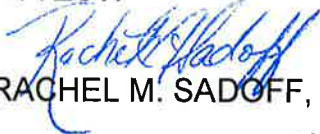


Rita Pritchett, Chair

Brevard County Commission

As approved by the Board on May 4, 2021.

ATTEST:



RACHEL M. SADOFF, CLERK

(SEAL)

Planning and Zoning Board Hearing – November 9, 2020
County Commission Zoning Hearing - December 3, 2020

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.

Prepared by: Elise Batsel, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A
Address: SunTrust Financial Centre
401 East Jackson Street
Suite 2100
Tampa, Florida 33602

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 4 day of MAY, 2021 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and HKH Tropical LP, a Florida limited partnership (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, the Property is currently developed as a multifamily project with eleven buildings housing 85 units and supporting ancillary facilities;

WHEREAS, the Developer/Owner has requested the RU-2-12 zoning classification(s) and desires to develop the Property by renovating the existing multifamily buildings and incorporating recreational amenities with no additional buildings or change in the number or size of the existing multifamily buildings, 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:

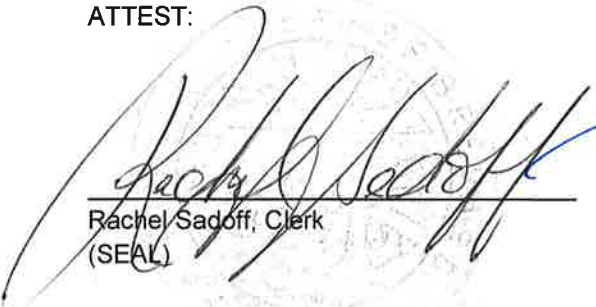
1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit future development or redevelopment of the Property so as not to exceed a total of 85 units on the Property, subject to any applicable restrictions set forth in the Comprehensive Plan or the Land Development Regulations.
3. No changes are proposed to the existing ingress/egress.
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 as set forth in this agreement. 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 3, 2020. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
7. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this

Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7 above.

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

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

ATTEST:


Rachel Sadoff, Clerk
(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 05/04/2021

WITNESSES:

TERRY PEPPER
(Witness Name typed or printed)

Calina Bove
(Witness Name typed or printed)

HKH TROPICAL LP, a
Florida limited partnership

By: **HKH Tropical GP LLC**, a
Florida limited liability company,
its general partner

By: **Kingdom Development, Inc.**, a
California not-for-profit corporation,
its manager.

By: William Leach
William Leach, President

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____, day of _____, 2021 by William Leach, President of Kingdom Development, Inc., a California not for profit corporation, the manager of HKH Tropical GP LLC, a Florida limited liability company, the general partner of HKH Tropical LP, a Florida limited partnership. He/she is personally known to me or has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

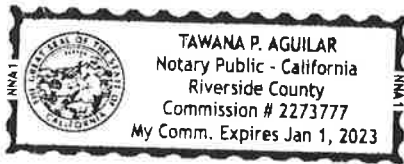
County of Riverside

On February 22, 2021 before me, Tawana P. Aguilar, notary public
Date Here Insert Name and Title of the Officer

personally appeared William Leach

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

[Handwritten Signature]

Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Binding Development Plan

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

EXHIBIT A

LEGAL DESCRIPTION

The following described parcel being the same lands as described in O.R. Book 745, pages 37 and 38 and O.R. Book 775, Page 602 and part of lands described in O.R. Book 745, page 36, Public Records of Brevard County, Florida, except the East 25 feet thereof for a county road right-of-way and being more particularly described as follows:

Commence at the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 22, Township 24 South, Range 36 East, Brevard County, Florida and run North $89^{\circ} 53'$ West along the North line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, 25 feet to a point on the West right-of-way line of the county road, being the POINT OF BEGINNING of this description. From the point of beginning continue North $89^{\circ} 53'$ West 559.34 feet to the center line of a drainage canal; thence run along the center of said drainage canal South $11^{\circ} 59' 30''$ West 91.88 feet; thence South $04^{\circ} 0'$ East 204.70 feet; thence run South $10^{\circ} 45'$ East 122.50 feet; thence run South $09^{\circ} 52'$ East 50.77; thence run South $05^{\circ} 6' 32''$ East 205.17 feet to a point on the South line of aforesaid property; thence run South $89^{\circ} 12'$ East 512.08 feet to a point on the West right-of-way line of the county road; thence run North $0^{\circ} 11' 40''$ East along the said West right-of-way line 674.81 feet to the point of beginning.

JOINDER IN BINDING DEVELOPMENT PLAN BY MORTGAGEE CORPORATION

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 20, 2018, given by Tropical Manor Holdings LLC, a Delaware limited liability company, as mortgagor, in favor of the Berkeley Point Capital LLC, d/b/a Newmark Knight Frank, a Delaware limited liability company, as mortgagee, recorded in Official Records Book 8336, Page 373, of the Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, which interest of the mortgagee was assigned to Federal Home Loan Mortgage Corporation by an assignment instrument recorded in Official Records Book 8336, page 400, and which interest of the mortgagee was further assigned to the undersigned, Wilmington Trust, National Association, as Trustee for the Registered Holders of Morgan Stanley Capital I Inc., Multifamily Mortgage Pass-Through Certificates, Series 2019-KF60 by an assignment instrument recorded in Official Records Book 8403, page 176, 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.

[Signature Appears on Next Page]

IN WITNESS WHEREOF, the Mortgagee has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:

Signed, sealed and delivered in the presence of:


Witness Signature

James Gaffney Jr.
Print Name


Witness Signature

BERND TURNER
Print Name

MORTGAGEE:

Wilmington Trust, National Association, as Trustee for the Registered Holders of Morgan Stanley Capital I Inc., Multifamily Mortgage Pass-Through Certificates, Series 2019-KF60

By: Midland Loan Services, a division of PNC Bank, National Association, its Master Servicer

By: Berkeley Point Capital LLC, d/b/a Newmark Knight Frank, a Delaware limited liability company

Its: Subservicer


By: Name: Ron Steffenino

Title: Senior Managing Director

COMMONWEALTH OF PENNSYLVANIA)

)

SS:

COUNTY OF MONTGOMERY)

)

On this the 25th day of February, 2021, before me the undersigned officer, personally appeared Ron Steffenino, who acknowledged himself to be the Senior Managing Director of Berkeley Point Capital LLC d/b/a Newmark Knight Frank, Subservicer for Midland Loan Services, a Division of PNC Bank, National Association, as Master Servicer for Wilmington Trust, National Association, as Trustee for the Registered Holders of Morgan Stanley Capital I Inc., Multifamily Mortgage Pass-Through Certificates, Series 2019-KF60 and that he as such Senior Managing Director being authorized to do so, executed the foregoing instrument on behalf of Beneficiary for the purposes therein contained.

WITNESS my hand and seal the day and year aforesaid.


NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
Jenni R. Nelk, Notary Public
Montgomery County
My commission expires September 21, 2022
Commission number 1009775
Member, Pennsylvania Association of Notaries

(SEAL)



Fidelity National Title Insurance Company

13800 NW 14th Street
Suite 190
Sunrise, FL 33323

Office (954) 217-1744
Direct (954) 308-3234
Fax (954) 971-2050

VIA UPS 1Z32902E0194261033

April 27, 2021

Planning & Development - Brevard
Attn: Jennifer Jones
2725 Judge Fran Jamieson Way
Bldg A Ste. 114
Viera, FL 32940-6605

Re: Escrow No. 328399754MCMC
HKH Tropical LP
1165 Jordan Rd, Merritt Island, FL 32953

In connection with the above referenced transaction, enclosed herewith is the following:

1. Original Joinder in Binding Development Plan by Mortgagee Corporation by Wilmington Trust

It was a pleasure to be of service to you in this transaction and hope you will consider FIDELITY NATIONAL TITLE INSURANCE COMPANY for any future title insurance needs.

Sincerely,

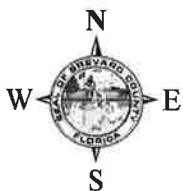
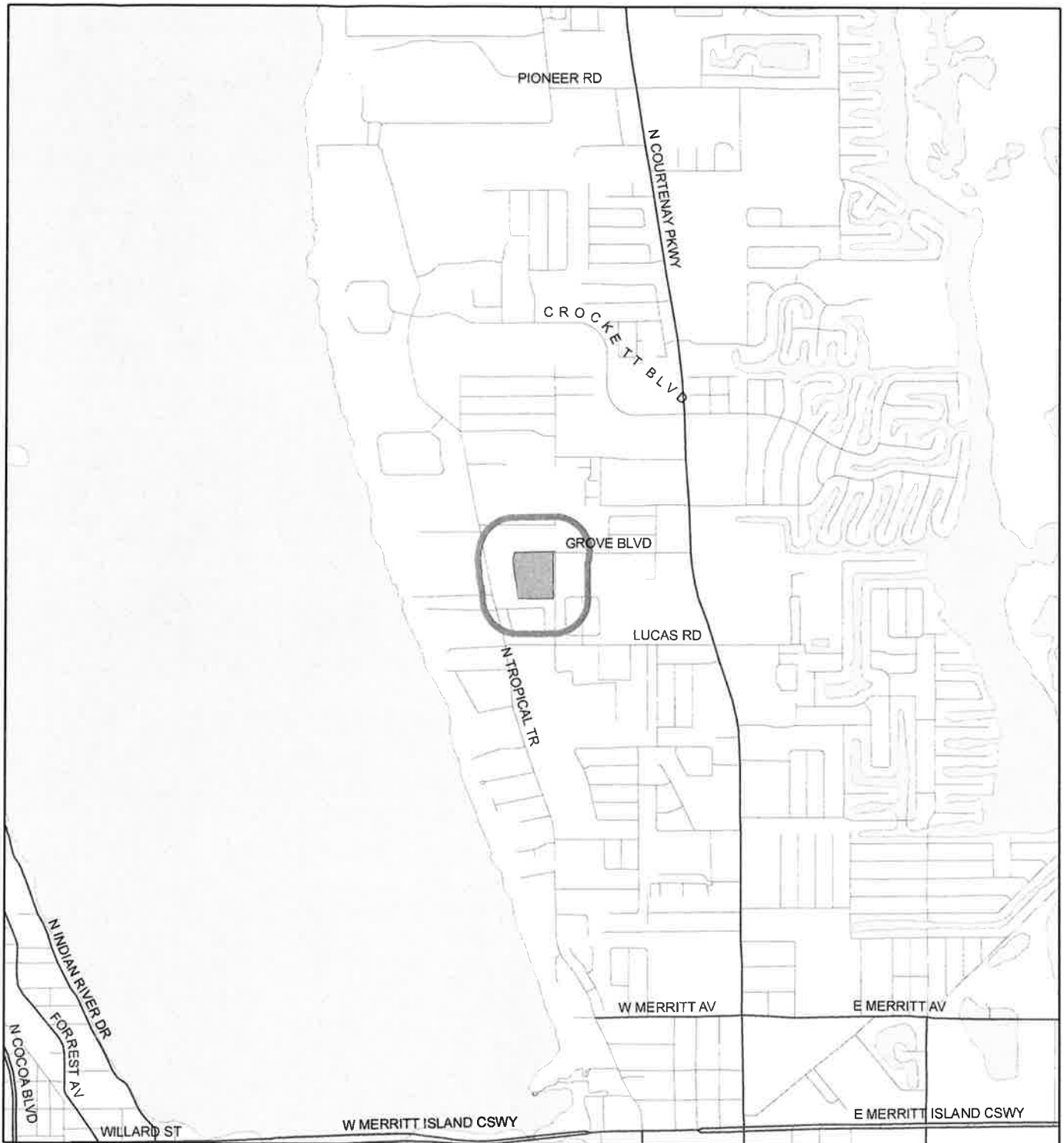
FIDELITY NATIONAL TITLE INSURANCE COMPANY

Lourdes Gonzalez

Lourdes Gonzalez,
Closing Assistant for
Mary Cornelius, AVP
Commercial Closing Services - South Florida

LOCATION MAP

TROPICAL MANOR HOLDINGS, LLC
20Z00033



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.

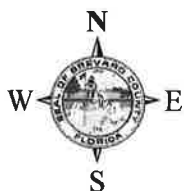
Produced by BoCC - GIS Date: 9/9/2020

— Buffer
■ Subject Property

ZONING MAP

TROPICAL MANOR HOLDINGS, LLC

20Z00033



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: 9/9/2020

— Subject Property

□ Parcels

□ Zoning

PUBLIC HEARINGS

Planning and Zoning Board/Local Planning Agency
Monday, November 9, 2020, at 3:00 p.m.

and

Thursday, December 3, 2020, at 5:00 p.m.
Both at the
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

1. **Flor-Ohio** (Jack Spira) requests a Small Scale Comprehensive Plan Amendment (20S.08) to change the Future Land Use designation from RES 4 (Residential 4) to NC (Neighborhood Commercial). The property is 3.32 acres, located on the southwest corner of Eber Blvd. and Hollywood Blvd. (No assigned address. In the West Melbourne area) (20PZ00089) (Tax Account 2851597) (District 3)

Local Planning Agency Recommendation: Filiberto/McLellan – Approved. The vote was unanimous.

Board of County Commissioners Action: Tobia/Lober – Approved as recommended, and adopted Ordinance No. 20-22. The vote was unanimous.

2. **John Haley** requests a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-7 (Single-Family Residential). The property is 0.99 acres, located on the east side of N. U.S. 1, approx. 200 ft. south of E. Elm St. (4147 N. U.S. 1, Melbourne) (20Z00025) (Tax Account 2611673) (District 4)

Planning and Zoning Board Recommendation: Filiberto/McLellan – Approved. The vote was unanimous.

Board of County Commissioners Action: Smith/Tobia – Approved as recommended. The vote was unanimous.

3. **Jason A. and Christina N. Spina** request a change of zoning classification from GU (General Use) and AU (Agricultural Residential) to all AU. The property is 4.76 acres, located on the east side of Pine St., approx. 630 ft. north of Areca Palm St. (5035 Pine St., Cocoa) (20Z00026) (Tax Account 2314129) (District 1)

Planning and Zoning Board Recommendation: McLellan/Glover – Approved. The vote was unanimous.

Board of County Commissioners Action: Lober/Zonka – Approved as recommended. The vote was unanimous.

4. **Reid B. Hart and Gail A. Skinner-Hart** request a change of zoning classification from GU (General Use) to RR-1 (Rural Residential). The property is 2.02 acres, located on the north side of Simpson Place, approx. 760 ft. west of Jake Ave. (Lot 9 = No assigned address. In the Cocoa area. Lot 10 = 5530 Simpson Place, Cocoa). (20Z00027) (Tax Accounts 2402986 and 2402987) (District 1)

Planning and Zoning Board Recommendation: Buchanan/McLellan – Approved. The vote was unanimous.

Board of County Commissioners Action: Lober/Zonka – Approved as recommended. The vote was unanimous.

5. **Donald Minnick** requests a change of zoning classification from AU (Agricultural Residential) and EU-2 (Estate Use Residential) with a BDP (Binding Development Plan) to all EU-2 and removal of BDP. The property is 0.24 acres, located on the east side of Arnold Palmer Dr., approx. 120 ft. north of London Town Rd. (1989 Arnold Palmer Dr., Titusville) (20Z00028) (Tax Account 2112241) (District 1)

Planning and Zoning Board Recommendation: Buchanan/Glover – Approved. The vote was unanimous.

Board of County Commissioners Action: Lober/Zonka – Approved as recommended. The vote was unanimous.

6. **Lazy River Investments** (Laura Young) requests a change of zoning classification from RU-1-13 (Single-Family Residential) to AU(L) (Agricultural Residential, Low-Intensity). The property is 20.39 acres, located on the southwest corner of Fleming Grant Road and Seabird Lane. (No assigned address. In the Micco area.) (20Z00030) (Tax Account 3008729) (District 3)

Planning and Zoning Board Recommendation: Glover/Buchanan – Approved. The vote was unanimous.

Board of County Commissioners Action: Tobia/Lober – Tabled to the 02/04/21 Commission meeting. The vote was unanimous.

7. **Watermark Investors, LLC** (Bruce Moia) requests an amendment to an existing PUD (Planned Unit Development). The property is 129 +/- acres, located on the west side of U.S. Hwy 1, approx. 0.22 mile south of Broadway Blvd. (Tax parcel 251 = 5082 & 5083 Persimmon Ln., Cocoa; Tax Parcels 252 & 510 = No assigned address. In the Cocoa area.) (20Z00032) (Tax Accounts 2317197, 2317198, and 3017165) (District 1)

Planning and Zoning Board Recommendation: Filiberto/McLellan – Approved third access, with two additional waivers to reduce the active open space acreage requirement, and partial waiver of the subdivision code's 15-foot perimeter landscape/buffer tract requirement with the previously approved waivers to lot width and lot area. The vote was unanimous.

Board of County Commissioners Action: Lober/Zonka – Approved as recommended. The vote was unanimous.

8. **Tropical Manor Holdings, LLC** (Kenneth Metcalf) requests a change of zoning classification from RU-1-7 (Single-Family Residential) and RU-2-30 (High Density, Multi-Family Residential) to RU-2-12 (Medium Density, Multi-Family Residential) with a BDP (Binding Development Plan) limited to a maximum of 85 units. The property is 8.47 acres, located on the west side of Jordan Rd., at the end of Grove Blvd., and approx. 727 ft. north of Lucas Rd. (1165 Jordan Rd., Merritt Island) (20Z00033) (Tax Account 2417034) (District 2)

Planning and Zoning Board Recommendation: Filiberto/Glover – Approved with a BDP limited to a maximum of 85 units. The vote was unanimous.

Board of County Commissioners Action: Lober/Tobia – Approved as recommended, with a BDP limited to a maximum of 85 units. 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.

Public Comment

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. Flor-Ohio. Tobia/Lober. Adopted Ordinance No. 20-22, approving the Small Scale Comprehensive Plan Amendment (20S.08) changing Future Land Use from RES 4 to NC as recommended.
- Item H.2. John Haley. Smith/Tobia. Approved changing zoning classification from RU-1-9 to RU-1-7 as recommended.
- Item H.3. Jason A. and Christina N. Spina. Lober/Zonka. Approved changing zoning classification from GU and AU to all AU as recommended.
- Item H.4. Reid B. Hart and Gail Skinner-Hart. Lober/Zonka. Approved changing zoning classification from GU to RR-1 as recommended.
- Item H.5. Donald Minnick. Lober/Zonka. Approved changing zoning classification from AU and EU-2 with a BDP, to all EU-2 and removal of BDP as recommended.
- Item H.6. Lazy River Investments. Tobia/Lober. Continued to February 4, 2021, Zoning meeting.
- Item H.7. Watermark Investors, LLC. Lober/Zonka. Approved amendment to an existing PUD as recommended.
- Item H.8. Tropical Manor Holdings, LLC. Lober/Tobia. Approved changing zoning classification from RU-1-7 and RU-2-30 to RU-2-12 with a BDP limited to a maximum of 85 units as recommended.
- Item H.9. Clarence Coomer. Smith/Lober. Adopted Ordinance No. 20-23, approving the Small Scale Comprehensive Plan Amendment (20S.07) to change Future Land Use from AG to RES 1:2.5 as recommended.
- Item H.10. Clarence Coomer. Lober/Zonka. Approved changing zoning classification from GU to RRMH-2.5 as recommended.
- Item H.11. 4725 Fay Blvd Land Trust. Lober/Zonka. Adopted Ordinance No. 20-24, approving the Small Scale Comprehensive Plan Amendment (20S.10) changing Future Land Use from NC to CC as recommended.
- Item H.12. 4725 Fay Blvd Land Trust. Lober/Smith. Approved changing zoning classification from BU-1-A with a BDP, to BU-1, and approved amendment of the existing BDP authorizing there be no use of Adams Place for truck deliveries one hour before or after school.

JOINDER IN BINDING DEVELOPMENT PLAN BY MORTGAGEE CORPORATION

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 20, 2018, given by Tropical Manor Holdings LLC, a Delaware limited liability company, as mortgagor, in favor of the Berkeley Point Capital LLC, d/b/a Newmark Knight Frank, a Delaware limited liability company, as mortgagee, recorded in Official Records Book 8336, Page 373, of the Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, which interest of the mortgagee was assigned to Federal Home Loan Mortgage Corporation by an assignment instrument recorded in Official Records Book 8336, page 400, and which interest of the mortgagee was further assigned to the undersigned, Wilmington Trust, National Association, as Trustee for the Registered Holders of Morgan Stanley Capital I Inc., Multifamily Mortgage Pass-Through Certificates, Series 2019-KF60 by an assignment instrument recorded in Official Records Book 8403, page 176, 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.

[Signature Appears on Next Page]

IN WITNESS WHEREOF, the Mortgagee has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:

Signed, sealed and delivered in the presence of:


Witness Signature

James Gaffney Jr.
Print Name


Witness Signature

BERND TURNER
Print Name

MORTGAGEE:

Wilmington Trust, National Association, as Trustee for the Registered Holders of Morgan Stanley Capital I Inc., Multifamily Mortgage Pass-Through Certificates, Series 2019-KF60

By: Midland Loan Services, a division of PNC Bank, National Association, its Master Servicer

By: Berkeley Point Capital LLC, d/b/a Newmark Knight Frank, a Delaware limited liability company
Its: Subservicer


By: Name: Ron Steffenino
Title: Senior Managing Director

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF MONTGOMERY)

SS:

On this the 25th day of February, 2021, before me the undersigned officer, personally appeared Ron Steffenino, who acknowledged himself to be the Senior Managing Director of Berkeley Point Capital LLC d/b/a Newmark Knight Frank, Subservicer for Midland Loan Services, a Division of PNC Bank, National Association, as Master Servicer for Wilmington Trust, National Association, as Trustee for the Registered Holders of Morgan Stanley Capital I Inc., Multifamily Mortgage Pass-Through Certificates, Series 2019-KF60 and that he as such Senior Managing Director being authorized to do so, executed the foregoing instrument on behalf of Beneficiary for the purposes therein contained.

WITNESS my hand and seal the day and year aforesaid.


NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
Jenni R. Nelk, Notary Public
Montgomery County
My commission expires September 21, 2022
Commission number 1009775
Member, Pennsylvania Association of Notaries

(SEAL)