

ADD ON

Meeting Date
November 21, 2017



AGENDA	
Section	NEW BUSINESS
Item No.	VI A 2

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

SUBJECT:	Binding Development Plan Approval, Re: Morris Ave Mobile Home Park (D1) FISCAL IMPACT: NONE
DEPT/OFFICE:	Planning & Development

Requested Action:

In accordance with Section 62-1157, it is requested that the Board of County Commissioners authorize the Chairman to sign the Binding Development Plan.

Summary Explanation & Background:

On August 3, 2017, the Board of County Commissioners approved a change of Zoning Classification from TR-1 to TR-1-A, contingent upon a Binding Development Plan (BDP). The BDP is a voluntary agreement presented 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. This BDP is considered New Business, to accommodate the Owner/Developer in meeting the 120-day deadline for recording, which is December 1, 2017. The attached BDP contains the following stipulation:

- Developer/Owner shall limit density to 14 lots and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

The property is 3.61 acres and is located on the west side of Morris Ave., approx. 220 ft. north of Canaveral Groves Blvd. (4040 Morris Ave., Cocoa)

Reference: 17PZ00074

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	X	No	<input type="checkbox"/>	PR <input type="checkbox"/>
County Manager	Assistant County Manager John Denninghoff				Department Director / Extension Tad Calkins Planning & Development Dept. Ext. 56363	
Frank Abbate	Interim Assistant County Manager Jim Liesenfelt					



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

November 22, 2017

MEMORANDUM

TO: Recording

RE: Item VI.A.2, Binding Development Plan Agreement with Morris Ave Mobile Home Park

The Board of County Commissioners, in regular session on November 21, 2017, executed Binding Development Plan Agreement with Morris Ave Mobile Home Park for property located on the west side of Morris Avenue, approximately 220 feet north of Canaveral Groves Blvd. Enclosed are original Binding Development Plan Agreement and Check Number 1001 for \$27.00. **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  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/dt

Encls. (2)

Prepared by: Timothy Sanders  
Address: 763 Silver Cloud Circle #207, Lake Mary FL 32746

### BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Morris Ave Mobile Home Park LLC, a corporation (hereinafter referred to as "Developer/Owner"). TA

#### 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-1-A zoning classification(s) and desires to develop the Property as Single Family Mobile Home Residential, 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

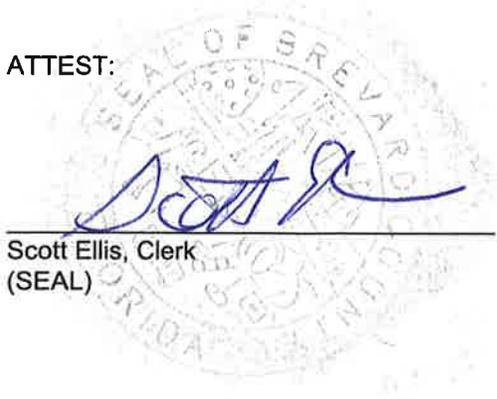
WHEREAS, the County is authorized to regulate development of the Property.

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 14 Lots 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 08/03/2017. 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 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:



Scott Ellis, Clerk  
(SEAL)

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

*[Handwritten signature]*

Curt Smith, Chairman

As approved by the Board on NOV 21 2017

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

WITNESSES:

*[Handwritten signature]*  
Michelle Bruno  
(Witness Name typed or printed)

DEVELOPER/OWNER Morris Ave Mobile Home Park LLC  
Timothy Sanders Manager  
763 Silver Cloud Circle #207  
(Address) Lake Mary FL 32746

*[Handwritten signature]*  
DEBRA S. HITCHCOCK  
(Witness Name typed or printed)

\_\_\_\_\_  
(President)  
\_\_\_\_\_  
(Name typed, printed or stamped)

STATE OF Florida §  
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 21 day of Sept., 2017, by Timothy Sanders, President of Morris Ave Mobile Home, who is personally known to me or who has produced FLDL in or as identification.

My commission expires  
SEAL

*[Handwritten signature]*  
\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
(Name typed, printed or stamped)

BREVARD COUNTY PLANNING & DEVELOPMENT  
2725 JUDGE FRAN JAMIESON WAY  
A-114  
VIERA, FL 32940

File Number: 17-0074A  
Loan Number:  
Property Address: 4020-4080 Morris Ave, Cocoa, FL 32927  
Parcel ID Number: 23-35-36-00-760

### Exhibit "A"

#### Legal Description

Parcel 1: For a point of reference commence at the Southeast corner of Section 36, Township 23 South, Range 35 East, Brevard County, Florida; thence North 00 degrees 03 minutes 55 seconds West, along the East line of said Section 36, 868.18 feet to the Point of Beginning; thence North 89 degrees 52 minutes 24 seconds West, 216.52 feet; thence North 00 degrees 00 minutes 55 seconds West, 102.00 feet; thence South 89 degrees 52 minutes 24 seconds East, 216.44 feet to a point on said East line of Section 36; thence South 00 degrees 03 minutes 35 seconds East, along said East line 102.00 feet to the Point of Beginning.

Parcel 2: For a point of reference commence at the Southeast corner of Section 36, Township 23 South, Range 35 East, Brevard County, Florida; thence North 00 degrees 03 minutes 55 seconds West, along the East line of said Section 36, 796.18 feet to the Point of Beginning; thence North 89 degrees 52 minutes 24 seconds West, 216.60 feet; thence North 00 degrees 00 minutes 55 seconds West, 102.00 feet; thence South 89 degrees 52 minutes 24 seconds East, 216.52 feet to a point on said East line of Section 36; thence South 00 degrees 03 minutes 35 seconds East, along said East line 102.00 feet to the Point of Beginning.

Parcel 3: The South 102.00 feet of the North 306.00 feet of the East 217.13 feet of the South 3/4 of Southeast 1/4 of the Southeast 1/4, Section 36, Township 23 South, Range 35 East, Brevard County, Florida.

Parcel 4: For a point of reference commence at the Southeast corner of Section 36, Township 23 South, Range 35 East, Brevard County, Florida; thence North 00 degrees 03 minutes 55 seconds West, along the East line of said Section 36, 592.18 feet to the Point of Beginning; thence North 89 degrees 52 minutes 24 seconds West, 216.74 feet; thence North 00 degrees 00 minutes 55 seconds West, 102.00 feet; thence South 89 degrees 52 minutes 24 seconds East, 216.68 feet to a point on said East line of Section 36; thence South 00 degrees 03 minutes 35 seconds East, along said East line 102.00 feet to the Point of Beginning.

Parcel 5: For a point of reference commence at the Southeast corner of Section 36, Township 23 South, Range 35 East, Brevard County, Florida; thence North 00 degrees 03 minutes 55 seconds West, along the East line of said Section 36, 490.18 feet to the Point of Beginning; thence North 89 degrees 52 minutes 24 seconds West, 216.84 feet; thence North 00 degrees 00 minutes 55 seconds West, 102.00 feet; thence South 89 degrees 52 minutes 24 seconds East, 216.84 feet to a point on said East line of Section 36; thence South 00 degrees 03 minutes 35 seconds East, along said East line 102.00 feet to the Point of Beginning.

Parcel 6: For a point of reference commence at the Southeast corner of Section 36, Township 23 South, Range 35 East, Brevard County, Florida; thence North 00 degrees 03 minutes 55 seconds West, along the East line of said Section 36, 388.18 feet to the Point of Beginning; thence North 89 degrees 52 minutes 24 seconds West, 216.92 feet; thence North 00 degrees 00 minutes 55 seconds West, 102.00 feet; thence South 89 degrees 52 minutes 24 seconds East, 216.84 feet to a point on said East line of Section 36; thence South 00 degrees 03 minutes 35 seconds East, along said East line 102.00 feet to the Point of Beginning.

Parcel 7: For a point of reference commence at the Southeast corner of Section 36, Township 23 South, Range 35 East, Brevard County, Florida; thence North 00 degrees 03 minutes 55 seconds West, along the East line of said Section 36, 216.28 feet to the Point of Beginning; thence North 89 degrees 52 minutes 24 seconds West, 216.99 feet; thence North 00 degrees 00 minutes 55 seconds West, 102.00 feet; thence South 89 degrees 52 minutes 24 seconds East, 216.92 feet to a point on said East line of Section 36; thence South 00 degrees 03 minutes 35 seconds East, along said East line 102.00 feet to the Point of Beginning.

Less and Except that certain parcel of land as described in Warranty Deed recorded in O.R. Book 2905, Page 1196, Public Records of Brevard County, Florida.

# 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

#: 2009462

Receipt #: 61971380

Cashier Date: 11/22/2017

9:16:52 AM

Print Date:

11/22/2017 9:16:53 AM

Customer Information	Transaction Information	Payment Summary
( ) CRF HOLDINGS INC 763 SILVER CLOUD CIR APT 207 LAKE MARY, FL 32746 Attention: CLERK TO THE BOARD	DateReceived: 11/22/2017 Source Code: Titusville - Six Story Q Code: Titusville - Six Story Return Code: Hand Carried Trans Type: Recording Agent Ref Num:	Total Fees \$27.00 Total Payments \$27.00

1 Payments	
CHECK 1001	\$27.00

1 Recorded Items		
(AG) AGREEMENT	BK/PG: 8032/2272 CFN:2017243112 Date:11/22/2017 9:16:51 AM From: To:	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	3	\$27.00
Indexing @ 1st 4 Names Free, Addt'l=\$1 ea.	2	\$0.00

0 Search Items
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1 Miscellaneous Items
(AGTR) AGENT TRANSMITTAL

STATE OF FLORIDA  
COUNTY OF BREVARD

Timothy Sanders after being duly sworn, deposes and says:

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

(Insert legal description of property here)

There are no mortgages on the above described property

Dated this 21 day of September.

  
\_\_\_\_\_  
Signature

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was sworn to before me this 21 day of Sept. 17, by  
Timothy Sanders, who is personally known to me or who has  
produced FLDL as identification, and who did take an oath.

Notary Public:

  
\_\_\_\_\_  
State of Florida at Large  
My Commission Expires:

(SEAL)

BREVARD COUNTY PLANNING & DEVELOPMENT  
2725 JUDGE FRAN JAMIESON WAY  
A-114  
VIERA, FL 32940

File Number: 17-0074A  
Loan Number:  
Property Address: 4020-4080 Morris Ave, Cocoa, FL 32927  
Parcel ID Number: 23-35-36-00-760

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Less and Except that certain parcel of land as described in Warranty Deed recorded in O.R. Book 2905, Page 1196, Public Records of Brevard County, Florida.

# LOCATION MAP

MORRIS AVE MOBILE HOME PARK LLC

17PZ00074



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: 5/16/2017

# ZONING MAP

## MORRIS AVE MOBILE HOME PARK LLC

### 17PZ00074



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 herein.

- IV.H. Conditional Use Permit, Re: Cement, Concrete, and Concrete Building Products - Preferred Materials, Inc. (Mark Marine) (17PZ00068) (District 4)  
P&Z Recommendation: Lawandales/Barber – Approved. The vote was unanimous.  
BCC ACTION: Barfield/Pritchett – APPROVED as recommended. The vote was 4:1, with Tobia voting nay. 17PZ00068.
- IV.I. Change of Zoning Classification, Re: RU-2-10 to RU-2-15 - James H. Dixon, Jr. (Donna or Elbert Martin) (17PZ00069) (District 2)  
P&Z Recommendation: Barber/Moia – Approved with a BDP limited to 10 units. The vote was unanimous.  
BCC ACTION: Barfield/Isnardi – APPROVED as recommended. The vote was unanimous.
- IV.J. Conditional Use Permits, Re: Alcoholic Beverages for On-Premises Consumption - Viera Development Corporation, and Brevard County (Hassan Kamal) (17PZ00073) (District 4)  
P&Z Recommendation: Lawandales/Moia – Approved, minus the impact areas indicated in the sketch provided by BSE Consultants, Inc., entitled, "Exhibits to Show 300-Foot Setbacks." The vote was unanimous.  
BCC ACTION: Pritchett/Barfield – APPROVED as recommended. The vote was unanimous. 17PZ00073.
- IV.K. NMI Item
- IV.L. NMI Item
- IV.M. Change of Zoning Classification, Re: TR-1 to TR-1-A – Morris Ave Mobile Home Park, LLC (Tim Sanders) (17PZ00074) (District 1)  
P&Z Recommendation: Moia/Lawandales – Approved with a BDP limited to 14 lots. The vote was 7:1, with Barber voting nay.  
BCC ACTION: Pritchett/Isnardi – APPROVED as recommended. The vote was unanimous. 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.
- IV.N. Change of Zoning Classification, Re: AU to RR-1 – Pamela Childers (17PZ00075) (District 1)  
P&Z Recommendation: Barber/Moia – Approved. The vote was 8:3, with Minneboo, Bartcher, and Langston, voting nay.  
BCC ACTION: Pritchett/Tobia – APPROVED as recommended. The Vote was 4:1, with Barfield voting nay. 17PZ00075.

**LPA AGENDA:**

1. An Ordinance Implementing the Regulatory Authority Provided in 2017 House Bill 687, The Advanced Wireless Infrastructure  
LPA Recommendation: Barber/Lawandales – Approved. The vote was unanimous.  
BCC ACTION OF 07/11/17: Tobia/Barfield – APPROVED as recommended. The vote was unanimous.

PUBLIC COMMENT

## PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item IV.A. LTM of Florida Holding, LLC. Pritchett/Isnardi, continued to the December 7, 2017, Zoning Meeting.
- Item IV.B. LTM of Florida Holding, LLC. Pritchett/Isnardi, continued to the December 7, 2017, Zoning Meeting.
- Item IV.C. RJJAC Homes, LLC. Pritchett/Barfield, approved as recommended.
- Item IV.D. Stephen Proctor Magnum, Julian Sydney Magnum, Jr., and Sandra E. Baker. Barfield/Isnardi, continued to September 7, 2017, Zoning Meeting.
- Item IV.E. I Markoyiannis Management, LLC. Isnardi/Barfield, approved as recommended.
- Item IV.F. Kenneth J. and Kiela R. Frank. Barfield/Isnardi, approved as recommended, and adopted Ordinance No. 17-18. (17S.04)
- Item IV.G. Kenneth J. and Kiela R. Frank. Barfield/Pritchett, approved as recommended.
- Item IV.H. Preferred Materials, Inc. Barfield/Pritchett, approved as recommended. Commissioner Tobia voting nay.
- Item IV.I. James H. Dixon, Jr. Barfield/Isnardi, approved as recommended with a Binding Development Plan (BDP) limited to 10 units.
- Item IV.J. Viera Development Corporation, and Brevard County. Pritchett/Barfield, approved as recommended.
- Item IV.K. Crisafulli Enterprises, Inc. Barfield/Isnardi, adopted Ordinance No. 17-19, setting forth Small Scale Plan Amendment. (17S.06)
- Item IV.L. Crisafulli Enterprises, Inc. Barfield/Pritchett, approved with a Binding Development Plan (BDP) limited to a maximum of 48 units.
- Item IV.M. Morris Ave Mobile Home Park, LLC. Pritchett/Isnardi, approved as recommended with a Binding Development Plan (BDP) limited to 14 lots.
- Item IV.N. Pamela Childers. Pritchett/Tobia, approved as recommended. Commissioner Barfield voting nay.
- Item IV.O. NAJJAD, Inc. Barfield/Pritchett, tabled to September 7, 2017, Zoning Meeting.
- Item IV.P. Eric and Amanda Obloy. Barfield/Isnardi, denied the recommendation of a change in Zoning Classification from SR to AU..