



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.3.

5/1/2025

Subject:

Acceptance, RE: Binding Development Plan with Luz Nelly Nogueroles (24Z00060) (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 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 to finalize the zoning action.

On February 06, 2025, the Board approved a change of zoning classification from AU to RR-1 with a BDP. The condition limits development on the entire five-acre parcel to one residential unit on entirety of the property.

The attached BDP includes this condition.

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 2, 2025

M E M O R A N D U M

TO: Alice Randall, Zoning

RE: Item F.3., Binding Development Plan with Luz Nelly Nogueroles (24Z00060)

The Board of County Commissioners, in regular session on May 1, 2025, executed Binding Development Plan Agreement with Luz Nelly Nogueroles, for property located on the west side of Martin Road, approximately 642 feet north of its turn to the north. 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**

A handwritten signature in cursive script, appearing to read "Kimberly Powell", is written over the typed name and title.

Kimberly Powell, Clerk to the Board

/ds

Encls. (2)



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 2, 2025

M E M O R A N D U M

TO: Recording

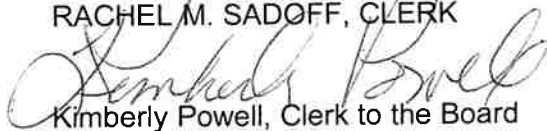
RE: Item F.3., Binding Development Plan with Luz Nelly Nogueroles (24Z00060)

The Board of County Commissioners, in regular session on May 1, 2025, accepted and executed Binding Development Plan with Luz Nelly Nogueroles, for property located on the west side of Martin Road, approximately 642 feet north of its turn to the north. Enclosed are original Binding Development Plan Agreement and Check No. 117 for \$52.50.

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
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

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 #: 3861921
Receipt #: 63640065
Cashier Date: 05/02/2025 11:58:26 AM
Cashier Branch: Titusville - Six Story

Print Date:
05/02/2025 11:58:32 AM

CUSTOMER INFORMATION	TRANSACTION INFORMATION		PAYMENT SUMMARY	
LUZ NELLY NOGUEROLES 9048 COLLINS AVE #124 MIAMI BEACH, FL 33154	Date Received:	05/02/2025	Total Fees	\$52.50
	Source Code:	Titusville - Six Story	Total Payments	\$52.50
	Return Code:	Hand Carried	Balance Due:	\$0.00
	Trans Type:	Recording		

1 Payments

CHECK #117	\$52.50
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1 Recorded Items

AGREEMENT	BK/PG: 10325/2255 CFN: 2025088443 Date: 05/02/2025 11:58:25 AM		
From: To			
Recording @ 1st=\$10 Add'l=\$8.50 ea.	6		\$52.50

Prepared by: Luz Nelly Nogueroles
Address: 1455 Martin Road, Rockledge, FL 32955

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 01 day of May, 2025 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Luz Nelly Nogueroles, the owner (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", Exhibit "B" and Exhibit "C" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has rezoned 1 acre of the 5 acre site to RR-1 (Exhibit A) with the remaining 4 acres retaining its AU zoning (exhibit B). Developer/Owner requested the 5 acre site (Exhibit C) be developed with agricultural pursuits without an additional single family residence, 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. The Developer/Owner shall limit density to Zero (0) additional units per acre on the remaining 4 acres of AU zoned property and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
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 February 06, 2025. 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 M. Sadoff, Clerk of Court
(SEAL)

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

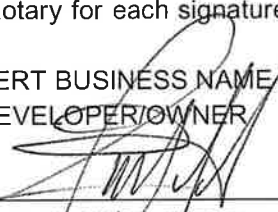

Rob Feltner, Chair
As approved by the Board on MAY 01 2025

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

WITNESSES:


Hehrnaz Tornaman
(Witness Name typed or printed)

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


Luz Nelly Nogueroles, owner
1455 Martin Rd. Rockledge, FL 32955
(Address)

(Witness Name typed or printed)

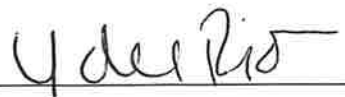
(President)

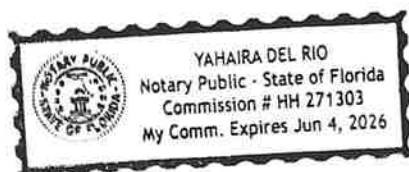
(Name typed, printed or stamped)

STATE OF Florida §
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or
____ online notarization, this 15th day of April, 2025, by
Luz Nelly Nogueroles, President of owner, who is
personally known to me or who has produced FDL as identification.

My commission expires
SEAL
Commission No.:


Notary Public
(Name typed, printed or stamped)



2000

PAGE 1 OF 1

BOUNDARY SURVEY

BUILDING DETAIL
SCALE 1"=20"

LEGAL DISPOSITION. COMMENCE AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 25 SOUTH, RANGE 28 EAST AND RUN THENCE NORTH 60 DEGREES 07' EAST ALONG THE WEST LINE OF SAID SECTION 17 A DISTANCE OF 162 FEET TO THE POINT OF BEGINNING; THENCE NORTH 60 DEGREES 07' EAST ALONG THE WEST LINE OF SAID SECTION 17 A DISTANCE OF 162 FEET TO THE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 53' WEST A DISTANCE OF 140 FEET; THENCE RAIN SOUTHWEST 1/4 CORNER OF BEGGING; THENCE NORTH 60 DEGREES 07' EAST A DISTANCE OF 162 FEET TO THE POINT OF BEGINNING.

PLAT FILED 51-10 FOR ROADWAY

CERTIFIED TO
LUZNELLY NOGUEROLES

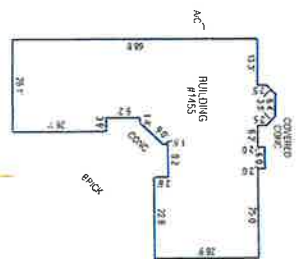
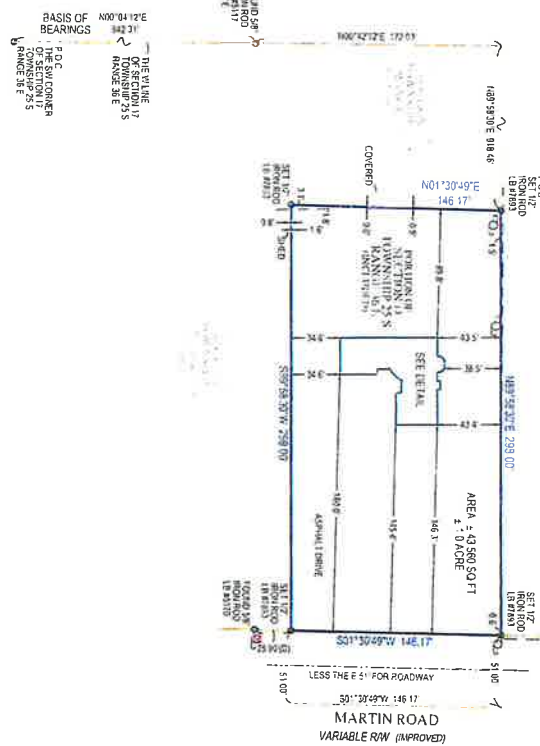
COMMUNITY NUMBER 125092
PANEL 12009C0425 SUFFIX G
FIRM DATE 03/17/2014
FLOOD ZONE AE

FLOOD ZONE AF

FIELD WORK: 06/14/2023

PROPERTY ADDRESS
1455 MARTIN ROAD
ROCKLEDGE, FL 32955

SURVEY NUMBER 590866
CLIENT FILE NUMBER 2022050424CD



GRAPHIC SCALE (in Feet)
1 inch = 50 ft

SCALE
1"=50'

Case	Age	Sex	Location	Time of day	Time of year	Time of day	Time of year	Time of day	Time of year
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3	10	F	10	10	10	10	10	10	10
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INDEX **SEARCHING**

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	Index		Search
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 1-800-854-7777
 1-800-854-7777
 info@hawaii.com
 www.hawaii.com

[illegible]

**David
Cutter**
Ph.D., M.P.H.
1848-1900

GENERAL NOTES:

1804. DETERMINATION PROVIDED BY OTHERS
THE EVIDENCE SHOWS HUMAN WRECK NOT PLACED TO FOR REASONS
ON OTHER RECORDED EVINCENCES NOT SHOWN ON THIS PLAN
IN CONSIDERABLE PORTIONS OF SOOTAGE AND INDICATION OF OTHER
WRECK REMAINS WERE NOT LOCATED
ALL TRAILS ARE TO THE FACE OF THE WALL AND ARE NOT TO BE
TO RECONSTRUCT A WALL PLACES
ON A BRIDGE EMERGENCY CHARTERS, LOCATED
DARKNESS IS COME HAS PLANT AND VITAL, UNLESS OTHERWISE
STATED

1) THE SURVEY WAS COMPLETED FOR A MORTGAGE TRANSACTION. THE
2) SURVEY WAS COMPLETED FOR A MORTGAGE TRANSACTION. THE
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UD 42952

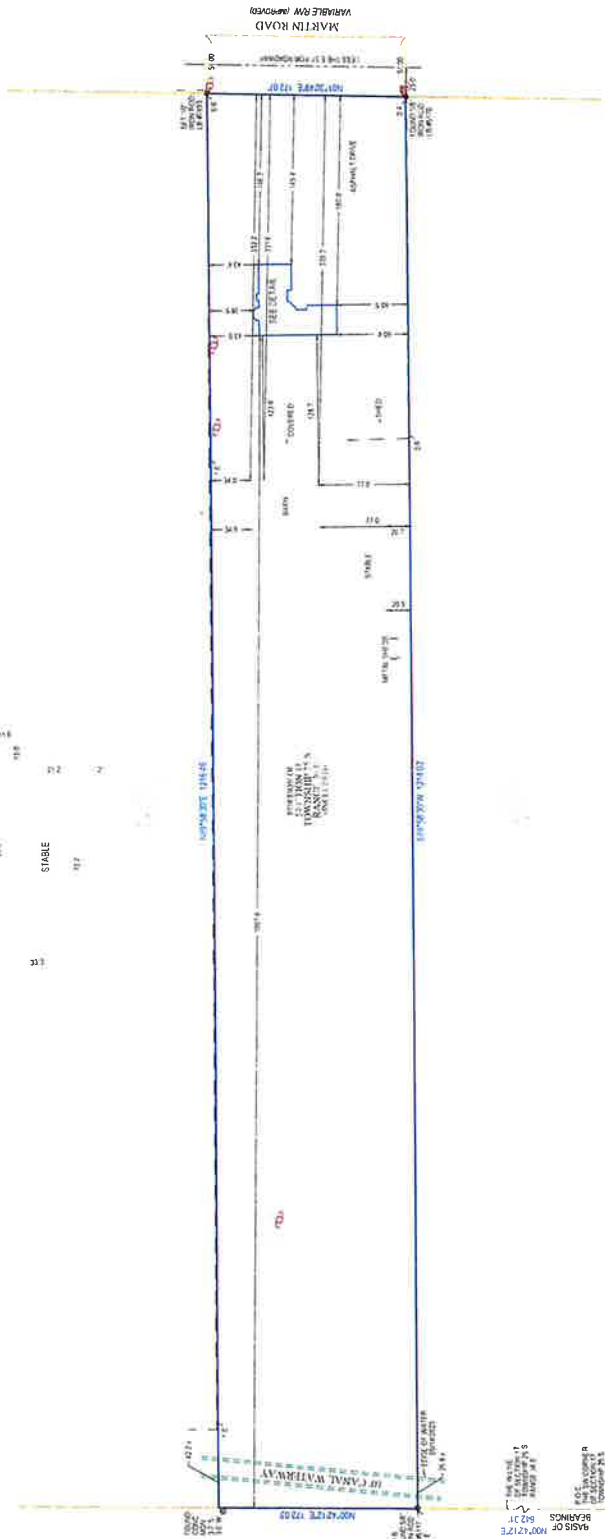
SERVING FLORIDA
6250 N. MILITARY TRAIL SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 725-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE <http://targetsurveying.net>



THE SOUTHS ACRES OF NORTH 20 ACRES OF SOUTHWEST 1/4 OF SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 24 SOUTH, RANGE 3 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EQUINE WEST CORNER OF SECTION 17, AND RUN THENCE NORTH 89 DEGREES 04' 12" EAST, ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 642.31 FEET TO THE POINT OF BEGINNING, THENCE RUN NORTH 89 DEGREES 47' 12" EAST, ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 172.01 FEET, THENCE RUN NORTH 89 DEGREES 58' 30" EAST, A STANCE OF 129.48 FEET, THENCE RUN SOUTH 01 DEGREES 30' 48" WEST, A DISTANCE OF 172.01 FEET, THENCE RUN NORTH 89 DEGREES 58' 30" WEST, A DISTANCE OF 172.01 FEET, THENCE RUN SOUTH 01 DEGREES 30' 48" WEST, A DISTANCE OF 172.01 FEET TO A POINT ON THE WEST LINE OF SECTION 17, AND THE POINT OF BEGINNING.

SURVEY NUMBER J50060
CLIENT FILE NUMBER 2022050424CD



AMERICAN SOCIETY OF PAINTS		SYMBOL DESCRIPTION	
1	NOVEMBER 1951	1	STATION RECORDS
2	NOVEMBER 1952	2	STATION RECORDS
3	NOVEMBER 1953	3	STATION RECORDS
4	NOVEMBER 1954	4	STATION RECORDS
5	NOVEMBER 1955	5	STATION RECORDS
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84	NOVEMBER 2034	84	STATION RECORDS
85	NOVEMBER 2035	85	STATION RECORDS
86	NOVEMBER 2036	86	STATION RECORDS
87	NOVEMBER 203	87	STATION RECORDS

Please send your advertisement to: **Advertising Department**
 10000 Wilshire Blvd., Suite 1000, Beverly Hills, CA 90210
 Tel: (310) 276-1000, Fax: (310) 276-1001
 E-mail: advertising@wired.com
 Web: www.wired.com

REVISIONS	ADDITIONAL TIES OILADIPATED STABLE & SHEDS ADDED	11-30-2023
1)ADDITIONAL TIES OILADIPATED STABLE & SHEDS ADDED		
2)UPDATED CERTS	12/1/2023	

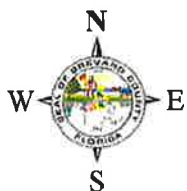
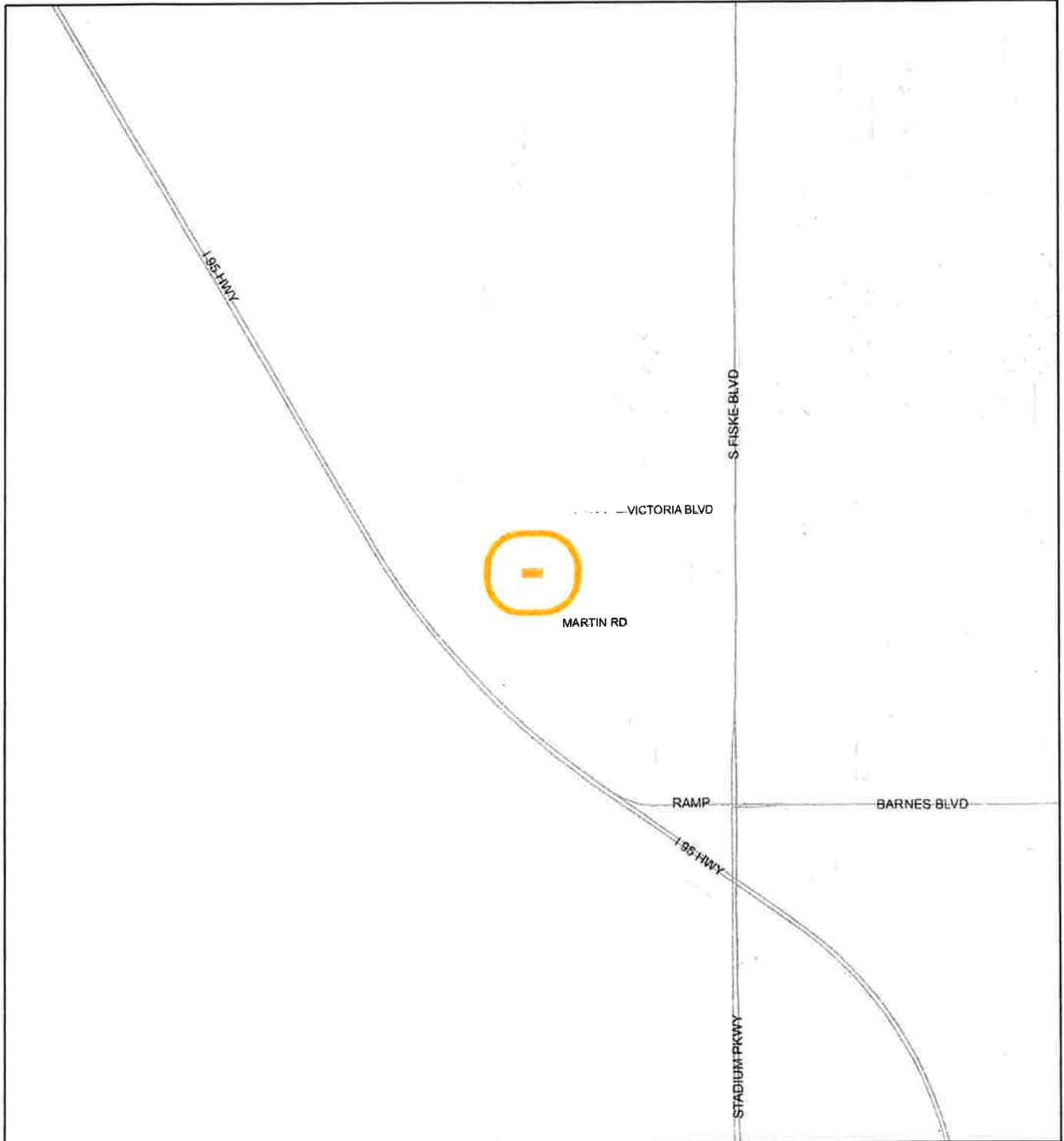
SERVING FLORIDA
5250 N. MILITARY TRAIL, SUITE 101
WEST PALM BEACH, FL 33407
PHONE (561) 840-4000
STATEWIDE PHONE (800) 275-4862
STATEWIDE FACSIMILE (800) 241-0700
WEBSITE <http://www.gulfstream.com>



LOCATION MAP

NOGUEROLES, LUZ

24Z00060





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: 1/6/2025

-  Buffer
-  Subject Property

ZONING MAP

NOGUEROLES, LUZ

24Z00060



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: 1/6/2025

— Subject Property

□ Parcels

□ Zoning

P&Z – January 13, 2025

BOCC-Zoning – February 06, 2025

(24Z00060) Luz Nogueroles (Timothy Vulpius) requests a change in zoning classification from AU to RR-1. The property is 1.0 acres, located on the west side of Martin Rd., approx. 642 ft. north of its turn to the north. (1455 Martin Rd, Rockledge) (Tax Account 2509830) (District 2)

P&Z Recommendation: Bartcher/Thomas – Approved. The vote was unanimous.

BCC ACTION: Goodson/Adkinson – Approved the request for a change of zoning classification from AU to RR-1 with a Binding Development Plan limiting development on the entire five-acre parcel to on residential unit on entirety of the property. The vote was unanimous.

Commissioner Altman absent.



February 7, 2025

MEMORANDUM

TO: Billy Prasad, Interim Planning and Development Director Attn: Trina Gilliam

RE: Board Actions on Planning and Zoning Board Recommendations

The Board of County Commissioners, in regular session on February 6, 2025, took action on Planning and Zoning Board Recommendations.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/kl

Encl. (1)

cc: Desiree Jackson, Zoning
County Attorney

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. **RHR Construction and Development LLC.** Delaney/Adkinson. Adopted Ordinance No. 25-01, setting forth the first Small Scale Comprehensive Plan Amendment of 2025, (24.12), to change the Future Land Use designation from PI to RES 4. (24SS00012) Commissioner Altman absent
- Item H.2. **RHR Construction and Development LLC.** Delaney/Adkinson. Approved the request for a change of zoning classification from GU and RU-1-11 to RU-1-11 with a Binding Development Plan for the applicant to do an engineering study to show this change would not adversely affect the drainage of the surrounding streets. (24Z00042) Commissioner Altman absent
- Item H.3. **Wanda and Dennis Crocker.** Delaney/Adkinson. Approved the request for a change in zoning classification from AU to RR-1. (24Z00059) Commissioner Altman absent
- Item H.4. **Luz Nogueroles.** Goodson/Adkinson. Approved the request for a change of zoning classification from AU to RR-1 with a Binding Development Plan limiting development on the entire five-acre parcel to one residential unit on entirety of the property. (24Z00060) Commissioner Altman absent
- Item H.5. **Tiffany and Henry Lequear.** Adkinson/Goodson. Approved the request for a change of zoning classification from RR-1 to AGR. (24Z00058)
- Item H.6. **Linde Inc.** Delaney/Altman. Adopted Ordinance No. 25-02, setting forth the second Small Scale Comprehensive Plan Amendment of 2025, (24S.16), to change the Future Land Use designation from PI and Res 2 to all Heavy/Light Industrial (H/L IND). (24SS00016)
- Item H.7. **Linde Inc.** Delaney/Adkinson. Approved the request for a change in zoning classification from IU to IU-1 with a Binding Development Plan to restrict a Live Local Project. (24Z00062)
- Item H.8. **Christopher Espanet.** Adkinson/Delaney. Denied the request for a Comprehensive Plan Amendment to change the Future Land Use designation from RES 1 to RES 2. (24SS00013)

AFFIDAVIT OF NO MORTGAGE

February 19, 2025

To Whom It May Concern:

This affidavit is to certify that the property located at 1455 Martin Road, Rockledge Florida 32955 does not have a mortgage.


Sincerely,


Luz Nelly Nogueroles
Owner

STATE OF FLORIDA

COUNTY OF Brevard

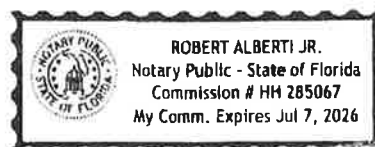
The foregoing instrument was acknowledged before me this 26th February day of 2025, by
(name of person acknowledging.) Luz Nelly Nogueroles

 (Seal) Signature of Notary Public

Print, Type/Stamp Name of Notary Robert Alberti Jr.

Personally known: _____

OR Produced Identification: FL DL ✓



Type of Identification Produced: FL DL

Resolution 24Z00060

On motion by Commissioner Goodson, seconded by Commissioner Adkinson, the following resolution was adopted by a unanimous vote:

WHEREAS, Luz Nogueroles (Timothy Vulpus) request a change in zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as a portion of Tax Parcel 506, as recorded in ORB 9937 Pages 1296-1297, of the Public Records of Brevard County, Florida. Lying in **Section 17, Township 25, Range 36**, Brevard County, Florida, and being more particularly described as follows: Commence at the southwest corner of Section 17, Township 25 South, Range 36 East, and run thence North 00 degrees 04'12" East, along the West line of said Section 17, a distance of 642.31 feet, thence run North 00 degrees 42'12" East; along the West line of said Section 17, a distance of 172.03 feet; thence run North 89 degrees 58'30" East, a distance of 918.46 feet to the point of beginning; thence North 89 degrees 58'30" East, a distance of 349 feet, thence run South 01 degrees 30'49" West, a distance of 146.17 feet; thence run South 89 degrees 58'30" West, a distance of 349 feet, thence run North 01 degrees 30'49" East, a distance of 146.17 feet to the point of beginning. Less the East 51 feet for roadway. (1.00 acre) Located on the west side of Martin Rd., approx. 642 ft. north of its turn to the north. (1455 Martin Rd, Rockledge); 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 the 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 limiting development on the entire five-acre parcel to one residential unit on entirety of the property; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from AU to RR-1, be approved with a BDP, recorded on May 2, 2025, in ORB 10325, Pages 2255, limiting development on the entire five-acre parcel to one residential unit on entirety of the property. 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 02, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chair
Brevard County Commission
As approved by the Board on May 01, 2025.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

Planning and Zoning Board Hearing – January 13, 2025

Board of County Commissioners Hearing – February 06, 2025

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.**