



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.4.

5/1/2025

Subject:

Acceptance, RE: Binding Development Plan with RHR Construction & Development LLC (24Z00042) (District 1)

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 Chairman 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 GU and RU-1-11 to RU-1-11 with a BDP. The condition requires the applicant to do an engineering study to show the change will not adversely affect the drainage of the surrounding streets.

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.

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

WHEREAS, RHR Construction and Development, LLC. requests a change in zoning classification from RU-1-11 (Single-Family Residential) and GU (General Use) to RU-1-11 (Single-Family Residential), on property described as that part of Tract B lying East of Official Records Book 3502, Page 4474 and East of the most Easterly line of Parcel C in Official Records Book 3468, Page 493, Port St. John Unit Eight, according to the map or plat thereof, as recorded in Plat Book 23, Pages 70 through 83, inclusive, of the Public Records of Brevard County, Florida. **Section 13, Township 23, Range 35.** (1.1 acres) Located on the north side of Curtis Blvd., 880 ft. east of Belfast Ave. (3970 Curtis Blvd., Cocoa); 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 for the applicant to do an engineering study to show this change would not adversely affect the drainage of the surrounding streets; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from GU and RU-1-11 to RU-1-11, be approved with a BDP, recorded on May 07, 2025, in ORB 10329, Page 327, requiring an engineering study to show this change would not adversely affect the drainage of the surrounding streets. 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.**



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

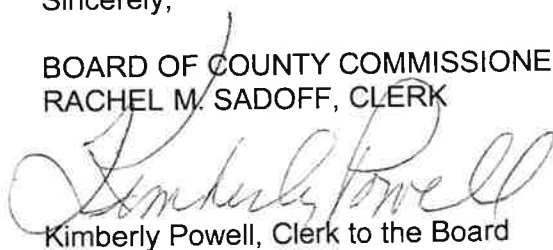
RE: Item F.4., Binding Development Plan with RHR Construction & Development LLC
(24Z00042)

The Board of County Commissioners, in regular session on May 1, 2025, executed Binding Development Plan Agreement with RHR Construction & Development LLC, for property located at the Part of Tract B, lying east of Official Records Book 3502, Page 4474 and east of the most easterly line of Parcel C in Official Records Book 3468, Page 493, Port St. John Unit Eight, according to the map or plat thereof, as recorded in Plat Book 23, Pages 70 through 83, inclusive, of the Public Records of Brevard County, Florida. 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

/ds

Encls. (2)



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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.4., Binding Development Plan with RHR Construction & Development LLC
(24Z00042)

The Board of County Commissioners, in regular session on May 1, 2025, accepted and executed Binding Development Plan with RHR Construction & Development LLC, for property located at the Part of Tract B, lying east of Official Records Book 3502, Page 4474 and east of the most easterly line of Parcel C in Official Records Book 3468, Page 493, Port St. John Unit Eight, according to the map or plat thereof, as recorded in Plat Book 23, Pages 70 through 83, inclusive, of the Public Records of Brevard County, Florida. Enclosed are original Binding Development Plan Agreement and Check Nos. 4285 and 1154 for \$44.00 and \$8.50.

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. (3)

Prepared By: Robert Robinson III

Address: 5454 Riveredge Drive, Titusville, FL. 32780

Binding Development Plan

THIS AGREEMENT, entered into this 1 day of 5, 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 RHR CONSTRUCTION & DEVELOPMENT LLC., a Limited Liability Company (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 RU-1-11 ZONING CLASSIFICATION, and desires to develop the Property as 2 (two) single family residential units, AND pursuant to 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; drainage ditches within property boundary lines; 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. Prior to site development, the Developer/Owner shall submit an engineering study, signed and sealed by a professional engineer, showing no adverse drainage impacts on the surrounding streets.
4. 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.
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 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 __. 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 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.

7. 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 conditions is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 6 above.
8. 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.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES TO FOLLOW

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

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:

Jessie Midgett
Jessie Midgett
(Witness Name typed or printed)

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

444 H. H. H. H. (RHR Construction)
640 Amor Drive Lwcn, FL 32927
(Address)

Merida Donnelly
Merida Donnelly
(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 24th day of April, 2025, by
Robert Robinson III, President of _____, who is
personally known to me or who has produced FL DL as identification.

My commission expires 10/17/25
SEAL
Commission No.: HH 187706

Bernard L Shank
Notary Public

(Name typed, printed or stamped)

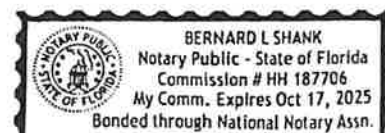


Exhibit A

The Part of Tract B lying East of Official Records Book 3502, Page 4474 and East of the most easterly line of Parcel C in Official Records Book 3468, Page 493, Port St. John Unit Eight, according to the map or plat thereof, as recorded in Plat Book 23, Pages 70 through 83, inclusive, of the Public Records of Brevard County, Florida.

[Remainder of page intentionally left blank]

NO OPEN MORTGAGE AFFIDAVIT

We, **RHR Construction and Development, LLC.**, state that there are no open mortgages on the below described:

Property:

The part of Tract B, lying East of official records, book 3502, Pg. 4474, and East of the most Easterly line of Parcel C, in official records book, 3468, Pg. 493, Port St. John Unit 8, according to the map or plat thereof, as recorded in Plat Book 23, Pgs. 70-83, inclusive, of the Public Records of Brevard County, Florida.

RRH R.

Owner: Robert Robinson (RHR Construction and Development, LLC.)

STATE OF FLORIDA

COUNTY OF

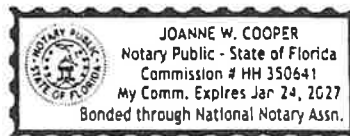
The foregoing instrument was sworn to, subscribed and acknowledged before me by means of

☒ physical presence or ☐ online notarization, this 25 day of March, 2021, by

Robert Robinson who is personally known to me or has produced

Fla DL as identification.

Joanne Cooper
Notary Public
My Commission Expires: Jan 24, 2027



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 #: 3864774
Receipt #: 63642576
Cashier Date: 05/07/2025 10:58:34 AM
Cashier Branch: Titusville - Six Story

Print Date:
05/07/2025 10:58:39 AM

CUSTOMER INFORMATION		TRANSACTION INFORMATION		PAYMENT SUMMARY	
RHR CONSTRUCTION AND DEVELOPMENT LLC 5454 RIVEREDGE DR TITUSVILLE, FL 32780	Date Received:	05/07/2025	Total Fees:	\$52.50	
	Source Code:	Titusville - Six Story	Total Payments:	\$52.50	
	Return Code:	Mail (U.S. Postal Service)	Balance Due:	\$0.00	
	Trans Type:	Recording			

2 Payments

<u>CHECK #4285</u>	\$44.00
<u>CHECK #1154</u>	\$8.50

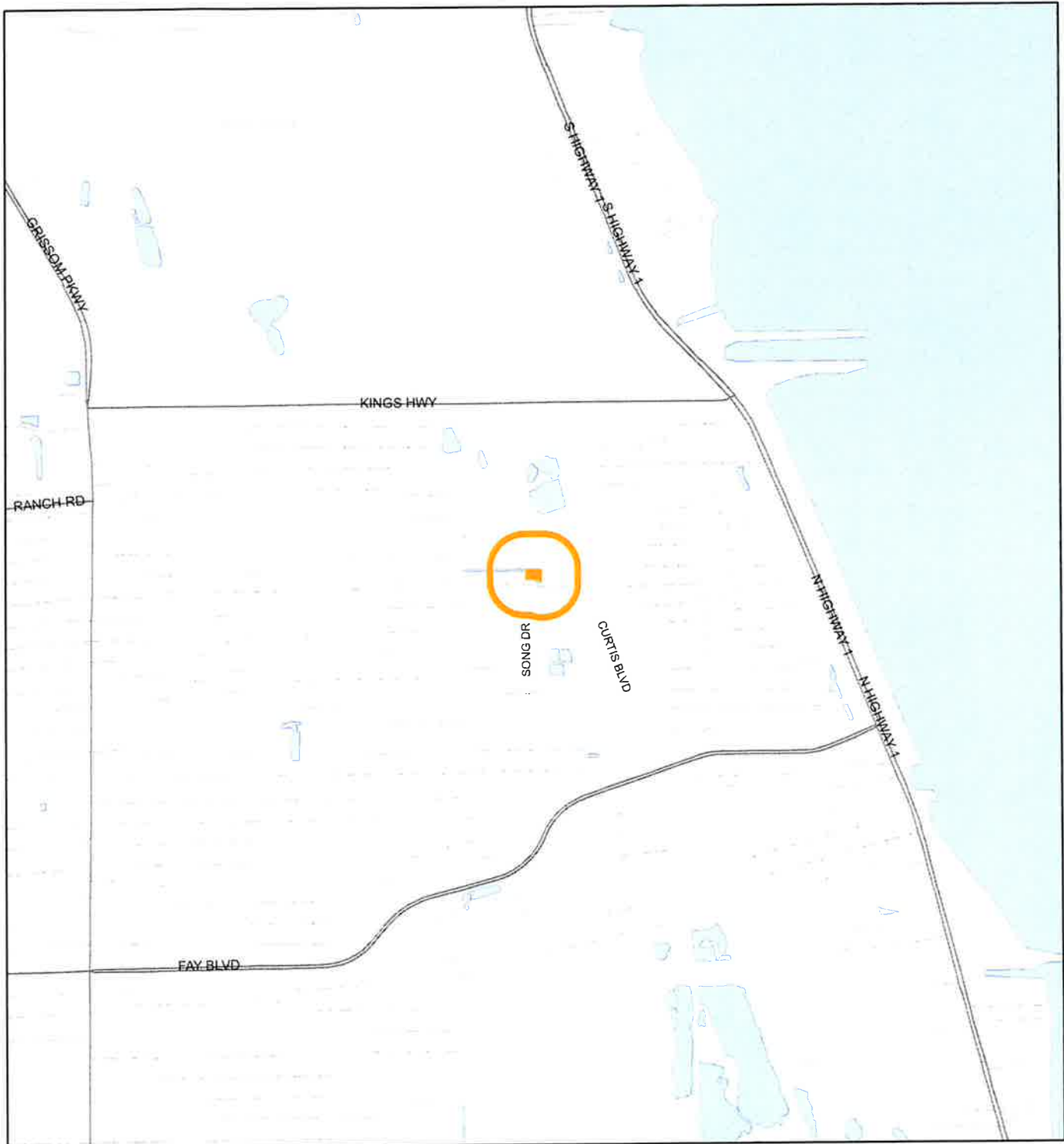
1 Recorded Items

<u>AGREEMENT</u>	BK/PG: 10329/327 CFN: 2025091477 Date: 05/07/2025 10:58:34 AM
From: Tα	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	6 \$52.50

1 Miscellaneous Items

<u>AGENT TRANSMITTAL</u>

LOCATION MAP
RHR CONSTRUCTION & DEVELOPMENT LLC
24Z00042



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

Buffer Distance: 500 feet

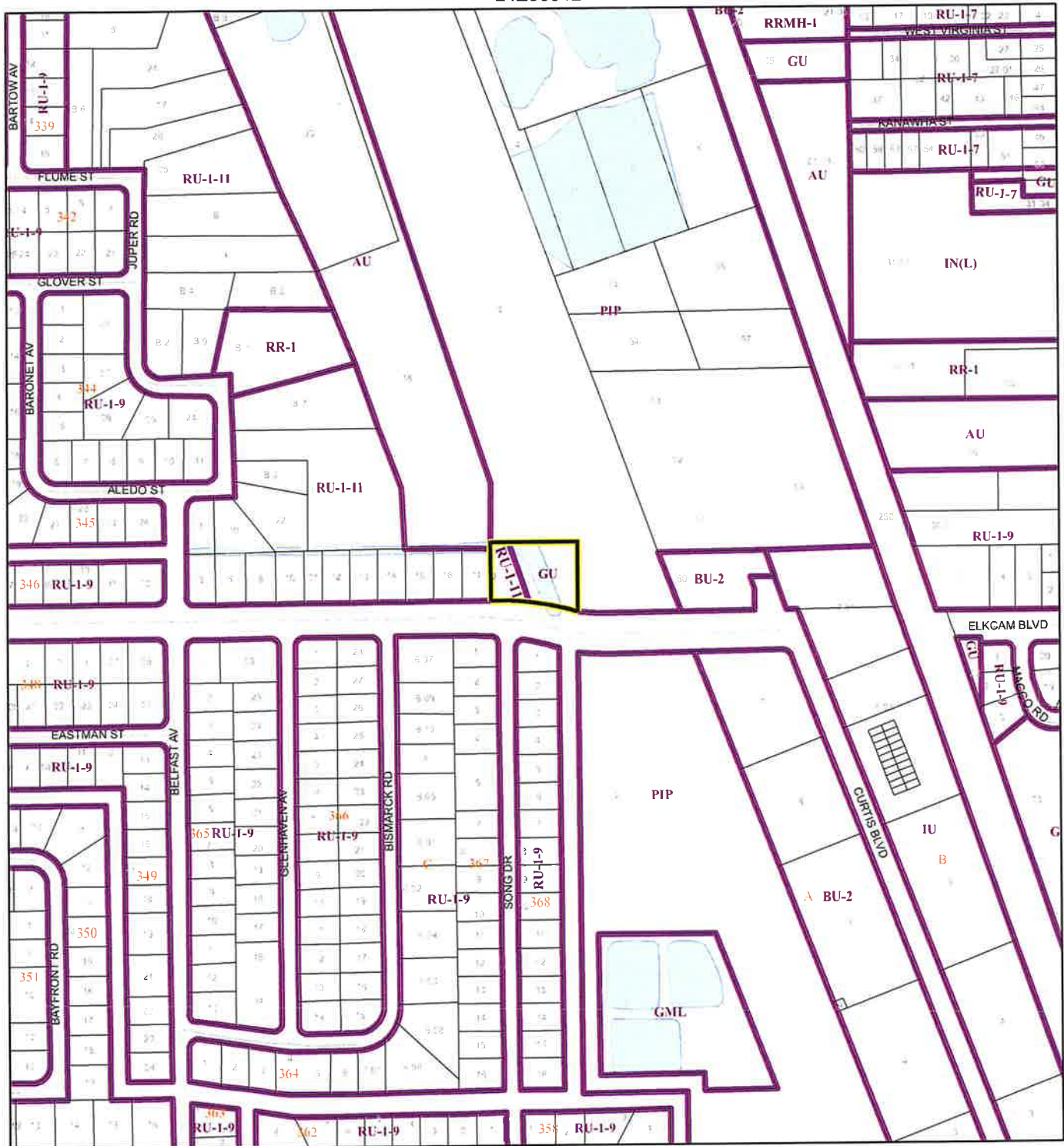
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/8/2024

— Buffer
— Subject Property

ZONING MAP

RHR CONSTRUCTION & DEVELOPMENT LLC
24Z00042



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: 8/8/2024

- Subject Property
- Parcels
- Zoning

P&Z – January 13, 2025

BOCC-Zoning – February 06, 2025

(24Z00042) RHR Construction and Development, LLC. requests a change in zoning classification from RU-1-11 (Single-Family Residential) and GU (General Use) to RU-1-11 (Single-Family Residential). The property is 1.1 acres, located on the north side of Curtis Blvd., 880 ft. east of Belfast Ave. (3970 Curtis Blvd., Cocoa) (Tax Account 2320049) (District 1)

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

BCC ACTION: 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. The vote was unanimous. Commissioner Altman absent.



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

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Kimberly.Powell@brevardclerk.us

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)

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We, **RHR Construction and Development, LLC.**, state that there are no open mortgages on the below described:

Property:

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RRH R.

Owner: Robert Robinson (RHR Construction and Development, LLC.)

STATE OF FLORIDA

COUNTY OF

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of

☒ physical presence or ☐ online notarization, this 25 day of March, 2021, by

Robert Robinson who is personally known to me or has produced

Fla DL as identification.

Joanne Cooper
Notary Public
My Commission Expires: Jan 24, 2027

