



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.3.

3/21/2023

Subject:

Acceptance, Re: Binding Development Plan with Nicholas Boardman and Andrea Bedard (District 2)

Fiscal Impact:

None

Dept/Office:

Planning & 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 October 6, 2022, the Board approved a change of zoning classification from AU (Agricultural Residential) to RU-2-4 (Low Density Multi-Family Residential) and RU-2-6 (Low Density Multi-Family Residential), with a BDP containing the following conditions:

- Developer/Owner shall limit the Property to two (2) new duplexes.
- Developer/Owner agrees to install a high nutrient reduction septic system for any new residential units.
- Duplexes shall be restricted to one-story.

The attached agreement includes these provisions.

Clerk to the Board Instructions:

Upon recordation, please return two certified copies of the BDP to Planning & Development.

Deborah Thomas

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Thursday, March 30, 2023 3:04 PM
To: Deborah Thomas
Subject: Zoning Resolution
Attachments: 22Z00015 Resolution.docx

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Deborah,

Attached is a zoning resolution that was approved with a BDP at the 3/21 Board meeting.

Thanks!!
Jen

Jennifer Jones
Special Projects Coordinator
Brevard County
Planning and Development Department
Phone: 321-350-8300
Extension: 58300
jennifer.jones@brevardfl.gov

Brevard County is currently in the process of implementing changes to increase the accessibility of information and documents on its website. If you require assistance to better access this document or information contained therein, please contact Brevard County's A.D.A Coordinator by phone at 321-637-5347, or by email at ADACompliance@brevardfl.gov

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

This email was scanned by Bitdefender

Resolution 22Z00015

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

WHEREAS, Andrea Bedard and Nicholas Boardman (Kim Rezanka) request a change of zoning classification from AU (Agricultural Residential) to RU-2-4 (Low Density Multi-Family Residential) and RU-2-6 (Low Density Multi-Family Residential) on property described as follows: Part of Government Lot 3, **Section 23, Township 25S, Range 36E**, Brevard County, Florida, and described as follows: (SEE ATTACHED); 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 denied; and

WHEREAS, the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved with a BDP limited to two new duplexes, and installation of a high nutrient reduction septic system for any new residential units; 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 RU-2-4 and RU-2-6, be approved with a BDP, recorded on 03/23/23, in ORB 9745, Pages 2519 - 2523, limited to two new duplexes, and installation of a high nutrient reduction septic system for any new residential units. 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 March 23, 2023.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Rita Pritchett, Chair
Brevard County Commission

As approved by the Board on March 21, 2023.

ATTEST:

RACHEL SADOFF, CLERK..

(SEAL)

P&Z Hearing – September 12, 2022

BCC Hearing - October 6, 2022

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.**

22Z00015 (cont.)
Legal Description

Part of Government Lot 3, **Section 23, Township 25S, Range 36E**, Brevard County, Florida, and described as follows: begin at an iron pipe on the north line of the 20-ft. right-of-way of the public road in Government Lot 3, Section 23, Township 25S, Range 36E, also known as Coquina Rd., which is N68deg10'00"E, 200 ft. from the intersection of the north line of said County road with the east right-of-way of U.S. Highway 1; thence continue N68deg10'00"E along the north line of said County road 232.48 ft. to an iron pipe; thence 25deg37'00"W, 200.42 ft. to an iron pipe; thence S68deg10'00"W, 210.81 ft. to an iron pipe; thence S19deg25'00"E, 200.18 ft. to the point of beginning. Lot A (proposed RU-2-6): From said point of beginning commence N68deg10'00"E along said right-of-way a distance of 150.87 ft.; thence continue N21deg59'58"W a distance of 199.97 ft.; thence continue S68deg10'00"W a distance of 142.43 ft.; thence continue S19deg25'00"E to the point of beginning for Lot A. Lot B (proposed RU-2-4): From said point of beginning of combined lots commence N68deg10'00"E along said right-of-way a distance of 150.87 ft. to the point of beginning for Lot B; thence continue N68deg10'00"E along said right-of-way a distance of 81.14 ft.; thence continue 68.38 ft.; thence continue S21deg59'58"E a distance of 199.97 ft. to the point of beginning for Lot B. (1.02 acres) Located on the north side of Coquina Rd., approx. 214 ft. east of U.S. Highway 1. (23 Coquina Rd., Rockledge)



March 22, 2023

M E M O R A N D U M

TO: Jennifer Jones, Zoning

RE: Item F.3., Binding Development Plan with Nicholas Boardman and Andrea Bedard

The Board of County Commissioners, in regular session on March 21, 2023 executed Binding Development Plan Agreement with Nicholas Boardman and Andrea Bedard for property located from said point of beginning commence N. 68° 10'00" East along said right-of-way a distance of 150.87 feet and from said point of beginning commence in 68° 10'00" East along said right-of-way a distance of 150.87 feet to the point of beginning for Lot B in Brevard County, Florida. Enclosed for your necessary action are two certified copies of the recorded documents.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/dt

Encls. (2)

Prepared by: Kimberly B. Rezanka
Address: Lacey Lyons Rezanka
1290 U.S. Highway 1, Suite 201
Rockledge, FL 32940

CFN 2023057521, OR BK 9745 PAGE 2519,
Recorded 03/23/2023 at 03:09 PM, Rachel M. Sadoff,
Clerk of Courts, Brevard County
Pgs:5

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 21 day of March, 2022, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and NICHOLAS BOARDMAN and ANDREA BEDARD, (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-2-4 and RU-2-6 zoning classification(s) and desires to develop the Property as multi-family residential units, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, Developer/Owner and the County recognize the existing single-family home on the property as a buffer between the single-family residence to the east and the proposed development; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting landowners 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 the Property to two (2) new duplexes and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. The Developer/Owner agrees to install a high nutrient reduction septic system for any new residential units.
5. Duplexes' height shall be restricted to one story.
6. 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.
7. 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.
8. 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 October 6, 2022. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
9. 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.
10. 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 9, above.


11. 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)

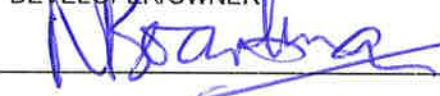
BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940



Rita Pritchett, Chair
As approved by the Board on 3/21/2023

WITNESSES:


KEITH BOARDMAN
(Witness Name typed or printed)

NICHOLAS BOARDMAN
DEVELOPER/OWNER

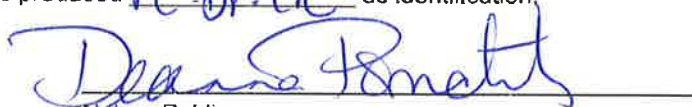

26 Park Avenue, Rockledge, FL 32955

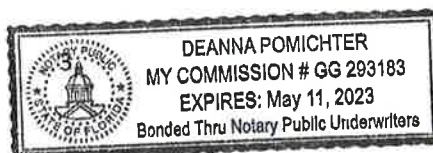

LARRY BAUER
(Witness Name typed or printed)

STATE OF Florida §
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or
_____ online notarization, this 6 day of Dec, 2022, by Nicholas Boardman,
who is personally known to me or who has produced FL Dr. Lic. as identification.

My commission expires
SEAL
Commission No.:


Notary Public
(Name typed, printed or stamped)



WITNESSES:

Keith Boardman
KEITH BOARDMAN
(Witness Name typed or printed)

Larry Baker
LARRY BAKER
(Witness Name typed or printed)

STATE OF Florida §
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 6 day of Dec, 2022, by Andrea Bedard, who is personally known to me or who has produced Dr. Lic as identification.

My commission expires
SEAL
Commission No.:

ANDREA BEDARD
DEVELOPER/OWNER

Andrea Bedard

26 Park Avenue, Rockledge, FL 32955

Deanna Pomichter
Notary Public

(Name typed, printed or stamped)

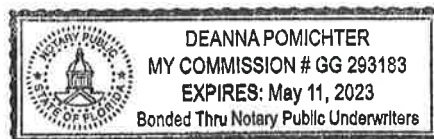


EXHIBIT "A" - LEGAL DESCRIPTION

LOT A (RU-2-6)

FROM SAID POINT OF BEGINNING COMMENCE N 68°10'00" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 150.87 FEET; THENCE, CONTINUE N 21°59'58" WEST A DISTANCE OF 199.97 FEET; THENCE, CONTINUE S 68°10'00" WEST A DISTANCE OF 142.43 FEET; THENCE, CONTINUE S 19°25'00" EAST TO THE POINT OF BEGINNING FOR LOT A.

LOT B (RU-2-4)

FROM SAID POINT OF BEGINNING COMMENCE N 68°10'00" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 150.87 FEET TO THE POINT OF BEGINNING FOR LOT B; THENCE, CONTINUE N 68°10'00" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 81.14 FEET; THENCE, CONTINUE N 25°37'00" WEST A DISTANCE OF 200.42 FEET; THENCE, CONTINUE S 68°10'00" WEST A DISTANCE OF 68.38 FEET; THENCE, CONTINUE S 21°59'58" EAST A DISTANCE OF 199.87 FEET TO THE POINT OF BEGINNING FOR LOT B.

AFFIDAVIT OF NO MORTGAGE

Nicholas Boardman, after being duly sworn, deposes and says:

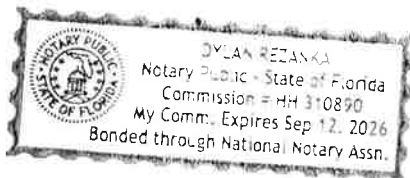
1. I am the owner of the real property as more particularly described in Exhibit "A" attached hereto.
2. There are no mortgages on the Property.

Dated 3/9, 2023.

By: N Boardman
Nicholas Boardman

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 9 day of March, 2023 by Nicholas Boardman, who is personally known to me or produced Drivers License as identification.



Dylan Rezanke

Signature of Notary Public

Printed Name: Dylan Rezanke

Commission Expires: 9/12/26

EXHIBIT "A" - LEGAL DESCRIPTION

LOT A (RU-2-6)

FROM SAID POINT OF BEGINNING COMMENCE N 68°10'00" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 150.87 FEET; THENCE, CONTINUE N 21°59'58" WEST A DISTANCE OF 199.97 FEET; THENCE, CONTINUE S 68°10'00" WEST A DISTANCE OF 142.43 FEET; THENCE, CONTINUE S 19°25'00" EAST TO THE POINT OF BEGINNING FOR LOT A.

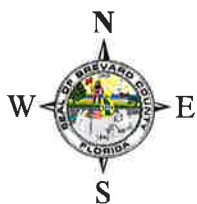
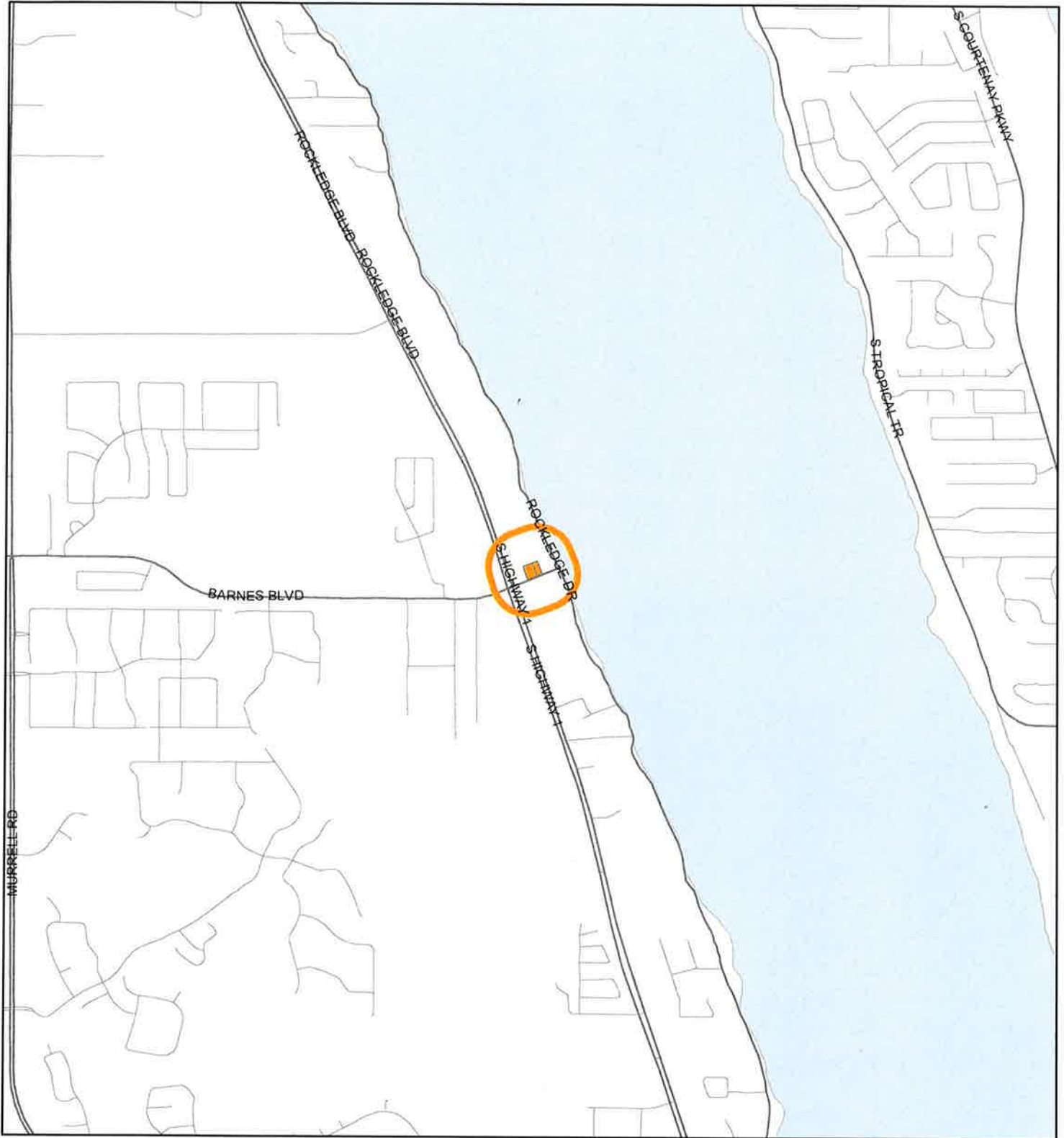
LOT B (RU-2-4)

FROM SAID POINT OF BEGINNING COMMENCE N 68°10'00" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 150.87 FEET TO THE POINT OF BEGINNING FOR LOT B; THENCE, CONTINUE N 68°10'00" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 81.14 FEET; THENCE, CONTINUE N 25°37'00" WEST A DISTANCE OF 200.42 FEET; THENCE, CONTINUE S 68°10'00" WEST A DISTANCE OF 68.38 FEET; THENCE, CONTINUE S 21°59'58" EAST A DISTANCE OF 199.87 FEET TO THE POINT OF BEGINNING FOR LOT B.



LOCATION MAP

BEDARD, Andrea and BOARDMAN, Nicholas
22Z00015





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.

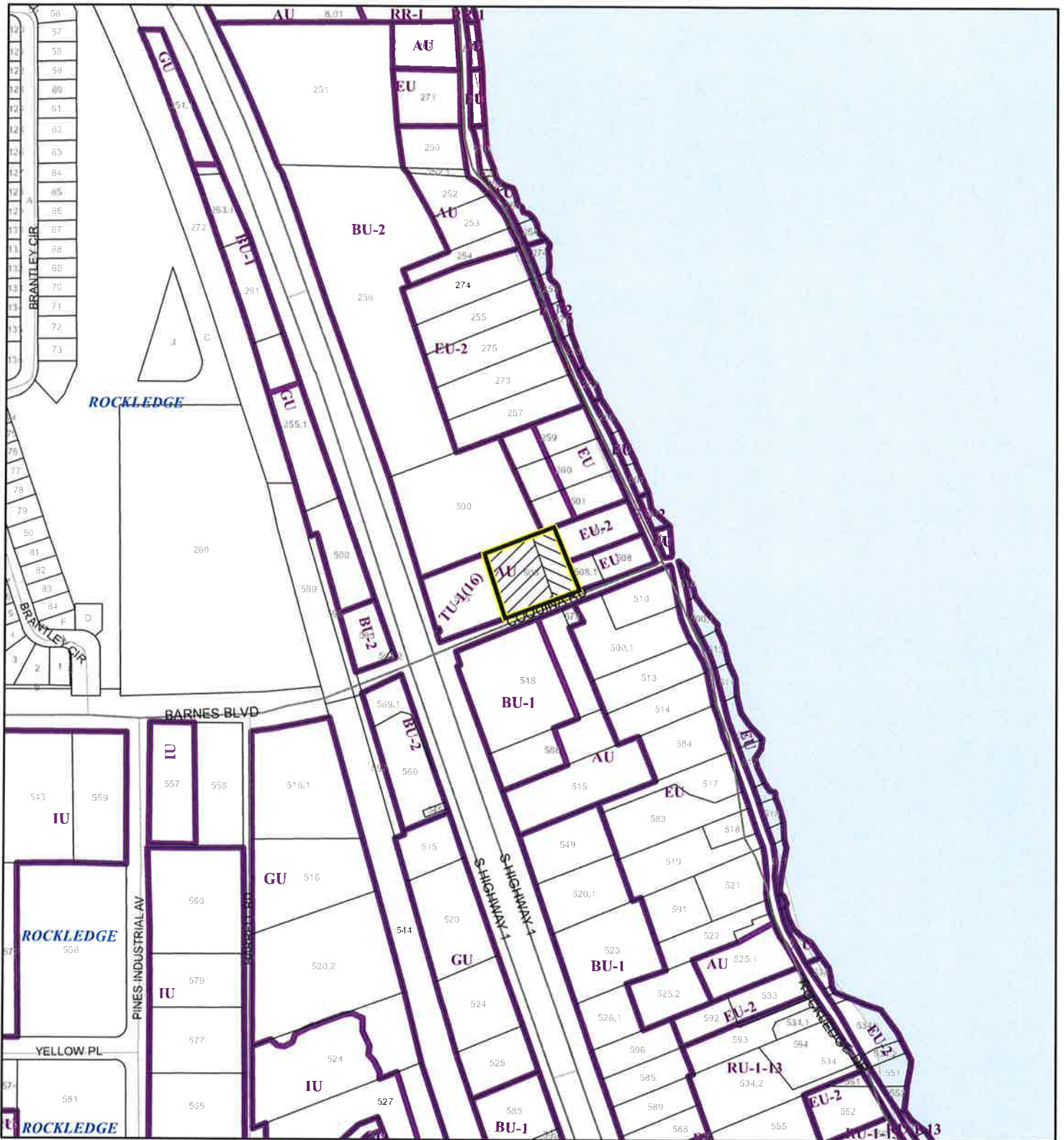
Produced by BoCC - GIS Date: 8/22/2022

-  Buffer
-  Subject Property

ZONING MAP

BEDARD, Andrea and BOARDMAN, Nicholas

22Z00015



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: 8/24/2022

- Subject Property
- Parcels
- Zoning to RU-2-6
- Zoning to RU-2-4

5. **(22Z00038) Wayne Frank Crisafulli and Sonja Anette Crisafulli Living Trust** (Kim Rezanka) requests a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 1.15 +/- acres, located on the south side of N. Courtenay Parkway, approx. 104 ft. east of N. Tropical Trail. (No assigned address. In the North Merritt Island area.) (Tax Account 2316453) (District 2)

NMI Recommendation: Carbonneau/Ratterman - Approved. The vote was unanimous.

P&Z Recommendation: Minneboo/Filiberto - Approved. The vote was unanimous.

BCC ACTION: Pritchett/Tobia - **Approved as recommended. The vote was unanimous.**

6. **(22Z00015) Andrea Bedard and Nicholas Boardman** (Kim Rezanka) request a change of zoning classification from AU (Agricultural Residential) to RU-2-4 (Low Density Multi-Family Residential) and RU-2-6 (Low Density Multi-Family Residential). The property is 1.02 acres, located on the north side of Coquina Rd., approx. 214 ft. east of U.S. Highway 1. (23 Coquina Rd., Rockledge) (Tax Account 2511124) (District 2)

P&Z Recommendation: Moia/Glover - Motion to recommend approval. The motion resulted in a tie vote, with Robert Sullivan, Brian Hodgers, Mr. Hopengarten, Peter Filiberto, and Henry Minneboo, voting nay; therefore, the request is denied.

BCC ACTION: Pritchett/Smith - **Approved with a BDP (Binding Development Plan) limited to four homes, which would be two single-level duplexes with advanced septic. The vote was unanimous. The BDP will be scheduled as a consent item on a subsequent County Commission agenda. Resolution will be completed upon receipt of recorded BDP.**

7. *Proposed Amendments to Section 62-1844, Brevard County Code of Ordinances, Re: Criteria for Tiny Homes and Tiny Homes on Wheels.*

LPA Recommendation: Bartcher/Hopengarten - Approved. The vote was unanimous.

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. Mark A. and Rebecca L. Oostdyk. Pritchett/Tobia. Approved the change of zoning classification from RR-1 to AU. (22Z00036).
- Item H.2. CGCR Holdings, LLC. Pritchett/Tobia. Adopted Ordinance No. 22-30, setting forth the sixteenth Small Scale Comprehensive Plan Amendment (22S.12), to change the Future Land Use designation from NC and RES 4 to CC. (22SS00009).
- Item H.3. CGCR Holdings, LLC. Pritchett/Smith. Approved the change of zoning classification from IN(L) to BU-2. (22Z00031).
- Item H.4. Wayne Frank Crisafulli and Sonja Anette Crisafulli Living Trust. Pritchett/Tobia. Approved the request of changing the zoning classification from AU to RR-1. (22Z00038).
- Item H.6. Andrea Bedard and Nicholas Boardman. Pritchett/Smith. Approved the change of zoning classification from AU to RU-2-4 and RU-2-6, with a BDP limiting it to four homes which would be two single-level duplexes with advanced septic.
- Item H.5. Dieter Tytko. Tobia/Pritchett. Approved the change of zoning classification from RR-1 to RU-2-4. (22Z00039).