



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

8/1/2024

Subject:

Acceptance, Re: Binding Development Plan with Quality RV Sales, LLC (23Z00083) (District 5)

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 authorize the Chair to execute, the Binding Development Plan for zoning application 23Z00083.

Summary Explanation and Background:

A Binding Development Plan (BDP) 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. The Board's approval of the zoning action is not effective until the BDP is recorded. 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 April 4, 2024, the Board approved a change of zoning classification from RU-1-7 and TR-1 to all BU-2 with a BDP with the following conditions:

- Limiting the site to all BU-1 uses and only the BU-2 uses for third-party storage of RV's and Boats.

The attached BDP contains these conditions.

Clerk to the Board Instructions:

Upon recordation, please return two certified copies of the Binding Development Plan 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

August 2, 2024

MEMORANDUM

TO: Tad Calkins, Planning and Zoning Director

RE: Item F.1., Binding Development Plan (BDP) with Quality RV Sales, LLC (23Z00083)

The Board of County Commissioners, in regular session on August 1, 2024, executed BDP with Quality RV Sales, LLC, for limiting the site to all BU-1 uses and only the BU-2 uses for third-party storage of RV's and Boats, as Recorded in ORB 10128, Pages 1524 – 1531, of the Public Records of Brevard County. Enclosed is two certified copies of the recorded BDP.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: Denna Scott
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

August 2, 2024

M E M O R A N D U M

TO: Recording

RE: Item F.1., Acceptance of Binding Development Plan (BDP) with Quality RV Sales, LLC (23Z00083)

The Board of County Commissioners, in regular session on August 1, 2024, executed and accepted the BDP with Quality RV Sales, LLC, for limiting the site to all BU-1 uses and only the BU-2 uses for third-party storage of RV's and Boats. Enclosed are original Binding Development Plan Agreement and Check No. 001211 for \$69.50.

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

A handwritten signature in cursive script, appearing to read "Kimberly Powell", is written over a faint, larger version of the same signature.

Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

Prepared by: Jennifer Altreche, Esq.
Address: 508 N. Harbor City Blvd, Melbourne, FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of July 2024 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and QUALITY RV FLORIDA, LLC (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 BU-2 zoning classification(s) and desired to develop the Property for third-party storage of RVs and boats; 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. Developer/Owner retains all BU-1 uses, and limits the BU-2 uses to third-party RV and boat storage.

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 April 4, 2024. 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.

[remainder of page intentionally left blank]

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

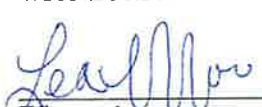

for Jason Steele, Chair
As approved by the Board on AUG 01 2024


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

WITNESSES:


QUALITY RV FLORIDA, LLC
as DEVELOPER/OWNER

Witness 1


Lea Moo
4. N main St
moab UT 84532
Address


Russell Wineger, Manager
4255 Aurora Rd,
Melbourne, FL 32934

Witness 2


Terri L. Nunn
312 Riversands Dr
Address moab UT 84532

STATE OF Utah §
COUNTY OF GRAND §

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or _____
online notarization, this 14th day of June, 2024, by RUSSELL WINEGER, Manager of QUALITY RV
FLORIDA, LLC, who is personally known to me or who has produced as identification.

My commission expires Apr. 29 2028 Notary Public
SEAL

Commission No.: 736889

(Name typed, printed or stamped)

Lea Moo

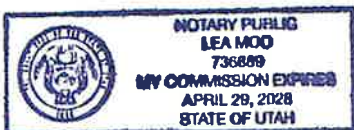


Exhibit A

Exhibit "A"

Legal Description of Lands Conveyed

Lot 74, INDIAN RIVER GROVES AND GARDENS, according to the Plat thereof, as recorded in Plat Book 6, Page 86, Public Records of Brevard County, Florida, LESS land in Official Records Book 1920, Page 963, Public Records of Brevard County, Florida.

AND

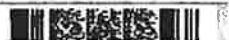
The South 200 feet of Plot 3 and Plot 4, EXCEPT the East 16.8 feet of the North 562.43 feet and all of Plot 5, BLAKE PLAT NO. 4, according to the Plat thereof, as recorded in Plat Book 9, Page 28, Public Records of Brevard County, Florida.

LESS AND EXCEPT THE FOLLOWING:

A portion of Lots 4 and 5, BLAKE PLAT NO. 4, as recorded in Plat Book 9, Page 28, Public Records of Brevard County, Florida; being more particularly described as follows: From the Northwest corner of Lot 5, BLAKE PLAT NO. 4, as recorded in Plat Book 9, Page 28, Brevard County Public Records, run North 74 degrees 50 minutes East along the Northerly line of said Lot 5, a distance of 26.0 feet to the POINT OF BEGINNING of the herein described parcel; thence continue North 74 degrees 50 minutes East along the Northerly line of said Lots 4 and 5, a distance of 78.0 feet; thence South 0 degrees 50 minutes West 406.47 feet; thence North 89 degrees 10 minutes West 75 feet; thence North 0 degrees 50 minutes East 384.97 feet to the POINT OF BEGINNING.

ETSL-2020-1180

E9905F9-81B0-400C-862F-341A1CDD17AF — 2020/12/28 14:52:28 -4:00 — Remote Notary



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 28, 2020, given by Quality RV Florida, LLC, as mortgagor, in favor of the undersigned, Quality RV, Inc., as mortgagee, recorded in Official Records Book 8968 Page 2143, of the Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, 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.

MORTGAGEE CORPORATION NAME AND ADDRESS

Quality RV, Inc.

Mortgagee Corporation Name

5245 Sand Lake Drive Melbourne FL 32934

Street

City

State

Zip Code


*Authorized Agent Signature

Roger Carpenter, President

Authorized Agent Printed Name and Title

*Note: All others besides CEO or President require attachment of original corporate resolution of authorization to sign documents of this type.

AFFIX CORPORATE SEAL

WITNESSES



Signature

Colleen Cronin-Hardin

Print Name



Signature

Madeline Story

Print Name

STATE OF FLORIDA

COUNTY OF BREVARD

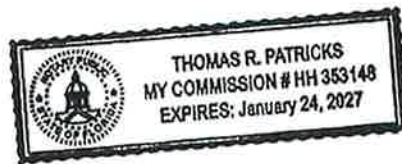
The foregoing instrument was acknowledged before me this 1 day of July, 2024,

by ROGER CARPENTER, who is personally known to me or who has produced

FLDL as identification.

Thomas R. Patricks
Notary Public Signature

Thomas Patricks
Name Printed



SEAL

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 #: 3698610
Receipt #: 63484905
Cashier Date: 08/08/2024 09:21:00 AM
Cashier Branch: Titusville - Six Story

Print Date:
08/08/2024 09:21:05 AM

CUSTOMER INFORMATION		TRANSACTION INFORMATION		PAYMENT SUMMARY	
EASLER LAW PLLC 508 N HARBOR CITY BLVD MELBOURNE, FL 32935	Date Received:	08/08/2024	Total Fees	\$69.50	
	Source Code:	Titusville - Six Story	Total Payments	\$69.50	
	Return Code:	Hand Carried	Balance Due:	\$0.00	
	Trans Type:	Recording			

1 Payments

CHECK #001211	\$69.50
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1 Recorded Items

AGREEMENT	BK/PG: 10128/1524 CFN: 2024160462 Date: 08/08/2024 09:20:59 AM
From: Ta	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	8 \$69.50

1 Miscellaneous Items

AGENT TRANSMITTAL

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, April 4, 2024

5:00 PM

Zoning

Commission Chambers

applications and he will read them into the record together; the Board can have the same discussion but it will need to have a separate motion for each; Item G.2. is a request from Quality RV Florida, LLC for a small scale Comprehensive Plan amendment (23S.24) from RES 6 to CC; application number is 23SS00024, tax account number is 2702826; and it is located in District 5. He added Item G.3. is a request from Quality RV Florida, LLC for a change of zoning classification from RU 1 7 and TR 1 to all BU 2, with a Binding Development Plan (BDP); application number is 23Z00083, and tax account number is 2702826; it is located in District 5; and the proposed BDP limits the use of the property to all BU 1 uses and only BU 2 uses for the third party storage of recreational vehicles (RV) and boats.

There being no comments or objections, the Board conducted the public hearing and adopted Ordinance No. 24 05, setting forth the sixteenth small scale Plan Amendment of 2023 (23S.24) to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

Result: APPROVED

Mover: Rob Feltner

Second: Rita Pritchett

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G.3. Quality RV Florida, LLC requests a change of zoning classification from RU-1-7 and TR-1 to all BU-2 with a BDP. (23Z00083) (Tax Account 2702826) (District 5)

Chair Steele called for a public hearing to consider a change of zoning classification from RU-1-7 and TR-1 to all BU-2 with a Binding Development Plan (BDP).

There being no comments or objections, the Board conducted the public hearing and approved the request for a change of zoning classification from RU-1-7 and TR-1 to all BU-2 with a BDP, limiting the use of the property to all BU-1 uses and only the BU-2 uses for third-party storage of RVs and boats.

Result: APPROVED

Mover: Rob Feltner

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G.4. West Malabar Properties, LLC requests a Small-Scale Comprehensive Plan Amendment (24S.1) from NC/RES 2 to CC. (24SS00001) (Tax Account 2806110, 2806111, 2806115, 2808112) (District 5)

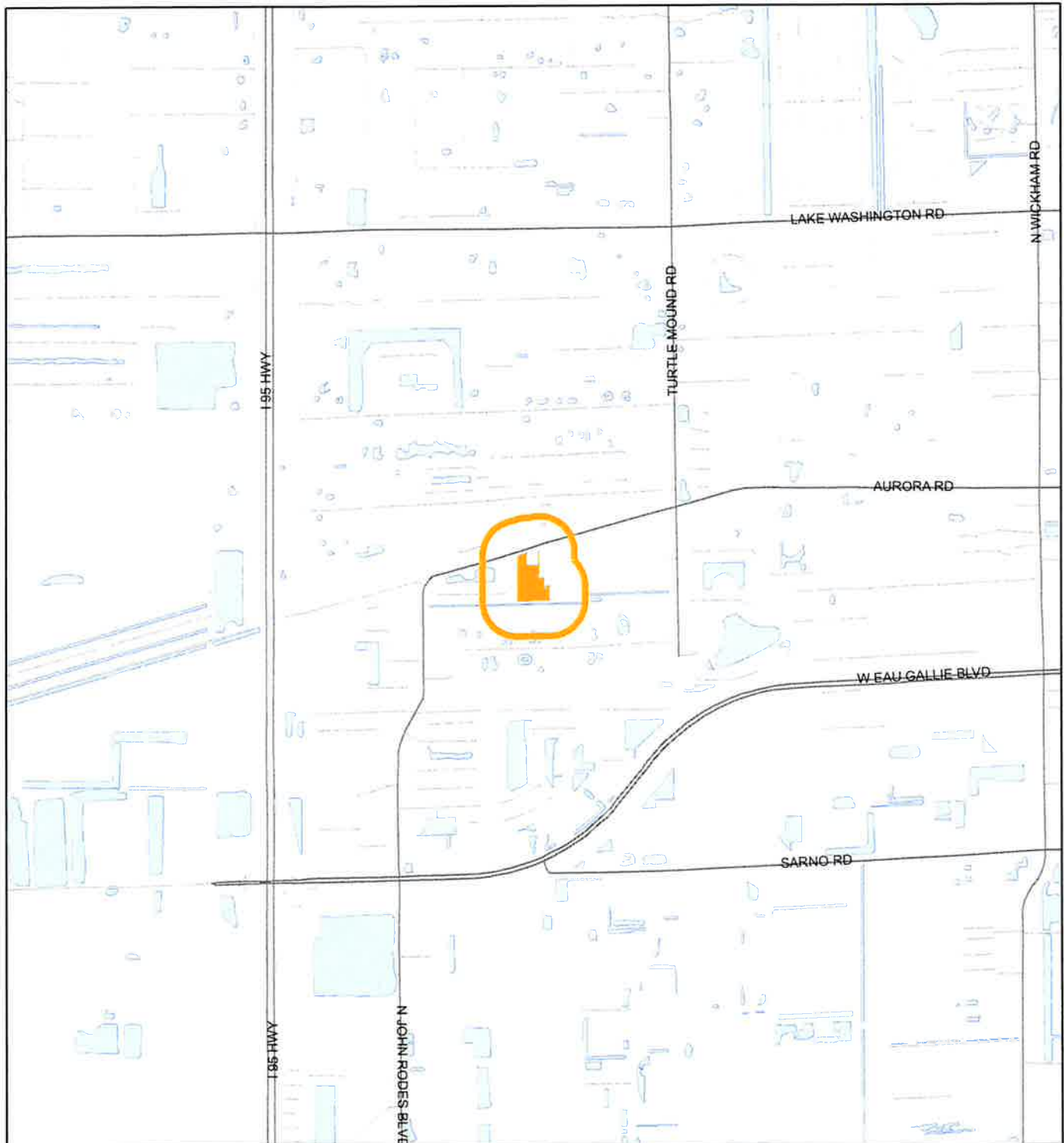
Chair Steele called for a public hearing to consider a small scale Comprehensive Plan amendment (24S.1) from NC/RES 2 to CC.

Jeffrey Ball, Planning and Zoning Director, stated Items G.4. and G.5. are also companion applications; he will read them into the record together and the Board can discuss them together, but there will need to be a separate motion for each; Item G.4. is a request from West Malabar Properties, LLC for a small-scale Comprehensive Plan amendment (24S.1) from NC and RES 2 to CC; application number is 24SS00001, tax account numbers are 2806110,

LOCATION MAP

QUALITY RV FLORIDA LLC

23Z00083



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: 11/7/2023

— Buffer

— Subject Property



ZONING MAP
QUALITY RV FLORIDA LLC
23Z00083



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: 11/7/2023

- Subject Property
 Parcels
 Zoning