

Prepared by: \_\_\_\_\_  
Address: \_\_\_\_\_

### **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 \_\_\_\_\_ Kim Fischer and Brian Scott Hall \_\_\_\_\_, individuals (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 desires to develop the Property as \_\_\_\_\_office/warehouse\_\_\_\_\_, 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. Developer/Owner shall not provide any outdoor storage in the front 100' feet of the property as measured from SR 520.

\_\_\_\_\_  
Scott Ellis, Clerk  
(SEAL)

\_\_\_\_\_  
Bryan Lober, Chair  
As approved by the Board on \_\_\_\_\_

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

WITNESSES:

Steve E. Fehr  
Steve Fehr

(Witness Name typed or printed)

James Nelson

James Nelson  
(Witness Name typed or printed)

Kim Fischer and Brian Scott Hall  
as DEVELOPER/OWNER

Brian Scott Hall  
Brian Scott Hall

Kim Fischer  
Kim Fischer

1614 White Dove Drive, Winter Springs, FL 32708  
(Address)

STATE OF Florida §

COUNTY OF Orange §

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of January, 2020, by Kim Fischer and Brian Scott Hall, President of \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires  
SEAL  
Commission No.:

Nicole Martin  
Notary Public

(Name typed, printed or stamped)



NICOLE MARTIN  
Commission # GG 204196  
Expires August 5, 2022  
Bonded Thru Budget Notary Services

Exhibit "A"

The E ½ of the following legal description:

For a point of beginning commence at the intersection of the east line of the NW ¼ of the NE ¼ of Section 34, Township 24S, Range 35E, and the south right-of-way line of S.R. 520, a presently located; thence run West on said South right-of-way line of S.R. 520, a distance of 840 ft. to a point; thence run south and parallel with the west line of said NW ¼ of the NE ¼ a distance of 300 ft. to a point; thence run east and parallel to said first course a distance of 840 ft. to said east line of the NW ¼ of the NE ¼; thence run north of said east line, a distance of 300 ft. to the point of beginning;

Less and Except the east 510 ft. thereof.

All lying and being situate in Brevard County, Florida

A/k/A:

Tax Parcel 45, recorded in ORB 8018, Pages 1628 – 1629, of the Public Records of Brevard County, Florida.

Kim Fischer

1614 White Dove Drive

Winter Springs, FL 32708

[kim@cycorpengineers.com](mailto:kim@cycorpengineers.com)

January 13, 2020

To whom it may concern:

There is no mortgage on the property located on SR 520 with parcel ID number 24-35-34-00-45.

  
\_\_\_\_\_

Kim Fischer

owner

*Nicole Martin 1/14/2020*

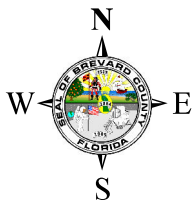
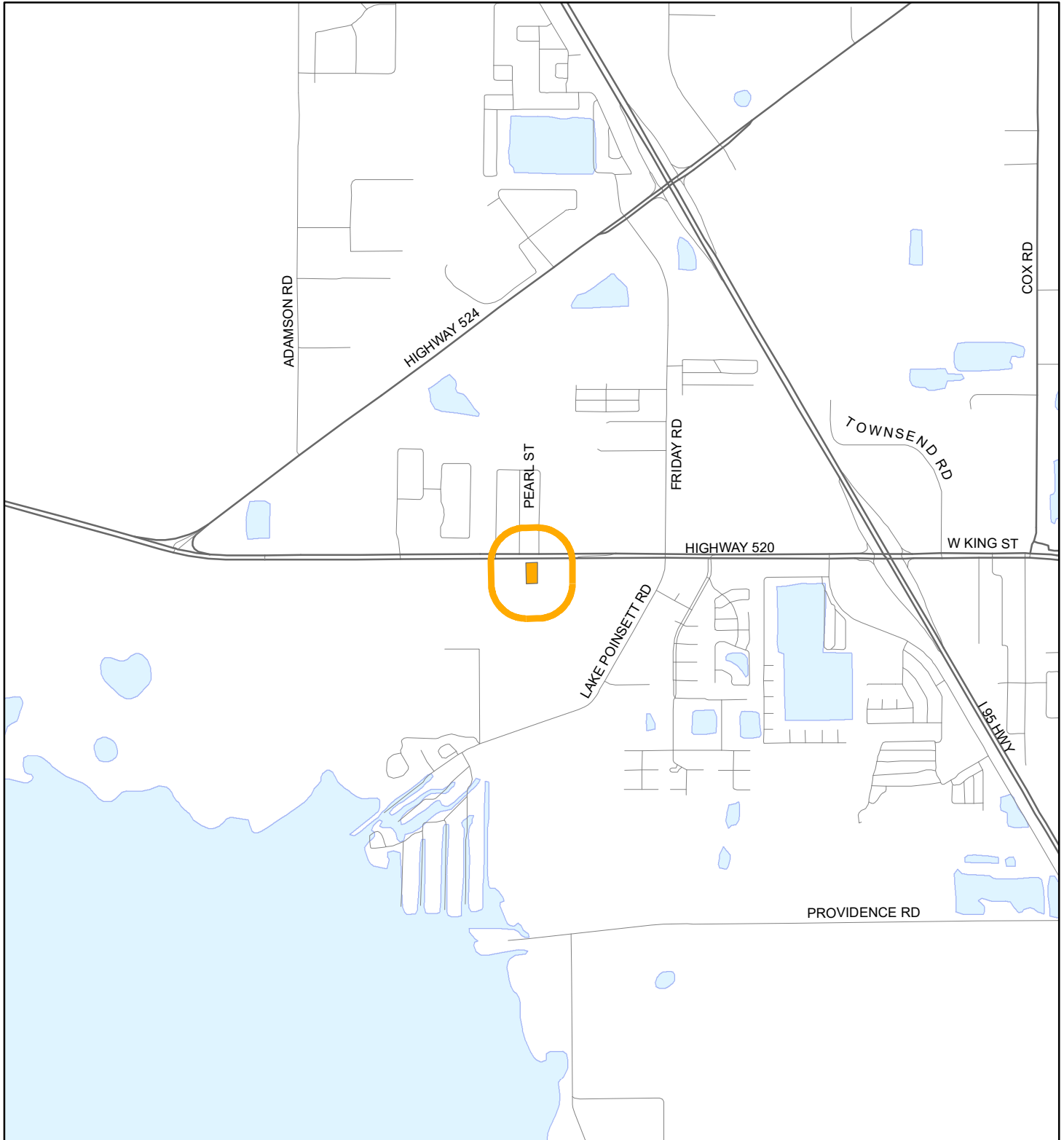


NICOLE MARTIN  
Commission # GG 204196  
Expires August 5, 2022  
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✓ *Kim Fisher is personally known to me.*

# LOCATION MAP

FISCHER, KIM AND HALL, BRIAN SCOTT  
19PZ00113



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

Buffer Distance: 500 feet

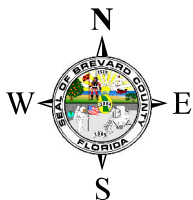
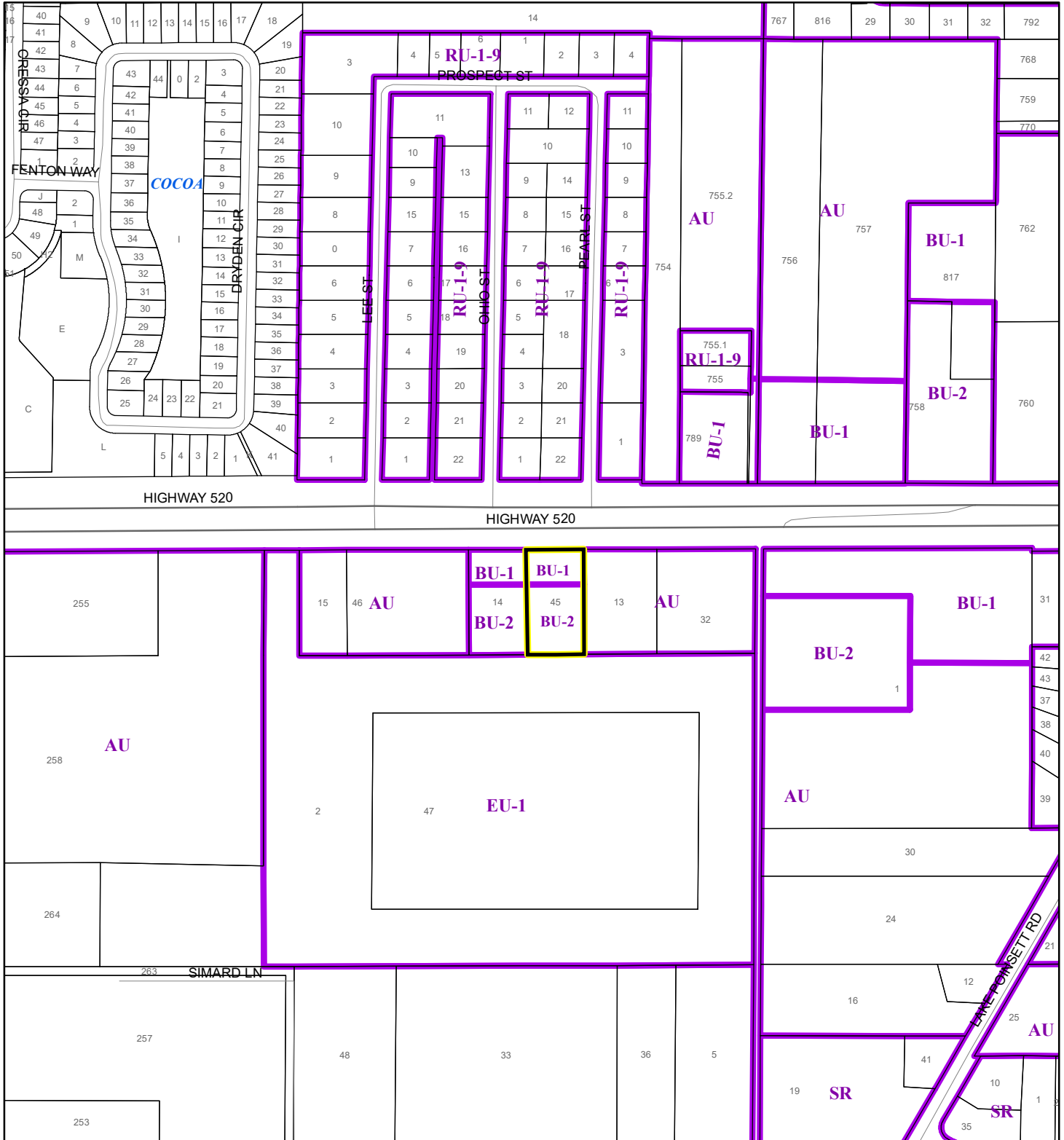
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/10/2019

Buffer  
Subject Property

# ZONING MAP

FISCHER, KIM AND HALL, BRIAN SCOTT  
19PZ00113



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: 9/10/2019

Subject Property

Parcels

Zoning

## PUBLIC HEARINGS

Planning and Zoning Board / Local Planning Agency  
Monday, November 4, 2019 at 3:00 p.m.

and

Brevard County Board of County Commissioners  
Thursday, December 5, at 5:00 p.m.  
(Item 1 on LPA Agenda will be heard 11/12/19 & 12/05)

Both at the  
Brevard County Government Center  
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

1. **Think Green Brevard, LLC (Stuart Buchanan)** request a CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant and wedding venue, in an IU (Industrial Use) zoning classification. The property is 7.86 acres, located on the northwest corner of Parrish Road and U.S. Highway 1. (2030 U.S. Highway 1; 2900 Parrish Road; and 2920 Parrish Road, Titusville) (Tax Account 2104639) (19PZ00066) (District 1)

**Planning and Zoning Board Recommendation:** Filiberto/Hodgers – Approved with the condition that the developer/owner provide documentation as to the site meeting County parking standards, per Section 62-3206 of the Brevard County Code, prior to the approval of the Alcoholic Beverage License. The vote was unanimous.

**Board of County Commissioners Action:** Pritchett/Isnardi – Approved with the condition that the developer/owner provide documentation as to the site meeting County parking standards, per Section 62-3206 of the Brevard County Code, prior to the approval of the Alcoholic Beverage License, and that alcoholic beverage consumption be limited to the chapel, reception hall, patio bar, and tasting bar. The vote was unanimous.

2. **Bonnie E. Douglas, Trustee (Connie Douglas)** requests a change of zoning classification from RU-1-9 (Single-Family Residential), BU-1 (General Retail Commercial), and TR-3 (Mobile Home Park) to all TR-3, with a BDP (Binding Development Plan) limiting the number of mobile home sites to the current number of 173. The property is 31.36 acres, located on the west side of U.S. Highway 1, approximately 250 feet south of Garrett's Road. (8440 U.S. Highway 1, Micco) (19PZ00108) (Tax Accounts 3006458 and 3010260) (District 3)

**Planning and Zoning Board Recommendation:** Moia/Glover – Approved. The vote was unanimous.

**Board of County Commissioners Action:** Isnardi/Pritchett – Tabled to the February 6, 2020, meeting. The vote was unanimous.

3. **Kim Fischer and Brian Scott Hall** requests a change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) with a BDP (Binding Development Plan), to all BU-2 and removal of BDP. The property is 1.12 acres, located on the south side of State Road 520, approximately 0.24 miles west of Lake Poinsett Road. (No assigned address. In the Cocoa area.) (Tax Account 2444757) (19PZ00113) (District 1)

**Planning and Zoning Board Recommendation:** Moia/Hodgers – Approved. The vote was unanimous.

**Board of County Commissioners Action:** Pritchett/Isnardi – Approved with a BDP (Binding Development Plan) limiting outdoor storage to the south 200 feet of the property. The vote was unanimous. The BDP will be scheduled as a Consent Item on a subsequent County Commission agenda, per Policy BCC-52. Resolution to be completed upon receipt of recorded BDP.

## **LPA Agenda**

1. An ordinance amending Floodplain Protection and Land Alteration

Local Planning Agency Recommendation: Theodore/Glover – Approved with the added phrase, “from stormwater” in paragraph 4(b), after ‘adverse impact’. The vote passed 5:3, with Filiberto, Moia, and Wadsworth voting nay.

Public Comment



## PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. Think Green Brevard, LLC. Pritchett/Isnardi. Approved with the condition that the developer/owner provide documentation as to the site meeting County parking standards, per Section 62-3206 of the Brevard County Code, prior to the approval of the Alcoholic Beverage License, and that the alcoholic beverage consumption be limited to the chapel, reception hall, patio bar, and tasting bar.
- Item H.1.b. Waiver Request, Re: Waiver of Wall Requirement for Think Green Brevard Business Complex 19WV00017. Pritchett/Isnardi. Approved as recommended. (on the Agenda as F.2.)
- Item H.2. Bonnie Douglas, Trustee. Isnardi/Pritchett. Continued to the February 6, 2020, meeting.
- Item H.3. Kim Fischer and Brian Scott Hall. Pritchett/Isnardi. Approved with a BDP limiting outdoor storage to the south 200 feet of the property.
- Item H.4. Laura Kimberley Miller. Pritchett/Lober. Approved as AU(L) with a BDP to include no selling of agricultural products on the property, no outdoor events without a Special Event Permit, no camping or over-night stays for commercial purposes, and no resort or tenant dwellings on the property.
- Item H.5. Ray L. Colgin. Pritchett/Isnardi. Approved as recommended **and adopted Ordinance No. 19-25.**
- Item H.6. Ray L. Colgin. Pritchett/Isnardi. Approved as recommended with a BDP limited to two units per acre.
- Item H.7. Lazy River Investments, LLC. Isnardi/Pritchett. Motion failed due to lack of support with Tobia, Smith, and Lober voting Nay.