



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 5446, **Version:** 1

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### **Subject:**

Acceptance, Re: Binding Development Plan with Protea Senior Living Melbourne, LLC (District 4)

### **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 authorize the Chair to 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 December 1, 2022, the Board approved a change of zoning classification from RU-1-9 (Single-Family Residential), RU-1-13 (Single-Family Residential), and IN(H) (Institutional Use, High-Intensity) to IN(L) (Institutional Use, Low-Intensity), with a BDP containing the following conditions:

- Developer/Owner shall provide a 15-foot buffer on the entire portion of the Property.
- The Developer/Owner shall limit density to 28 units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
- The Developer/Owner shall limit ingress and egress to Old Dixie Highway.

The attached agreement includes these provisions.

### **Clerk to the Board Instructions:**

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