CITY OF COCOA
Planning & Zoning Board /
Local Planning Agency
City Council Chambers

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
Feb. 6, 2019
6:00 p.m.

I. OPENING MATTERS:
1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:
1. AGENDA: Meeting of Feb. 6, 2019
2. MINUTES: Meeting of July17, 2018

III. OLD BUSINESS: (None)

IV. NEW BUSINESS:

A. PZ-18-014 – Addendum to Binding Development Agreement – 2075 W. King Street

This Addendum would change the previously adopted binding development agreement as follows: eliminate the 55 and older condominiums or detached residential units, Adult Congregate Living Facility and independent living facility uses and develop instead a market rate apartment rental facility with no more than 312 units and related amenities.

V. OTHER BUSINESS:
A. Tree Board Update: (None)
B. Recent Development Update:

VI. NEXT MEETING DATE:
Wednesday, March 6, 2019

VII. ADJOURNMENT

NOTICE TO PUBLIC:
This meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing.

All persons and parties are hereby advised that if they should decide to appeal any decision made by this Board with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The facility where this public hearing will be held is accessible to the physically handicapped. Interested parties are hereby advised that they may appear at said meeting and be heard with respect to the application. Written comment from the public with regard to the application will also be accepted.

Information pertaining to the above may be inspected at the Planning & Zoning Division at 65 Stone Street, Cocoa, Florida between 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning the Friday before the Board Meeting date, or by phoning (321) 433-8535.

CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
December 5, 2018

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, December 5, 2018 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Dobrin called the meeting to order at 6:08 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice Chairman
Todd Anderson	Board Member
Sherry Ervin	Board Member
Marilyn Green	Board Member
Lawrence Koss	Board Member
Jack Moore	Board Member
Russell Sengel	Board Member

MEMBERS ABSENT:

Jack Moore	Board Member

OTHERS PRESENT:

Dodie Selig	Planning & Zoning Manager
Robert Loring	Planner
Nancy Bunt	Interim Community Services Director
Kristin Eick	Board Attorney
Monica Arsenault	Board Secretary

APPROVAL OF AGENDA:

1. Approval of Agenda: December 5, 2018.

   Motion by Board member Ervin, seconded by Board member Koss, to approve the agenda of December 5, 2018. The vote on the motion carried unanimously.

2. Approval of Minutes: November 7, 2018.

   Motion by Board member Anderson, seconded by Board member Ervin, to approve the minutes of November 7, 2018 as amended. The vote on the motion carried unanimously.

OLD BUSINESS:

None.

NEW BUSINESS:

1. PZ-18-00100002 – PRELIMINARY SUBDIVISION (London Cove)

Approval of a preliminary subdivision (London Cove) consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code. The property owner desires to develop the existing vacant site as a mixed residential/commercial project, containing 6 commercial parcels along SR524 and a single parcel for future residential development to the south. The subject property is located on the south side of SR524, immediately west of the Cocoa Commons shopping center and across from London Blvd. and contains +/- 21 acres. The property is identified by Parcel #'s: 24-36-18-00-502 and 24-36-18-00-500.1.

Ms. Selig explained the project summary. She explained that the subject properties contain approximately 18.47 acres and are generally located along the south side of the SR524 intersection to the west of Cocoa Common Shopping Center. The original development concept was proposed in 2007 and was revised in 2009. The plans sought to develop sixty-one (61) townhome units and six (6) commercial parcels. The property to the south comprising roughly fifty-five (55) acres of wetlands was dedicated to the City as a conservation area. The project was approved but never built due to changes in market conditions. The site plan approvals expired, and the land has remained vacant.

The Applicant recently submitted a preliminary subdivision application to develop the site. Initially, roughly nine (9) acres fronting on SR524 will be subdivided into six (6) commercial lots (A-F) which will range from 1.10 acres to 1.98 acres in size. An access drive to the rear of lots B-F will tie in to the Cocoa Commons property directly to the east. The main entry drive will align with London Blvd. to the north and signalization will be provided. The residential component will be developed in a later phase on the remaining acreage to the south of the commercial lots, but the supporting infrastructure will be built in conjunction with the commercial site. This will include a storm water pond as well as two internal drainage easements and a forty-five (45) foot drainage easement connecting to the SR524 right-of-way.

Ms. Selig presented a location map and the Preliminary Subdivision Plat.

Board member Anderson inquired if the buffer in the back is part of the conservation area. In response, Ms. Selig explained that it is, but it was never platted into the Cocoa Conservation Area. She added that it is all the same wetland and it is all tied together but cannot be built upon as it is all wetlands.

Ms. Selig pointed out that as the City does not currently have a Building Official, the plat must be verified by an outside source. She noted that unfortunately she does not have a time frame on the return of the plat but will try to get it back as soon as possible.

Ms. Selig stated that staff recommends the Planning & Zoning Board recommend approval to City Council of the Preliminary Subdivision, with the following condition:

- Any unresolved review comments from City of Cocoa staff, or reviewers engaged on the City's behalf, shall be addressed prior to Final Plat approval by City Council.

Board member Ervin asked the developer if there will be stand-alone buildings on the property. In response, Dave Schmitt, Dave Schmitt Engineering Inc., 12301 Lake Underhill Rd., Orlando, stated that there will be stand-alone outparcels on the lot, however two of the outparcels could be combined to make for a larger use. There will be apartments or townhomes in addition to commercial use.

Chairman Dobrin asked what the commercial use would be. In response, Mr. Schmitt shared that there is potential for a fast food restaurant or a bank as well as retail.

Chairman Dobrin inquired what the time frame is on the project. In response, Mr. Schmitt stated that they are eager to get started but he does not know exactly how long the project will take. Once they get started he believes the project will move quickly.

Board member Green inquired about the flood plains. She asked if there was an overlay to compare to the new zoning map. In response, Ms. Selig stated no, and referenced the preliminary subdivision plat to show the wetlands and the buffer.

Chairman Dobrin opened the discussion to the audience. There being no questions or comments the public portion of the discussion was closed.

Motion by Board member Ervin, seconded by Board member Koss, to recommend approval to City Council of the Preliminary Subdivision Plat to include the conditions recommended by staff. The vote on the motion carried unanimously.

2. PZ-18-00100004 – PRELIMINARY SUBDIVISION (The Cottages)

Approval of a preliminary subdivision (The Cottages) consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code. The property owner desires to construct eighteen (18) townhomes on three (3) parcels of land (Parcel #'s: 24-36-33-80-20-5, 24-36-33-80-20-4 and 24-36-33-80-20-2) totaling 1.03 acres and located on the north side of Rosa L. Jones Dr. between Florida Ave. and John Garren Ln.

Ms. Selig shared the project summary and explained that the property is located at the northeast corner of Rosa L Jones Dr. and Florida Ave. The property lies in the Central Business District (CBD) zoning district. The developer of the property, 120 Barnacle Bay LLC, is seeking approval for a Preliminary Subdivision for eighteen (18) unit townhome lots on three (3) parcels totaling approximately 1.03 acres. The project was initially granted approval through the use of a Developmental Agreement by City Council on October 10, 2018. A Modification of the Development Agreement was approved by the City Council on November 28, 2018, which allowed a reduction to the rear setback for lots 1-4 resulting from a shift of those lots due to an FPL easement. Additionally, an FPL easement exists over the proposed Lot 5. A condition of approval has been added to address the future development of Lot 5.

Ms. Selig shared the Overlay District Map and the Preliminary Subdivision Plat.

She explained that staff is recommending the Planning & Zoning Board recommend to City Council approval of the Preliminary Subdivision Plat with the following conditions:

1. Any unresolved review comments from City of Cocoa staff or its designated reviewers shall be addressed prior to Final Plat approval by City Council.

2. The existing FPL easement, located in the approximate NW corner of the property, must be successfully vacated to accommodate placement of a structure on Lot #5. Vacation of that portion of the easement must be completed prior to applicant submittal for a Final Subdivision.

3. Tract A shall be owned, maintained and controlled by the Cottages at Cocoa Homeowner's Association for the purposes of private road, private storm water management facilities, private walkways, common area, and recreational amenities. A perpetual easement shall be dedicated to the City of Cocoa over the entirety of Tract A for the purposes of emergency maintenance and inspection of such private facilities, but under no circumstances shall the City of Cocoa have any obligation, burden, responsibility, or liability to enter upon the subject property and take any action to repair or maintain a private system, facility, or amenity. Further, a perpetual public utility easement over the entirety of Tract A shall be dedicated to the City of Cocoa and Florida Power and Light, as provided in the Development Agreement, for the purpose of installation, operation, and maintenance of public utilities.

4. The Cottages at Cocoa Homeowner's Association shall grant to the present and future owners of all lots and their guests and invitees, and to delivery, pick-up and fire protection services, police and other authorities of law, United States mail carriers, representatives of utilities, holders of mortgage liens on such lands, and such other persons as owners, their successors and assigns, may from time to time designate, a non-exclusive and perpetual right of ingress and egress over and across Tract A.

5. The applicant shall be required to provide updated title work within thirty (30) days of the Planning and Zoning's Board's recommendation to the City Council.

6. The plat note related to Tract B shall be amended as necessary to reflect the maintenance responsibility of the sidewalk installed.

Ms. Selig added that the developer had reached out to her and had shared that they had concerns with the second recommendation put forward by staff. She shared that they are concerned with the vacation of that portion of the easement.

Ms. Eick suggested that one acceptable resolution to the issue would be to include a revision to the second condition that the creation of Lot 5 shall be conditioned upon the vacation of the Florida Power & Light easement, and should the vacation not occur, Lot 5 would be removed from the plat, and the plat would be renumbered.

Board member Ervin inquired if the lot was lost if it could be used for additional parking. In response, Ms. Selig stated that this is something she could look into. Additionally, Ms. Eick explained that it would depend on whether FPL would allow paving over their easement and could also require a site plan amendment.

Board member Koss inquired if there are currently any utilities underground beneath this easement. In response, Ms. Selig stated that she is not aware of any but would defer the question to the developer.

Board member Ervin referenced the third recommendation put forward by staff, specifically where it notes that "…a perpetual public utility easement over the entirety of

Tract A shall be dedicated to the City of Cocoa and Florida Power and Light…" and inquired about changing the language to include all utilities on the site, not just FPL. In response, Ms. Eick stated that she believed the language could be changed from "Florida Power and Light" to "public utilities".

Ms. Erin Trauger, Civil Engineer for the project, explained that as the project was moving along the FLP easement was discovered through a title search. She explained that when the title search was conducted this was not listed as a public utility easement, but rather a FPL easement, which is why it is noted that way in the recommendation. She added that she does not believe FPL currently has any facilities in that easement on the property but they are in the process of verifying this with FPL. Once everything has been confirmed FPL would then need to approve the vacation of this easement.

Chairman Dobrin opened the discussion to the audience. There being no questions or comments the public portion of the discussion was closed.

Board member Koss asked, for purposes of clarification, if there are utilities located in that easement if it can still be built upon. In response, Ms. Selig explained that FPL would need to vacate the easement in order for the lot to be developed. Ms. Eick clarified that should FPL decide not to vacate that easement in the event that they may want to utilize that lot later they would have the power to do so, even if there are no utilities there now. In this case Lot 5 would still need to disappear from the plat.

Chairman Dobrin asked if there were any costs associated with this if it would be deferred to the Developer. In response, Ms. Selig replied affirmatively.

Chairman Dobrin asked if all goes well what the anticipated time frame is for the project to begin. In response, Ms. Trauger explained that the developer is prepared to begin at any time but it will depend on what comes of the easement issue and the time it takes to complete the paperwork.

Motion by Board member Ervin, seconded by Board member Koss, to recommend approval to City Council of the Site Plan and the Preliminary Subdivision Plat to include the conditions recommended by staff. The vote on the motion carried unanimously.

Motion by Board member Koss, seconded by Board member Ervin, to recommend approval to City Council of the Preliminary Subdivision Plat with the conditions recommended by staff, to include a revision to the second condition that the creation of Lot 5 shall be conditioned upon the vacation of the Florida Power & Light easement, and should the vacation not occur, Lot 5 shall be removed from the plat, and the plat will be renumbered; and a revision to the third condition to include that the public utility easement over the entirety of Tract A shall be dedicated to the City of Cocoa and other utility providers. The vote on the motion carried unanimously.

3. PZ-18-009 - DEVELOPMENT AGREEMENT (Lakeside Palms West)

4. PZ-18-02100001 – REZONING (Lakeside Palms West)

Ms. Selig shared that items three and four on the agenda are correlated together. She shared the project summary and explained that the applicant requested an amendment to the Zoning Map designation of approximately 27.62 acres of land from RU-1-7 (Single

Family Residential) to RU-2-15 (Multiple-Family Residential) as depicted on Exhibit "A". The applicant intends to construct a single-family subdivision with eighty-seven (87) lots (approximately 5 units per acre). The subject property was annexed from

Brevard County in 2003 and had an AU/Agricultural zoning designation. The City rezoned to RR-1 (Rural Residential) District. On April 11, 2006 the City Council approved a rezone of the property from RR-1 to RU-1-7 (Single Family Residential) District.

RU-1-7 zoning district is a low-density residential zoning designation which allows up to 7 single-family dwelling units per acre. The RU-2-15 zoning district would allow up to 15 multiple-family dwelling units per acre. However, for single-family development the RU-2-15 bulk regulations, minimum living areas, and minimum yard requirements are regulated by RU-2-10 standards. Single-family development in the RU-2-15 district is regulated by Article XI, Section 4A of the Zoning Code, the RU-2-10 district which allows a smaller lot dimension and does not require provisions for tree preservation and usable common open space and recreational facilities as are required under the RU-2-15 zoning district. Importantly, however, this application for rezoning shall be considered in conjunction with a binding Development Agreement, which limits the uses that may be constructed on the Property to single-family development. Although more intense uses are generally allowed through RU-2-15 zoning, those uses will not be permitted to be constructed in this case.

The RU-2-10 (Low-Density, Single-Family and Multiple-Family District) zoning district was intended to promote compact urban infill development and primarily used in the Heart of Cocoa and older grid-designed neighborhoods, which are already close to urban amenities and services. Utilization of RU-2-10 standards in the development of new subdivisions with smaller lot sizes of five thousand (5,000) square feet (minimum lot width 50 ft. and minimum lot depth 100 ft.) without corresponding shared amenities can result in single-family housing without a sense of community and prone to economic depression.

For that reason, on October 24, 2018, the Cocoa City Council gave direction to staff to prepare an amendment to the Zoning Ordinance of the City of the Cocoa specifically related to developing single-family housing utilizing the provisions of the RU-2-10 zoning district regulations outside of the Heart of Cocoa and other infill and or redevelopment areas. That amendment will be placed on a future P&Z Board agenda for consideration.

Since the application for this rezone was already received by the time the City Council gave its direction to staff on October 24, 2018, the applicant agreed to enter into a Development Agreement, taking into consideration the City Council's direction. The Development Agreement restricts future development on the property to single-family construction based on RU-2-10 lot standards but requires the developer to provide amenities for the future subdivision.

Specifically, a tot lot, benches, pavilion and multi-use field, a pedestrian crosswalk, boardwalk and viewing deck over water, and a board walk and viewing deck over the wetland area will be provided. The creation of common amenities reduces the number of homes from eighty-nine (89) to eighty-seven (87). The applicant submitted a revised Preliminary Subdivision and a revised Plat (Exhibit "B") showing the proposed

subdivision inclusive of the wetland conservation area and the two tracts dedicated to open space and recreation.

Ms. Selig shared a location map and a preliminary subdivision plat.

Board member Green asked if this is backed up to car dealerships. In response, Ms. Selig shared that it is not.

Board member Sengel inquired what the zoning is on the east side. In response, Ms. Selig stated it is RU-2-15. Additionally, Board member Sengel asked if they would be able to change their project to something such as apartments if the zoning permits it. In response, Ms. Selig stated no as they would be bound by a development agreement.

Ms. Selig shared that staff's recommendation is that the Planning & Zoning Board recommend approval to City Council of the Development Agreement and that the Planning & Zoning Board also recommend approval to City Council of the Zoning Map Amendment consistent with Appendix A. Zoning, Article XXII, to change the Zoning Map designation of one parcel (27.62 acres) from RU-1-7 (Single Family Residential) to RU-2-15 (Multiple Family Dwelling) as depicted on Exhibit "A".

Chairman Dobrin opened the discussion to the audience. There being no additional comments or questions the public portion of the discussion was closed to the audience.

Ms. Eick added that staff prepared a draft ordinance for the zoning map amendment and she wished to make it clear that in the ordinance it does provide that the zoning is conditional upon the Development Agreement. She expressed that this is required for the rezoning to occur.

Motion by Board member Anderson, seconded by Vice Chairman Washington, to recommend approval to City Council of the Development Agreement. The vote on the motion carried unanimously.

Motion by Vice Chairman Washington, seconded by Board member Ervin, to recommend approval to City Council of the Zoning Map Amendment consistent with Appendix A. Zoning, Article XXII, to change the Zoning Map designation of one parcel (27.62 acres) from RU-1-7 (Single Family Residential) to RU-2-15 (Multiple Family Dwelling) as depicted on Exhibit "A".

The vote on the motion carried unanimously.

5. <u>PZ-18-00200012 - PRELIMINARY SUBDIVISION / LARGE SCALE SITE PLAN (Lakeside Palms West)</u>

Approval of a Development Agreement / Rezoning / Preliminary Subdivision / Large-Scale Site Plan (Lakeside Palms West) consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code. The property owner desires to develop the existing vacant site as a single-family subdivision project containing eighty-seven (87) residential lots. A rezone from RU-1-7 to RU-2-15 for this project will also be considered at the same hearings, which was separately advertised. The subject property is located on the west side of Clearlake Road, approximately 0.25 miles south of State Road 520 (West King Street) and contains +/- 27.62 acres. The property is identified by Parcel #: 24-36-

31-00-750.

Ms. Selig explained that staff has reviewed the Preliminary Subdivision application under the RU-2-10 zoning district regulations as follows:

- Minimum Lot Area: 5,000 sq.ft.
- Minimum Lot Width: 50 ft.
- Minimum Lot Depth: 100 ft.
- Maximum Lot Coverage: 40%
- Maximum Height: 35 ft.

The majority of the lots created by this subdivision are between fifty-six (56) and fifty-eight (58) feet in width and one hundred twenty-five (125) feet in depth which equates to seven thousand (7,000) sq. feet of lot area. Lots on roadway curves are allowed a minimum width of twenty-five (25) feet, and corner lots are required to be fifteen percent larger than interior lots. This subdivision plat meets these requirements. The Lot Coverage and Maximum Height requirements are addressed when a building permit is applied for.

Ms. Selig explained the first review of the subdivision application resulted in a number of comments from several departments. After the applicant resubmitted their plans the following comments from staff reviewers remain as follows:

Planning Division

- Provide a tree survey of all existing trees on the site.

- Sheet C-4- The concrete sidewalk at the entrance needs a connector to the crosswalk. Provide truncated domes/ traversable mat at each landing as required. Provide a detail of the truncated dome/ traversable mat as a part of the Subdivision Plan Set.

- Sheet C-4- Provide a crosswalk connecting the 2 internal sidewalk landings with a truncated dome between Lot #55 and Lot #54.

- Sheet C-4- Internal speed limit signs and Pedestrian Crossing signs are required and should be shown on the subdivision plan set- provide details of each in the Plan Set.

- Sheet C-4- please provide radius and lengths for C-25, C-26, C-27 on lots #66, 67, 68.

- Sheet C-4 ‘SITE DATA’- Please indicate the individual tract uses on the plan set.

- A Street Lighting Plan is required w/ 1 street light required every 300’ (See Chapter 18 ‘Subdivisions’ Division 2, Section #18-74).

- Provide a landscape plan for the subdivision. This should include the open space tracts (not including the wetland area), the required 1 tree for every 30 linear feet and a continuous hedge along Clearlake Road (Art. XIII, Sec. 5), as well as the subdivision entrance sign areas.

Utilities Department

- Water

    - Lot 54; change the water main to DIP and move into the road right of way, under the sidewalk.

- Sewer
    - Label on the plans the method of installation of the Clearlake Road crossing.
    - Provide a plan and profile of the Clearlake Road force main crossing.
    - The 36" storm pipe cannot be installed through the Lift Station property. The site needs to be unencumbered by other facilities.

- Reclaimed Water
    - Reclaimed water main at Lots 3 through 8; move the reclaimed water main into the road right of way, under the sidewalk.
    - Reclaimed water main at Lots 18 and Tract D; move the reclaimed water main into the road right of way, under the sidewalk.
    - Reclaimed water service is not currently available to the project. Provide plans that connect the main to the existing main on SR 520 and the Lakeside Palms subdivision across the street.
    - Add a 4" gate valve between Lots 16 and 17.

- Hydraulic Analysis Report

    - Provide a system graph or a modeled pump curve used to determine the reservoir pressure at the required flows.
    - The Required Fire Flow needs to be worst case or farthest point in the system. The fire flow needs to be placed at FH5. The domestic flows are acceptable as they appear in the model.
    - Please review reducing the size of the water main on the back loop of the subdivision. Can't the water main be downsized from an 8" to a 6" from the hydrant at Lot 62 to the hydrant at Lot 81?

- Lift Station Calculations
    - The Lift Station rim elevations on the plans and calculation are different. Review the rim and sump elevations.
    - The head pressure loss in the existing force main appears to be high. I have provided a force main pressure chart for your use.

Public Works Department

- Swale along the East, North, and South sides of the property to be owned and maintained by Victory Judgement LLC, or HOA, not the City of Cocoa.
- Public Works proposes that a sidewalk be constructed on the West side of Clearlake Road along the frontage of the proposed development with a marked crosswalk connection from Lakeside Palms East to Lakeside Palms West.

Additional Plat review comments were provided by the City Attorney's office as follows:

1. The dedication shall be updated with the correct name of the property owner. Streets shall be dedicated to the public.
2. Updated title work shall be provided within 30 days of the Planning and Zoning Board's recommendation to the City Council.

3. Utility easements shall be furnished on all side and rear lot lines and shall be at least 10 feet wide and 5 feet on each side of the lot line.

4. The following easements shall be dedicated to the Lakeside Palms West Homeowner's Association of Brevard, Inc.:
   - 5-foot access easement for purposes of maintenance of Tract A along the rear of Lots 56 through 66 and 74 through 87.
   - 5-foot access easement for the purposes of maintaining fences or buffer walls for the subdivision along the rear of lots 29 through 53 and 1 through 13.
   - The 10-foot public utility easement along the front of all lots shall also include sidewalks, which shall be maintained by the Lakeside Palms West Homeowner's Association of Brevard, Inc.
   - 5-foot drainage easements along the side of each tract shall be dedicated to the Lakeside Palms West Homeowner's Association of Brevard, Inc.

5. A conservation easement for Tract C shall be provided in accordance with s. 704.06, Florida Statutes.

6. A perpetual easement shall be dedicated to the City of Cocoa over all drainage easements, rear easement for Lots 56 through 66 and 74 through 87, and Tract A for the purposes of emergency maintenance and inspection of such private facilities, but under no circumstances shall the City of Cocoa have any obligation, burden, responsibility, or liability to enter upon the subject property and take any action to repair or maintain a private system, facility, or amenity.

7. A utility and access easement shall be dedicated to the City of Cocoa over Tract B (lift station) but shall not be owned by the City of Cocoa. Lift station to be maintained by the Lakeside Palms West Homeowner's Association of Brevard, Inc.

   Staff is still awaiting comments from the City's surveyor which will need to be addressed. In addition, the buildable portion of the property is impacted by the existing wetland such that it is largely located in the AE flood zone area. This necessitates an additional review step which was formerly handled by the City's Building Official who was also the Flood Plain Manager. Since the Building Official position is not filled at this time, staff is still looking for an outside individual to provide a flood plain review. For these reasons, staff has added a condition to its recommendation that all outstanding review comments will have to be resolved prior to Council approval of the Preliminary Subdivision application.

   The submitted preliminary subdivision/large-scale site plans have also been reviewed by City staff for consistency with Appendix A Zoning of the City of Cocoa Code. The initial review of the plans resulted in a number of comments from several reviewers which have not yet been addressed. As stated above, staff has provided a condition to the recommendation that all outstanding review comments will have to be resolved prior to Council approval of the Preliminary Subdivision application.

   Ms. Selig provided the Preliminary Subdivision Plat and shared staff's recommendation which includes the conditions set forward.

   Board member Koss asked if the street lights will be solar lights or LED. In response, Mr. Andy Kirbach, of Morgan & Associates Consulting Engineers, Inc., 504 N. Harbor City

Blvd., Melbourne, clarified that FPL will be the deciding factor in regards to the street lights. The developers are hopeful to begin in February or March.

He explained mitigation and sustainability which will be coordinated with FPL.

Chairman Dobrin opened the discussion to the audience. There being no additional questions or comments the public portion of the discussion was closed.

Motion by Board member Koss, seconded by Board member Anderson, to recommend approval to City Council of the Preliminary Subdivision Plat with the conditions recommended by staff. The vote on the motion carried unanimously.

Motion by Board member Green, seconded by Board member Ervin, to recommend approval to City Council of the Large-Scale Site Plan with the conditions recommended by staff. The vote on the motion carried unanimously.

OTHER BUSINESS:

A. Tree Board Update – None.
B. Recent Development Update

Board member Koss added that there are three individuals at the Extension Office on Lake Drive who may be interested in coming to share information about trees before the Board. He asked the Board if they would consider allowing him to arrange for them to come to a P&Z meeting to share this information.

There was a consensus from the Board for Board member Koss to correspond with them.

NEXT MEETING:

The Board members established that the next meeting would be held on Wednesday, January 2, 2018.

Vice Chairman Washington added that he felt the design review was only about thirty percent complete as there were still a lot of comments and questions that needed to be resolved. He stated that he felt that these types of things should not come before the Board for consideration until they are at least ninety percent complete. The Board members agreed with Vice Chairman Washington's statement that these types of items shouldn't be brought before the Board for consideration until they are about ninety percent complete.

ADJOURNMENT:

Motion to adjourn by Board member Koss, seconded by Vice Chairman Washington. The vote on the motion carried unanimously.

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There being no further business the meeting adjourned at 7:19 P.M.

Approved on this _____ day of _____, 2018.

_____
Mike Dobrin, Chairman

_____
Monica Arsenault, Board Secretary

Classified Ad Receipt
(For Info Only - NOT A BILL)

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Run Times: 1

No. of Affidavits: 1

Run Dates: 01/25/19

Text of Ad:

AD#3354121, 1/25/2019
CITY OF COCOA
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT
THE PLANNING & ZONING
BOARD/LOCAL PLANNING AGENCY
AND THE COCOA CITY COUNCIL
PROPOSE TO CONSIDER
THE FOLLOWING:

AN ADDENDUM TO A BINDING DEVEOPMENT AGREEMENT BETWEEN THE CITY OF COCOA, FLORIDA AND 2075 W. KING STREET LAND TRUST TO ALLOW THE DEVELOPER TO CONSTRUCT A MAXIMUM OF 312 APARTMENTS AND RELATED AMENITIES ON A PARCEL OF LAND (TAX PARCEL ID: 24-36-31-00-265) TOTALING 130.66 ACRES AND LOCATED ON THE SOUTH SIDE OF W. KING STREET BETWEEN RANGE ROAD AND CLEARLAKE ROAD.

PLANNING & ZONING BOARD/ LOCAL
PLANNING AGENCY
PUBLIC HEARING
WILL BE HELD ON FEBRUARY 6, 2019
AT 6:00 P.M. OR SOON THEREAFTER IN
THE COCOA CITY HALL
COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL

CITY COUNCIL WILL CONSIDER THE
DEVELOPMENT AGREEMENT ON
FEBRUARY 13, 2019
AT 6:00 P.M. OR SOON THEREAFTER IN
THE COCOA CITY HALL
COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL

Said Development Agreement may be inspected by the public at the City Clerk's Office, located at 65 Stone Street, Cocoa, Florida, prior to the public hearings. Interested members of the public may appear at the public hearings and be heard with respect to the proposed Development Agreement.

The Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising. Any person who decides to appeal any decision of the City Council with respect to any matter considered at these meetings will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATIONS: Persons with disabilities needing special accommodations to participate in this proceeding should contact the City Clerk's Office at (321) 433-8484 no later than 48 hours prior to the proceeding for assistance.

City of Cocoa
Planning & Zoning Board

STAFF REPORT

Date:	January 25, 2019
Project Name:	Development Agreement – Cocoa Grand Apartments
Project No:	PZ-18-014
Meeting Date:	February 6, 2019
Project Planner:	Dodie Selig, AICP – Planning & Zoning Manager
Applicant/Owner:	Gray Robinson, PA / 2075 W. King Street Land Trust
Requested Action:	Consideration of an Addendum to the Binding Development Agreement between the City of Cocoa, Florida and 2075 W. King Street Land Trust and its successors to allow the developer to construct up to 312 apartment units and associated amenities on a parcel of land (Tax Parcel ID: 24-36-31-00-265) totaling 130.66 acres and located on the south side of W. King Street (SR520) between Range Road and Clearlake Road.

I. Development Agreement Background and Analysis

Project Background and Summary

On October 17, 2017 the City Council exercised its authority under the Florida Municipal Home Rule Powers Act, ss. 166.011, et seq., and specifically, Section 166.021, Florida Statutes and approved a Binding Development Agreement for the subject parcel. The concept plan for which consisted of an ACLF (Adult Congregate Living Facility) comprised of 11 buildings totaling 100 units along with an independent living residential area and a 55-and-older residential area to be constructed on the southern portion of the parcel and around the existing lake with some commercial use on the northern portion of the property abutting SR520.

In conjunction with the Binding Development Agreement, the Council approved the following changes to the southern portion of the subject parcel: a Future Land Use change from Low Density Residential to Medium Density Residential along with a designation of Conservation over the area of wetlands, and a rezoning from RR-1 (Rural Residential) to RU-2-15 (Multiple Family Residential).

The original project was never developed and the property is now under contract to a developer who wishes to construct a market rate apartment community in the center portion of the southern (residential) portion of the property. No commercial use is planned for the northern portion of the parcel at this time.

On September 17, 2018 this applicant held a public meeting to gather feedback from nearby residents regarding the proposed project. Five property owners attended and expressed concerns related to the proximity to their property and potential stormwater impacts. As a result of this feedback the applicant redesigned the project layout to move the apartments from the perimeter of the existing borrow-pit lake at the western end of the parcel to a location in the center of the parcel. The new layout will include a stormwater pond in the center of the apartment buildings to provide a pleasant view for residents as well as control stormwater on site. The new design includes a clubhouse, a car wash and a maintenance building and retains the original plan for fencing and a concrete block wall separating the project from abutting residential and commercial properties.

Staff Analysis of Development Agreement

The addendum to the original development agreement will eliminate the former Concept Plan and replace it with a new Concept Plan (Exhibit B). This will guide the future development of the site. In recognition that the Concept Plan has been prepared prior to engineering and floodplain review, the Concept Plan may be slightly modified in the future to accommodate changes required by the City Code, including for drainage and flood storage, but may not be modified to include:

1) a different use of the Property;
2) an increase in the proposed number of units;
3) a reduction in the required amenities (see discussion below); or
4) a deviation from any condition (see discussion below).

The addendum also includes the following requirements of the developer:

- Within six (6) months from the Effective Date of this Agreement, the Developer/Owner, at its expense, shall prepare and file all required applications, information, and engineering plans with the City of Cocoa that are necessary to obtain floodplain development approval, final site plan, and final engineering approval for the Project consistent with the Concept Plan.
- The Owner shall obtain approval of the site plan within twelve (12) months of the Effective Date of this Agreement.
- If the Project fails to obtain such final approval from the City (a/k/a - a final development order) within the aforesaid twelve (12) months, the City shall have the

right to declare the Owner in default.

- If the Owner does not cure the default within the cure period, the City shall have the right, but not obligation to, terminate the Agreement without penalty.

The Project shall further be subject to the following conditions:

a. The apartment units shall meet the minimum living area requirements for apartments in the RU-2-15 Zoning District.

b. The apartment and communal buildings shall be no more than thirty-five (35) feet in height.

c. No development, other than buffer walls or fences, shall be permitted on the west side of the existing 16.79-acre lake (former borrow pit).

The Developer/Owner shall be specifically required to develop the Project to include certain amenities, which shall be maintained in good and working condition throughout the life of the Project, shall be of adequate size to service the intended number of residential units, and shall be incorporated into the final site plan:

a. The Developer/Owner agrees to include a clubhouse with an exercise/workout room, sauna, business center, and "party room" that may be reserved by residents for events; swimming pool; playground; dog park; car wash; sidewalk around the interior retention pond; and two (2) electric car charging stations;

b. The Developer/Owner agrees to incorporate the use of energy efficient lighting systems, insulation and ENERGY STAR rated windows, low-flow water fixtures, modern heat pumps, and energy-efficient HVAC systems;

c. Developer/Owner shall construct and maintain a six foot (6') buffer wall along the southern boundary of the Property from the point of the western boundary of Tax Parcel ID 24-36-31-00-506 to the western edge of the Conservation area on the Property, except that a fence may be provided within the natural gas easement area, if necessary to accommodate such easement. A six foot (6') buffer wall shall also be constructed and maintained along the northern boundary of the Property to the western edge of the driveway entrance. Further, a six foot (6') opaque fence shall be constructed and maintained along the boundary between the commercial and RU-2-15 zoning on the Property, from the eastern edge of the driveway entrance to the western edge of the Conservation area, provided that Developer/Owner acknowledges and agrees that future development on the commercially-zoned portion of the Property shall require an additional or replacement buffer, in the form of a wall or other vegetative buffer, upon request of the City and provided that applicable environmental permits may be obtained. Developer/Owner shall also construct and maintain a six foot (6') opaque fence on the western boundary of the Property and along the southern boundary of the Property where the buffer wall is not required. Said walls and fences shall be permitted and constructed in accordance with the City Code. Upon construction, the walls and fences shall be maintained and kept in good condition. The buffer walls and fences shall be in

addition to landscaping requirements otherwise required by the City Code including, but not limited to, along the boundary of the Property.

d. The Developer/Owner shall install full-cutoff, low-light emitting or LED streetlights and outdoor lighting fixtures, subject to approval by Florida Power and Light and the City of Cocoa as applicable.

e. The Developer/Owner shall reserve a minimum of three (3) two-bedroom apartment units for City law enforcement officers to be rented at a fifty percent (50%) discounted rate, to be made available on a first-come, first-serve basis, at the time of initial leasing until there are no other two-bedroom apartments available at the facility. In addition, the Developer/Owner shall provide a lease preference above other tenant applicants to City law enforcement officers and firefighters, along with EMS and local school teachers, on a first-come, first-serve basis as long as it does not violate Federal Fair Housing statutes.

The Developer has also agreed that it shall be subject to the City's Residential Rental Standards in Chapter 6, Article VI of the City Code and shall consent to properly-noticed inspections pursuant to that program.

Consistency with the City's Comprehensive Plan

Objective 3.1.1: Energy Efficiency. The City shall encourage energy efficiency in the design, construction and rehabilitation of new and existing residential buildings in the City and incorporate alternative energy technologies in the land development regulations.

GOAL 3.7:
The City shall promote opportunities for the creation of housing and infill development within the City.

GOAL 11.1: The City of Cocoa will ensure, through effective planning and coordination with the School District, that adequate school capacity is available to accommodate enrollment demand for City residents.

Objective 11.1.2: The City shall ensure adequate public school capacity exists to accommodate new students generated by residential development. The City shall forward all applications for a residential development permit to the School District for a school concurrency evaluation and determination.

Policy 11.1.2.2: The City shall not approve any non-exempt residential development application for a new residential preliminary subdivision, site plan or functional equivalent until the School District School has issued a School Capacity Availability Determination Letter (SCADL) verifying available capacity.

The previous Concept Plan provided for the development of 55-and-older residential housing, independent living units, and an Adult Congregate Living Facility, all of which is exempt from the school concurrency analysis required by the City's Comprehensive Plan because of the age-restricted nature of the development. However, the new Concept Plan proposed with this Addendum allows for the development of non-age-restricted multi-family housing, which is no longer exempt from such analysis. Further, because this Addendum incorporates the Concept Plan, which will guide future development, this Addendum constitutes the "functional equivalent" of a preliminary subdivision or site plan that must receive a School Capacity Availability Determination Letter (SCADL) verifying capacity prior to its execution. Accordingly, a condition of approval has been included herein to require receipt of a satisfactory SCADL letter prior to execution of the Addendum.

Concurrency

Staff has done a preliminary concurrency review of services required by the project. A final review will be completed with the Site Plan application.

Wastewater

The Level of Service (LOS) for wastewater is 319 gallons per day per household, based on the 312 apartment units, the projected demand on the wastewater system is 99,528 gallons per day.

The Sellers Plant is currently permitted to treat 4.5 mgd of wastewater per day, and is currently operating at 2.25 mgd. The maximum per day over the past twelve months was 2.249 mgd. Thus, there is sufficient capacity for Wastewater.

Stormwater Management

The Level of Service (LOS) for Stormwater Management is as follows:

Design Storm Event:	25-year frequency/24-hour duration event
On-Site Stormwater Management:	Retention of the first one inch of rainfall for areas of more than one acre.
Stormwater Quantity:	Post development Stormwater runoff flow rates, quantities, peaks, and velocities shall be equal to or less than levels that existed prior to development.
Stormwater Quality:	No significant degradation of water quality in receiving water bodies.

Potable Water

The LOS for potable water is 122 gallons per capita per day (gpcd) per household. Based on the City of Cocoa EAR Population Projections report, the average permanent resident per dwelling unit is 2.35 per occupied unit. Thus, the average demand per household is estimated at 287 gpcd, and based on the 312 proposed dwelling units the overall demand is 89,544 gpcd.

The Dyal Plant provides potable for the City of Cocoa service area and it is currently permitted to operate at 48 million gallons per day (mgd). The maximum provision over the past twelve months is 34 mgd. Thus, there is sufficient capacity for Potable Water.

Solid Waste
The Level of Service (LOS) for the City of Cocoa is 1.2 tons of solid waste disposal per capita per year, and residential collection LOS shall be 2 times per week per household with greenwaste and recyclables once per week. The City contracts with Waste Management for the provision of solid waste, and the projected solid waste generated will be collected consistent with the adopted level of service standards.

Roadways (Transportation)
The minimum LOS for State Road 520 (W. King Street) is 'D'.

The Space Coast TPO Traffic Counts Report for 2017 indicates that for the Range-Clearlake segment of SR520, the average annual daily traffic trips is 20,900, and it is classified as an Urban Principal Arterial roadway. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (7th Edition), the average vehicle trips per dwelling unit (on a weekday) is 9.57. Based on the 312 dwelling units, the development is projected to generate 2,986 trips per day (on a weekday).

Based on the LOS of D and the Current Maximum Acceptable Volume (41,790) established by the SCTPO, there is sufficient capacity on SR520 (W. King Street) to support this development.

Recreation
The Level of Service (LOS) for Recreation is 1.25 acres per 1,000 population.

Pursuant to the City of Cocoa Comprehensive Plan EAR (October 2010) Data and Analysis, there exists a surplus of 118.34 acres of parks, which was determined to be more than sufficient to meet the needs of the citizens through 2020. The City's current population is 18,833 which requires 23.54 acres of park and recreation facilities. The EAR identified the City as having 323.58 acres (including the 165.09 acres Cocoa Conservation Area) available for residents. Thus, the City has sufficient recreation/parks to support the project and maintain the adopted LOS.

Schools
The Applicant will be required to submit a satisfactory School Capacity Availability Letter prior to execution of this Addendum.

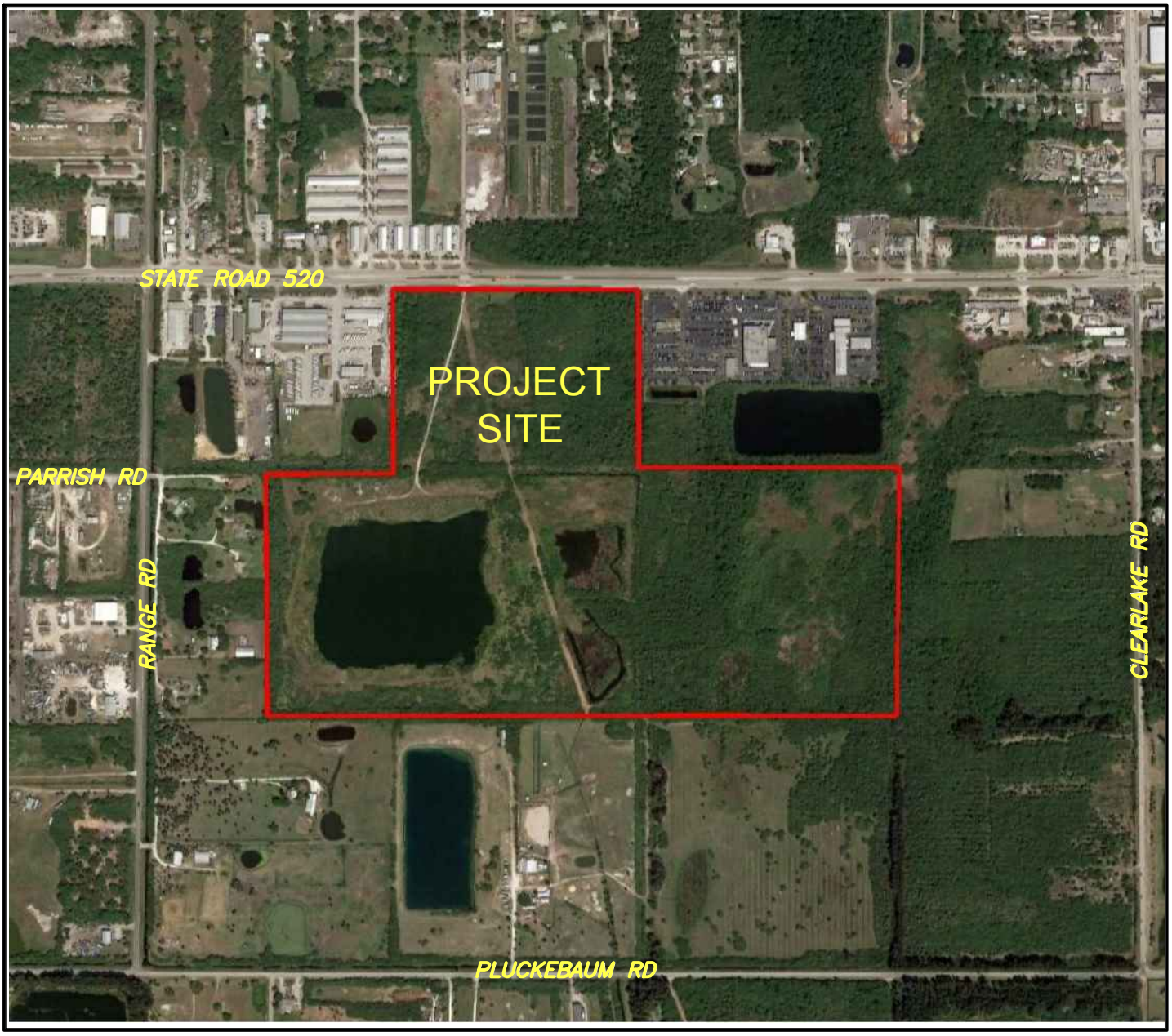
Next Steps
The Development Agreement will need to be approved by City Council and is currently scheduled for the Council meeting on February 13th. If approved, the agreement will be signed and recorded in the Official Records of Brevard County, subject to applicable conditions. The developer will then need to submit a Site Plan application.

II. Recommendation

Staff recommendation is that the Planning and Zoning Board recommend **approval** to City Council of the Addendum to the Binding Development Agreement and attached Concept Plan, subject to the following condition of approval:

1. Prior to execution of the Addendum to the Binding Development Agreement, the City shall receive a School Capacity Availability Determination Letter (SCADL), satisfactorily verifying available school capacity for the proposed Project as described in the Addendum.

NTS



SOURCE: GOOGLE EARTH PRO

AERIAL MAP FOR COCOA GRAND SR 520

COCOA, BREVARD COUNTY, FL

PROJECT #: 2018-77 DRAWN BY: LLM DATE: 01/30/2019

MORGAN & Associates
Consulting Engineers, Inc.
504 N.Harbor City Blvd. Melbourne, FL 32935
Phone (321) 751-6088 Fax (321) 751-6089
E.B. # 7903/ L.B. # 7040

THIS INSTRUMENT WAS PREPARED BY
AND SHOULD BE RETURNED TO:
Anthony Garganese
City Attorney of Cocoa
Garganese, Weiss, D'Agresta & Salzman, P.A.
111 N. Orange Avenue, Suite 2000
Orlando, FL 32802
(407) 425-9566

ADDENDUM TO BINDING DEVELOPMENT AGREEMENT
2075 W King Street

THIS ADDENDUM TO THE BINDING DEVELOPMENT AGREEMENT ("Addendum"), is entered into this ____ day of February, 2019, between the CITY OF COCOA, FLORIDA, a Florida municipal corporation (the "City"), and 2075 W. KING STREET LAND TRUST and successors (the "Developer/Owner").

RECITALS:

WHEREAS, Developer/Owner owns property south of SR 520 in the City, Brevard County, Florida, with Tax Parcel ID 24-36-31-00-265, more particularly and legally described in **Exhibit A** attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Developer/Owner and the City entered into a Binding Development Agreement on October 17, 2017, which was recorded in the Public Records of Brevard County, Book 8013, Page 2889 on October 27, 2017 (the "Agreement"), governing the future development of the Property; and

WHEREAS, the Agreement was approved by the Cocoa City Council as a condition of certain Zoning Approvals, namely a Comprehensive Plan Future Land Use Amendment from Low Density Residential to Medium Density Residential and Conservation and a rezone from RR-1 to RU 2-15 for a portion of the Property, and as further defined in the Agreement; and

WHEREAS, the Developer/Owner agreed to develop a portion of the Property as a combination of 55-and-older residential, individually-owned condominiums or detached units; an

Adult Congregate Living Facility (ACLF); and an independent living facility, as depicted on the "Land Use Map" attached as Exhibit B to the Agreement; and

WHEREAS, the Developer/Owner has requested this Addendum to eliminate the commitment to develop a portion of the Property as provided in the Agreement and instead develop a portion of the Property with an apartment facility with no more than 312 apartment units, as further defined herein; and

WHEREAS, the apartment units shall be market rate rentals, and the Project shall be privately financed such that the Developer/Owner shall not seek tax credit financing or other formal of local, state or federal government financial assistance for the construction of the Project; and

WHEREAS, the City is authorized to regulate development of the Property, and this Addendum is entered into pursuant to the Florida Municipal Home Rule Powers Act; and

NOW, THEREFORE, the parties agree as follows:

1. The foregoing recitals are hereby incorporated herein as a material part of this Agreement.

2. Sections 2 and 3 and Exhibit B of the Agreement, the "Land Use Plan," are hereby deleted in their entirety and replaced with the following. A new Exhibit B is attached hereto and incorporated herein by this reference as described below.

2. In accordance with the terms and conditions of this Addendum, the Developer/Owner represents and warrants to the City that it will expeditiously develop a portion of the Property, at its expense, into a multi-family apartment facility with up to 312 apartment units (the "Project"). The City and Developer/Owner agree that the Project shall include multi-family apartment buildings, a clubhouse, a car wash, and other buildings necessary to serve the Project, as generally depicted on the Concept Plan which is attached hereto and fully incorporated herein as **Exhibit B** ("Concept Plan"). The Concept

Plan is intended to be the general blueprint which depicts key aspects of the future physical development of the Property. The Concept Plan shall also serve as a necessary guide for future permit applications and permitting.

The Project shall be developed consistent with and in substantial conformance to the Concept Plan. The Developer/Owner shall have the obligation to further submit and obtain the City's approval of final engineering and a site plan, floodplain development permit, site development permit, building permits, and any other permit or approval required by the City Code of Cocoa (the "City Code"). The City and Owner expressly acknowledge and agree that the Concept Plan attached as Exhibit B was prepared prior to application for a floodplain development permit or approval and submittal of attendant engineering plans. Therefore, while the City recognizes this Concept Plan may be modified slightly to accommodate necessary changes related to drainage and flood storage, any such modification may not include (a) a different use of the Property; (b) an increase in the proposed number of units; (c) a reduction in the required amenities as provided in Section 3 below; or (d) a deviation from any condition provided in this Section. Except as provided above, these modifications shall be allowed as long as they are consistent with development standards noted in this Agreement and preserve the general character of the development shown on the Concept Plan. Developer/Owner further acknowledges and agrees that the Concept Plan was not presented to the City with final specific surveyed dimensions for the design and location of any buildings and infrastructure, and that during the final site plan and final engineering process, such details shall be submitted to the City for consideration and dimensions shall be surveyed, duly engineered, and provided to the City for consideration under applicable City Codes. The Owner shall be solely responsible for obtaining any and all necessary local and state permits including, but not limited to, building and environmental permit approvals which

are required in order to permit the Project in compliance with local, state, and federal law. The Owner shall be responsible for all recording fees associated with this Agreement.

Within six (6) months from the Effective Date of this Agreement, the Developer/Owner, at its expense, shall prepare and file all required applications, information, and engineering plans with the City of Cocoa that are necessary to obtain floodplain development approval, final site plan, and final engineering approval for the Project consistent with the Concept Plan. The Owner shall obtain approval of the site plan within twelve (12) months of the Effective Date of this Agreement. If the Project fails to obtain such final approval from the City (a/k/a - a final development order) within the aforesaid twelve (12) months, the City shall have the right to declare the Owner in default pursuant to Section 24 of the Agreement, as amended herein. If the Owner does not cure the default within the cure period, the City shall have the right, but not obligation to, terminate this Agreement without penalty as provided herein.

The Project shall further be subject to the following conditions:

a. The apartment units shall meet the minimum living area requirements for apartments in the RU-2-15 District.

b. The apartment and communal buildings shall be no more than thirty-five (35) feet in height.

c. No development, other than buffer walls or fences, shall be permitted on the west side of the existing 16.79-acre lake (former borrow pit).

3. The Developer/Owner shall be specifically required to develop the Project to include certain amenities, which shall be maintained in good and working condition throughout the life of the Project, shall be of adequate size to service the intended number of residential units, and shall be incorporated into the final site plan:

a. The Developer/Owner agrees to include a clubhouse with an

exercise/workout room, sauna, business center, and “party room” that may be reserved by residents for events; swimming pool; playground; dog park; car wash; sidewalk around the interior retention pond; and two (2) electric car charging stations;

b. The Developer/Owner agrees to incorporate the use of energy efficient lighting systems, insulation and ENERGY STAR rated windows, low-flow water fixtures, modern heat pumps, and energy-efficient HVAC systems;

c. Developer/Owner shall construct and maintain a six foot (6’) buffer wall along the southern boundary of the Property from the point of the western boundary of Tax Parcel ID 24-36-31-00-506 to the western edge of the Conservation area on the Property, except that a fence may be provided within the natural gas easement area, if necessary to accommodate such easement. A six foot (6’) buffer wall shall also be constructed and maintained along the northern boundary of the Property to the western edge of the driveway entrance. Further, a six foot (6’) opaque fence shall be constructed and maintained along the boundary between the commercial and RU-2-15 zoning on the Property, from the eastern edge of the driveway entrance to the western edge of the Conservation area, provided that Developer/Owner acknowledges and agrees that future development on the commercially-zoned portion of the Property shall require an additional or replacement buffer, in the form of a wall or other vegetative buffer, upon request of the City and provided that applicable environmental permits may be obtained. Developer/Owner shall also construct and maintain a six foot (6’) opaque fence on the western boundary of the Property and along the southern boundary of the Property where the buffer wall is not required. Said walls and fences shall be permitted and constructed in accordance with the City Code. Upon

construction, the walls and fences shall be maintained and kept in good condition. The buffer walls and fences shall be in addition to landscaping requirements otherwise required by the City Code including, but not limited to, along the boundary of the Property.

d. The Developer/Owner shall install full-cutoff, low-light emitting or LED streetlights and outdoor lighting fixtures, subject to approval by Florida Power and Light as applicable.

e. The Developer/Owner shall reserve a minimum of three (3) two-bedroom apartment units for City law enforcement officers to be rented at a fifty percent (50%) discounted rate, to be made available on a first-come, first-serve basis, at the time of initial leasing until there are no other two-bedroom apartments available at the facility. In addition, the Developer/Owner shall provide a lease preference above other tenant applicants to City law enforcement officers and firefighters, along with EMS and local school teachers, on a first-come, first-serve basis as long as it does not violate Federal Fair Housing statutes.

3. Section 24 of the Agreement is hereby amended as follows:

24. Should either party desire to declare the other party in default of any term and condition of this Agreement, the non-defaulting party shall provide the defaulting party a written notice of default. The written notice shall, at a minimum, state with particularity the nature of the default, the manner in which the default can be cured, and a reasonable time period of not less than thirty (30) days in which the default must be cured. No action may be taken in a court of law on the basis that a breach of this Agreement has occurred until such time as the requirements of this paragraph have been satisfied. If Developer/Owner shall fail to cure such default within the Cure Period, then the City may, in its sole discretion and without penalty, exercise any of its rights and remedies provided

by law or in this Agreement including, but not limited to, termination. Upon termination for any reason, the City may initiate a Comprehensive Plan designation amendment and rezoning of the Property to the pre-Zoning Approval designation and zoning district, the advertising and noticing costs of which shall be borne by the Developer/Owner.

4. A new Section 26 is hereby added to the Agreement:

26. The Developer/Owner acknowledges and agrees that the City has adopted Residential Rental Standards in Chapter 6, Article VI of the City Code. The purpose of these Residential Rental Standards is to protect the public health, safety, morals, and welfare of the City by authorizing and establishing procedures for the inspection of residential rental dwelling units in order to determine compliance with all applicable building, housing, health, and property maintenance codes and the provisions of such Article VI; to establish minimum standards to make residential rental units fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators of residential rental units; to preserve the value of land and structures throughout the City; and to fix penalties and provide remedies for violations of such Article VI. The Developer/Owner shall be required to comply with all requirements of such Article VI, including registration requirements, and shall permit, without objection, properly-noticed inspections for the purposes and in the manner provided in Article VI.

5. All other terms and conditions of the Agreement not inconsistent with the provisions herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto attached their hands and seals on the dates set forth below.

Signed, sealed and delivered in the presence of: **CITY OF COCOA, FLORIDA**

Witness 1

Print Name of Witness 1

Witness 2

Print Name of Witness 2

By:
John A. Titkanich, Jr., City Manager

Date:

Attest:
By:
Carie Shealy, MMC

STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2019 by John A. Titkanich, Jr., City Manager of the City of Cocoa, on behalf of the City of Cocoa. He is personally known to me and did not take an oath.

Notary Public

Commission No.: _____

2075 W. KING STREET LAND TRUST

By:
Trustee

Print name: _____

Date:

Signed, sealed and delivered in the presence of:

Witness 1

_____
Print Name of Witness 1

_____
Witness 2

_____
Print Name of Witness 2

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2019 by _____, as trustee of 2075 W. King Street Land Trust. He is ___ personally known to me or ___produced the following identification _____ and did not take an oath.

_____
Notary Public

Commission No.: _____

EXHIBIT A
Legal Description of Property

DESCRIPTION:

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LYING SOUTH OF STATE ROAD 520 A (200 FOOT WIDE RIGHT OF WAY) (SAID PARCEL KNOWN AS TAX PARCEL 265) TOGETHER WITH THE EAST 3/4 OF NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST (SAID PARCEL KNOWN AS TAX PARCEL 500) TOGETHER WITH THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, (SAID PARCEL KNOWN AS TAX PARCEL 751) AFORE DESCRIBED PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, THENCE RUN S 89°13'53" W., ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, A DISTANCE OF 1341.76 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST., SAID CORNER BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED HEREIN; THENCE RUN S 00°05'05"E., ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 1349.83 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST OF SAID SECTION 31; THENCE RUN S 89°31'57" W., ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 1335.46 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31; THENCE RUN S 89°40'03" W., ALONG THE SOUTH LINE OF THE EAST 3/4 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 1997.58 FEET TO THE SOUTHWEST CORNER OF THE EAST 3/4 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE RUN N 00°07'43" E., ALONG THE WEST LINE OF THE EAST 3/4 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 1327.67 FEET TO THE NORTHWEST CORNER OF THE EAST 3/4 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE RUN N 89°13'53" E., ALONG THE NORTH LINE OF THE EAST 3/4 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 662.29 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 31; THENCE RUN N 00°04'44" W., ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 960.96 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 520, A (200 FOOT WIDE RIGHT OF WAY); THENCE RUN S 89°43'50" E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1320.29 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4585, PAGE 1136, OF THE PUBLIC RECORDS OF SAID BREVARD COUNTY, FLORIDA; THENCE RUN S 00°20'11" E., ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 937.00 FEET TO THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED OFFICIAL RECORDS BOOK 4585, PAGE 1136, OF SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN N 89°13'53" E., ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 1341.42 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 131.23 ACRES MORE OR LESS.

EXHIBIT B
Concept Plan



SITE PLAN

CONCEPT - C

NORTH

0 150' 300'

GRAPHIC SCALE
SCALE: 1" = 150'
HALF SIZE: 1" = 300'

PROJECT CONTACTS:

OWNER:	ENGINEER & SURVEYOR:
JUSTON TRIMBACK	MORGAN & ASSOCIATES
TRIMCOR, LLC	CONSULTING ENGINEERS, INC
P.O. BOX 518	504 NORTH HARBOR CITY BLVD.
PHENIX CITY, AL 36868	MELBOURNE, FL 32935
PHONE: (334) 480-4001	PHONE: (321) 751-6088

SITE DATA:

PROPERTY INFORMATION

ADDRESS:	- NOT YET ASSIGNED - COCOA, FLORIDA 32922
	TOWNSHIP 24 SOUTH, RANGE 36 EAST, SECTION 31
PARCEL ID:	24-36-31-00-265
TAX ID:	2423993
ZONING:	RU 2-15 w/ BINDING DEVELOPMENT AGREEMENT
PARCEL AREA:	±130.66 ACRES

BUILDING DATA:

BUILDING #:	BUILDING TYPE	UNIT QTY.
2	2 & 3 BEDROOM UNIT	24
3	2 & 3 BEDROOM UNIT	24
4	2 & 3 BEDROOM UNIT	24
5	2 & 3 BEDROOM UNIT	24
6	2 & 3 BEDROOM UNIT	24
7	2 & 3 BEDROOM UNIT	24
8	2 & 3 BEDROOM UNIT	24
9	2 & 3 BEDROOM UNIT	24
10	1 BEDROOM UNIT	24
11	2 & 3 BEDROOM UNIT	24
12	2 & 3 BEDROOM UNIT	24
13	2 & 3 BEDROOM UNIT	24
14	1 BEDROOM UNIT	24
1	CLUB HOUSE	N/A
15	CAR WASH STRUCTURE	N/A
16	MAINTENANCE BLDG.	N/A
17	MAIL BOX STRUCTURE	N/A
18	GARAGE	N/A
19	GARAGE	N/A
20	GARAGE	N/A
21	GARAGE	N/A
22	GARAGE	N/A
		312 UNITS TOTAL

PARKING DATA:

REQUIRED

1 BEDROOM UNIT 1.5 PARKING SPACES PER DWELLING	
48 UNITS x 1.5 =	72 SPACES REQUIRED
2 BEDROOM UNIT 2 PARKING SPACES PER DWELLING	
264 UNITS x 2 =	528 SPACES REQUIRED
TOTAL PARKING SPACES REQUIRED	598

PROVIDED

STANDARD PARKING SPACES	567
GARAGE PARKING SPACES	40
HANDICAPPED PARKING SPACES	28
TOTAL PARKING SPACES PROVIDED	635

PRELIMINARY

Revision	Date:	Designed:	AK
	08/21/2018	Drawn:	DD
	08/21/2018	Checked:	AK
	09/22/2018		

COCOA GRAND

CONCEPT PLAN - C

MORGAN & Associates
Consulting Engineers, Inc.
Civil Engineers and Land Surveyors - E.B. # 7903 / L.B. #7040
504 North Harbor City Blvd. Melbourne, FL 32935
Phone (321) 751-6088 Fax (321) 751-6089

Project #: 2018-077
Drawing #: CONCEPT
Scale:
Horiz. 1"=150'
Vert. N/A
Sheet #:

C-1

Sheet 1 of 1

Steven J. Morgan P.E. FL. Reg. #50632
Andreas H. Kirbach P.E. Fl. Reg. #49431

Date:

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