**MINUTES**
**City of Cocoa**
**Regular Meeting of The City Council**

**May 28, 2024**

A Regular City Council Meeting was held on Tuesday, May 28, 2024, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

## I. Opening Matters:

Mayor Blake called the meeting to order at 6:02 p.m.

Deputy Mayor Hearn provided the invocation and Councilmember Barringer led the assembly in the Pledge of Allegiance.

The City Clerk took the roll.

| | | |
|---|---|---|
| PRESENT: | Michael C. Blake | Mayor |
| | Lavander Hearn | Deputy Mayor |
| | Matthew Barringer | Councilmember |
| | Alex Goins | Councilmember |
| | Lorraine Koss | Councilmember |
| | Anthony Garganese | City Attorney |
| | Stockton Whitten | City Manager |
| | Monica Arsenault | City Clerk |

ABSENT:

OTHER STAFF MEMBERS PRESENT:

Abby Morgan, Public Works Director; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Charlene Neuterman, Community Services Director; Evander Collier, Police Chief; Jack Walsh, Utilities Director; Tammy Gemmati, Administrative Services Director; Samantha Senger, Communications & Economic Development Director; Robert Beach, Chief Technology Officer; and Lisa Richardson, Help Desk Support Tech.

**II. Approval of Agenda and Minutes:**

**1. Agenda:** Regular Meeting of May 28, 2024. (24-316)

* **MOTION by Mayor Blake; Seconded by Councilmember Koss to amend the agenda for the Regular meeting of May 28, 2024 to move Council Business item VII.3 after Consent and before Public Hearings.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**2. Minutes:** Regular Meeting of February 27, 2024. (24-313).

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins to approve the minutes for the Regular City Council of February 27, 2024 as written.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**III. Awards and Presentations:**

None.

**IV. Delegations:**

Sharlene Dewitz, 825 Forrest Ave., Cocoa and representing Matthew's Hope, thanked Chief Collier and the Police Department for working with Matthew's Hope. She also noted that Matthew's Hope is happy and willing to step up for the City of Cocoa in assisting the homeless and spoke about House Bill 1365. She asked Council what the necessary steps are to make further progress and get ahead in order to be proactive instead of reactive.

Sarah Dewitz, 825 Forrest Ave., Cocoa, representing Matthew's Hope, announced that Matthew's Hope has hired a mental health counselor which has made a large impact in providing support to their guests. Their spiritual outreach has also helped immensely and they have been able to continue to hold bible studies. Several of their guests have also been baptized.

Their outreach programs are making a considerable difference in the community as well.

**V. Consent Agenda:**

**(A) General Consent Items:**

1. Approve a Resolution Amending the FY24 Budget, BAF# 24-086-A, for the acceptance of a donation of a Cool Guard System in the amount of $2,726. (24-248). (Police Chief)

2. Acceptance of the Florida Department of Environmental Protection Vulnerability Assessment Planning Grant in the amount of $75,000; Authorize the City Manager to sign the agreement to be sent to FDEP for execution; Approve a Budget Resolution and BAF amending the FY2024 Budget in the amount of $75,000 for the grant agreement. (24-251). (Community Services Director)

3. Approve a Grant Application of $1,200,000 for an ODLCC Installation Resiliency Grant for the design of the Pineda Causeway Phase 2 Water Main Design; Authorize the City Manager to sign any documents related to the grant application. (24-299). (Utilities Director)

**(B) Multi-Year Contracts:**

4. To Approve the Purchase with Hydra Service, Inc., Debary, Florida for the Systematic Replacement of Lift Station Pumps, Project No. WS1141, Utilizing the Orange County Contract No. Y21-170-MV effective August 1, 2021 through July 31, 2024; and To Authorize a Budgeted Expenditure for these Services not to Exceed $202,265. (24-257). (Utilities Director)

* **MOTION by Councilmember Goins; Seconded by Councilmember Barringer to approve the Consent agenda.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

5. Council approval to apply for a Railroad Crossing Elimination (RCE) grant from the Federal Railroad Administration in conjunction with the Space Coast Transportation Planning Office (SCTPO) in the amount of $705,000 for Safety Improvements to the Crossing at W. Highland Drive. Approve the Resolution. Authorize the City Manager to Execute the Grant Application. (24-297). (Public Works Director) **Originally Council Business Item VII.3**

Daniel Torre, Kittleson & Associates, provided Council with a presentation[1] on behalf of Space Coast TPO regarding the RCE grant. Ultimately, the four-quadrant gate system was recommended as the best option for West Highlands Drive. He also shared the results of the study that was done regarding the number of accidents that have occurred at the different railroad crossing sites in Cocoa.

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake for approval of a Railroad Crossing Elimination (RCE) grant from the Federal Railroad Administration in conjunction with the Space Coast Transportation Planning Office (SCTPO) in the amount of $705,000 for the recommended 4-quadrant gate system at W. Highland Drive; Approve the Resolution; and Authorize the City Manager to Execute the Grant Application for discussion.**

Councilmember Barringer asked about quiet zones. In response, City Manager Whitten explained that he feels it is best not to have them for a period of time for safety purposes. This will allow people the time to get used to having the train coming through.

The 4-quadrant gate system was discussed in furtherance in other areas of the city.

* **CONSENSUS given by Council to direct the City Manager to craft a letter to the County requesting that the crossings at Michigan Avenue and Dixon Boulevard receive a 4-quadrant gate system as well.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

## VI. Public Hearings:

1. Request to Postpone Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of eleven parcels totaling 1.39 acres, with the address 301 S. Cocoa Blvd., from C-P, Commercial Parkway, to C-N, Neighborhood Commercial to the July 9, 2024 City Council Meeting. (24-311). (City Manager)

Mayor Blake opened the Hearing to the public.

There being no questions or comments, the public portion of the Hearing was closed.

[1] Exhibit A: Railroad Crossing Safety Cocoa City Council Meeting Presentation

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to postpone the item to the July 9, 2024 City Council meeting at 6pm at Cocoa City Hall.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

2. Conduct the Final public hearing on the proposed FY2024/2025 Action Plan; approve the Action Plan and Citizen Participation Plan for submission to HUD; and authorize the Mayor to sign all subsequent certifications and agreements. (24-298). (Community Services Director)

Ms. Neuterman explained that the City of Cocoa anticipates receiving $128,609 in Community Development Block Grant (CDBG) funds and $76,044 in HOME grant funds for Fiscal Year 2024/2025 from the U.S. Department of Housing and Urban Development (HUD).

On May 24, 2024, the City received notification of updated HOME allocations totaling $64,924.02, a decrease of $11,119.98.

The overall purpose of the CDBG Program is the development of viable urban communities by providing quality housing, a suitable living environment and expanding economic opportunities principally for persons of low- and moderate income. Eligible activities include public services, public facilities and improvements, housing, code enforcement, clearance and demolition, economic development, acquisition, and disposition. At least 70% of all CDBG funds must be expended on program activities benefiting low- and moderate-income persons. HOME Program funds can only be used for housing activities benefiting low- and moderate-income persons.

Based on priorities and goals identified in the FY 2022/2027 Consolidated Plan, the City of Cocoa developed a one-year Action Plan, which identifies community development projects that shall be undertaken between October 1, 2024 and September 30, 2025. The City's Citizen Participation Plan was updated in 2024 to reflect improvements to communications and notifications to the community.

Ms. Neuterman provided the proposed final statement of CDBG projects for FY24/25. She added that staff is requesting Council approve the proposed FY2024/2025 Action Plan; approve the plan for submission to HUD; and authorize the Mayor to sign all subsequent certifications and agreements.

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake to approve the proposed FY2024/2025 Action Plan; approve the plan for submission to HUD;**

**and authorize the Mayor to sign all subsequent certifications and agreements.**

Mayor Blake opened the Hearing to the public. There being no questions or comments, the public portion of the Hearing was closed.

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

3. Approval of a Final Plat consistent with Chapter 18 Subdivisions of the City Code for the Lakes at Cocoa Grove and approval of an Improvements Agreement to waive the requirement for filing a performance bond to secure the construction cost estimate of unfinished public improvements associated with the subdivision. (24-310). (Planner)

Eric Raasch, Inspire Placemaking Collective, provided Council with a presentation[2] to walk Council through the Final Plat of the Lakes at Cocoa Grove. He talked about the existing conditions of the subject property and provided the history of the project.

He shared staff's findings and addressed two outstanding issues that had been brought forward. The Comprehensive Plan policy 12.1.6.15.E requires a 25' upland buffer around the perimeter of the wetlands. The applicant is proposing a 20' upland buffer and a 5' wetland buffer preservation easement in lieu of the 25' upland buffer (54 lots).

Additionally, the second issue he wanted to address is that Section 18-31 of the City Code requires a performance or surety bond in the amount of 110% of the construction cost estimation of any unfinished portion of the required public improvements for the subdivision.

As proposed, the construction of the required public improvements for the subdivision will be accomplished through the Lakes at Cocoa Grove Community Development District (CDD).

The CDD will be required to publicly advertise and solicit bids for the construction of the City improvements and will require its construction contractor following award of the contract to post a payment and performance bond.

[2] Exhibit B: Lakes at Cocoa Grove Presentation

Since the CDD will require its contractor to post a payment or performance bond at the time the contract is awarded, the CDD has requested that the City waive its performance bond requirements under Sec. 18-31.

Lastly, he stated that staff recommends the City Council approve the Final Plat for the Lakes at Cocoa Grove, subject to the conditions set forth below and approve the execution of the proposed Improvements Agreement in lieu of requiring a performance bond for the public subdivision improvements. The Condition is as follows:

1. The final plat shall not be recorded until the Improvements Agreement is executed by the Lakes at Cocoa Grove Community Development District and the Developer, Mountain Cove Homes.

Mayor Blake opened the Hearing to the public.

Kendall Moore, 895 Barton Blvd., Rockledge, FL, representing Mountain Cove Homes, thanked staff for their diligence. He spoke in regard to the outstanding issues and noted that he believes they have provided a reasonable resolution to the problems and pointed out that ultimately the decision is left to Council. He asked Council to approve the Final Plat this evening.

Jose Gonzalez, Senior Vice President, Florida East Coast Industries and representing Brightline Trains, 350 NW 1st Ave., # 200, Miami, FL, spoke in further detail about the two outstanding issues and shared that everyone has to get creative. He thanked staff and pointed out that it has been a long journey to get here.

Councilmember Barringer reiterated his support for this project and stated that he feels satisfied that all necessary requirements have been met.

There being no further questions or comments, the public portion of the Hearing was closed.

* **MOTION by Councilmember Barringer; Seconded by Mayor Blake to approve the Final Plat for the Lakes at Cocoa Grove, subject to the condition set forth below and approve the execution of the proposed Improvements Agreement in lieu of requiring a performance bond for the public subdivision improvements:**

**1. The final plat shall not be recorded until the Improvements Agreement is executed by the Lakes at Cocoa Grove Community Development District and the Developer, Mountain Cove Homes.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

## VII. Council Business:

1. Provide direction whether to proceed with the Kimley-Horn Golf Cart Study Task Order as well as funding source(s). (24-230). (Public Works Director)

Ms. Morgan explained that on February 13, 2024, Council tabled this request for small changes to the task order to clarify focus areas in each Council District.

Staff reached out to nearby coastal municipalities, Cape Canaveral being one. Upon review of the Kimley-Horn Proposal for Professional Services for City of Cape Canaveral Golf Cart Study, staff felt it captured Council's objectives. The city has a current Continuing Services Agreement (CSA) with Kimley-Horn so staff reached out to them and requested a similar outlined Task Order. The overall objective of the Cocoa Golf Cart Study (the "Project") is to evaluate the roadways within the City of Cocoa to determine the feasibility of and limits of the paved roadways that are suitable for golf cart use.

As this is a citywide study, it will include a focus on the city-maintained roadways within each City Council District. The study will make a reasonable effort to summarize relevant findings within each District, in addition to the citywide assessment.

The study will also evaluate the suitability for golf cart crossing at three intersections with state roads, to be determined in conjunction with the City.

The cost for this effort is $34,900. Staff is requesting direction whether to proceed with the Kimley-Horn Golf Cart Study Task Order as well as funding source(s).

Mayor Blake asked Mr. Aleck Greenwood if there are businesses he may be aware of that might be interested in contributing to the funding of this effort. In response, Mr. Greenwood stated that he did know of some interested business owners and would reach out to them.

* **Consensus by Council to bring this item back at a later date.**

2. Approve the current lien for the property located at 1059 Cypress Ln to $2,622.08, as recommended by the Code Enforcement Board. On August 15, 2019 the property owner was found to be in violation of: Weeds, Sec. 6-1003 (d); For the accumulation of tall weeds, grass and/or overgrowth exceeding 12" in height, Protective Treatment, Sec. 6-1003 (d); For the disrepair of protective treatment (paint) to the exterior walls, fascia and exterior surface areas and Storing

Outdoors, Sec. 6-900 (b) (11); For accumulation of outdoor storage items such as boxes, tires, gas cans, clothing, etc. The fine period was from September 16, 2019 to April 27, 2023 (4 Yrs.) and the lien ran at $75.00 per day leaving a total fine balance of: $98,840.00. (24-235). (Police Chief)

Mr. Gonzalez explained the history of the case and the violations, sharing that the fine period was from September 16, 2019 to April 27, 2023 (4 Yrs.) and the lien ran at $75.00 per day leaving a total fine balance of: $98,840.00.

The current owner, Kim Andersen, is requesting that the lien be reduced to Cost of Staff.

Additionally, the current property owner purchased the property on March 8, 2023 and was not the violator or property owner when this case was started. Once the current owner purchased the property, he contacted the Code Enforcement (CE) office requesting an inspection and status.

Mr. Andersen received corrective actions, began correcting deficiencies noted by staff and later submitted his lien reduction application on March 1, 2024 at which point a lien reduction inspection was completed and compliance was confirmed. Mr. Andersen was compliant, cooperative and maintained communication throughout his lien reduction process. Per conversations Mr. Gonzalez had with Mr. Andersen, future plans for the property included personal usage while travelling for work.

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn to approve staff's recommendation to reduce the lien to $2,622.08 for discussion.**

Mr. Anderson, the property owner, shared that he is a truck driver and travels a lot for work. He was not the property owner when the violations occurred but cleaned up the property when he found out about the liens.

Councilmember Barringer talked about due diligence and putting together a policy in the future to address situations such as quit claim deeds.

Further discussion was held on pre-compliance situations, case-by-case considerations and setting conditions under the appropriate circumstances.

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

* **CONSENSUS by Council to direct staff to look into ways to improve policy and bring back further information to Council.**

~~3. Council approval to apply for a Railroad Crossing Elimination (RCE) grant from the Federal Railroad Administration in conjunction with the Space Coast Transportation Planning Office (SCTPO) in the amount of $705,000 for Safety Improvements to the Crossing at W. Highland Drive. Approve the Resolution. Authorize the City Manager to Execute the Grant Application. (24-297). (Public Works Director)~~

~~* **MOTION by ___; Seconded by ___ to approve the item.**~~

~~**THE VOTE ON THE MOTION WAS:**~~

~~**AYES: Blake, Hearn, Barringer, Goins, Koss**~~

~~**THE MOTION CARRIED UNANIMOUSLY (5-0)**~~

**Moved after the Consent Agenda and prior to Public Hearings.**

**VIII. City Business:**

**IX. Informational Agenda:**

1. City of Cocoa's Open Board Vacancies. (24-309). (Administrative Services Director/City Clerk)

2. Bi-weekly Report from May 10 - May 23, 2024. (24-314). (City Manager)

3. Planning & Zoning Project Updates Report. (24-315). (City Manager)

**X. Reports:**

Dr. Donna G. Ivery, OBGYN from Titusville, is promoting menopause and shared they recently had a speaking event at the Cocoa Public Library. She mentioned that another event will be held in Cocoa on June 30th.

She stated that menopause is an important conversation that needs to be held. It is a conversation that should be held between mothers and daughters and husbands and wives. Employers can also offer assistance. She shared that she has written a book and handed out information on how to get more information on menopause.

City Manager Whitten shared that June 4, 2024 will be the only Council meeting in June. Staff will be bringing forward some budgetary items for Council's consideration.

Additionally, on June 17th at the Dr. Joe Lee Smith Center there will be a Visioning meeting regarding the four corners at SR520 and US1. Staff will be sending out

mailers to the property owners in that area as well as in the Diamond Square CRA to notify them of the meeting.

Councilmember Goins shared a photo of a mattress and some debris on the side of the road and he thanked Public Works for immediately going out and picking it up.

He also shared photos from recent events he attended such as the Emma Jewel Charter Academy graduation, a recent FDOT meeting and the Memorial Day event held at Riverfront Park.

Additionally, he shared application information for the Cocoa PAL Youth Employment Training Program with the deadline to submit an application by Wednesday, May 29th.

Councilmember Barringer shared photos of help wanted signs on Cox Road where employers are looking for employees for anyone interested.

He talked about a walk he took at the Cocoa Conservation area and encouraged residents to take a walk there as well, however he warned everyone to be cautious of the wildlife.

Councilmember Barringer shared a photo of the last phase of development for Adamson Creek.

Additionally, he spoke about Florida Amendment 3, the Marijuana Legalization Initiative and wished to put it on Council's radar as it will be coming forward soon.

Lastly, he talked about Memorial Day and its importance.

Councilmember Koss talked about the Space Coast TPO and Vision Zero and asked Council for their consideration to serve as their Alternate member as she attends the meetings anyway.

Councilmember Goins shared that he has no issue relinquishing his duty as their Alternate member as he works full time and is unable to attend a lot of their meetings.

* **MOTION by Councilmember Barringer; Seconded by Deputy Mayor Hearn, to allow Councilmember Koss to replace Councilmember Goins as the Alternate member for the Space Coast TPO.**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

Mayor Blake shared several photos from events he recently attended, including Cocoa High School's Graduation and the Brevard Adult and Community Education's Graduation.

**XI. Adjournment:**

* **MOTION by Councilmember Goins; Seconded by Councilmember Barringer, to adjourn the Regular meeting of May 28, 2024.**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**The meeting adjourned at 8:11 p.m.**

Michael C. Blake

**Michael C. Blake, Mayor**

**ATTEST:**

City Seal Cocoa Florida

**Monica Arsenault, City Clerk**

Exhibit A

DATE 5/28/2024




# BREVARD RAIL CROSSINGS RCE GRANT

COCOA CITY COUNCIL MEETING

SPACE COAST TPO

KITTELSON & ASSOCIATES

# Agenda

- Project Background/Overview
- Recommended Railroad Crossing Safety Enhancements
- Next Steps

# Project Background

SCTPO and Partner Agencies are reviewing railroad crossing locations for safety enhancements

*Study Objectives*

- Evaluate potential safety enhancements based on existing conditions, safety effectiveness, and costs
- Recommend safety enhancements at crossing locations
- Prepare FRA Railroad Crossing Elimination (RCE) Grant Application for recommended safety enhancements



# Project Schedule



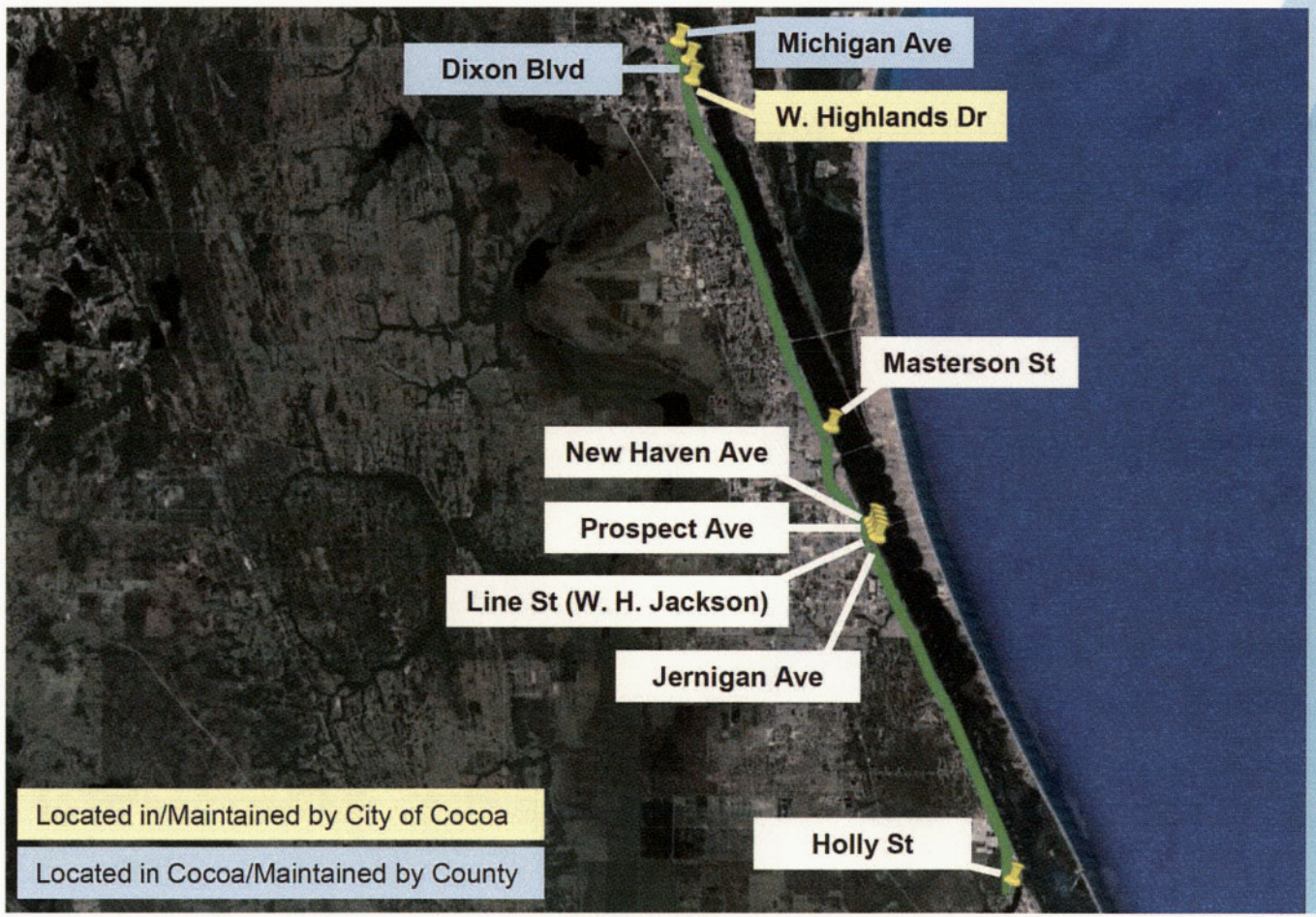
# Enhancement Types Considered

- FRA rates effectiveness of safety enhancements in reducing crashes vs a 2-Quadrant Gate System
- Four-Quadrant Gate Systems
  - With Medians at Crossings
    - 92% Effective at Reducing Crashes
  - Standalone Gates
    - 82% Effective at Reducing Crashes
- Traffic Channelization Devices
  - Non-Traversable Curb (Medians)
    - 80% Effective at Reducing Crashes
  - Flexible Delineators
    - 75% Effective at Reducing Crashes





# Railroad Crossings South of SR 528

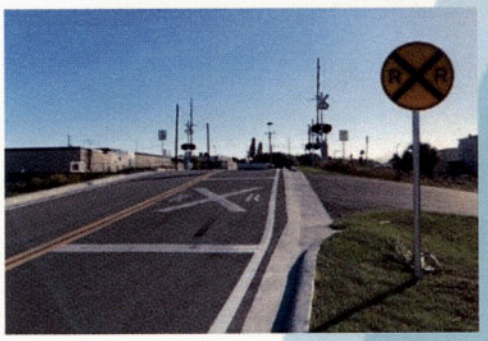


# West Highlands Drive

*Located in and maintained by City of Cocoa*

- No Crashes with Railroad (2018-2023)
- Safety Enhancements Considered
  - Update to 4 Quadrant Gates with median on west side
    - 92% Effective at Reducing Crashes
    - $810,000 Total Construction Cost
  - Update to 4 Quadrant Gates
    - 82% Effective at Reducing Crashes
    - $705,000 Total Construction Cost





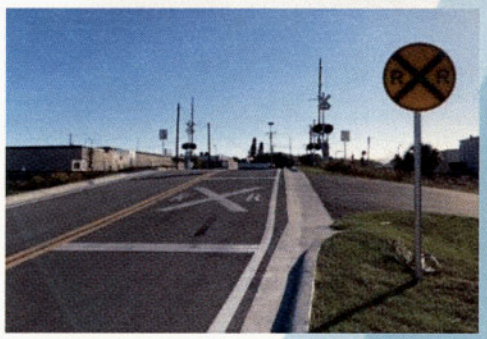


# West Highlands Drive

*Located in and maintained by City of Cocoa*

- Safety Enhancements Considered
  - 3 Quadrant Gates (NW added) with median on east side
    - 80% Effective at Reducing Crashes
    - $710,000 Total Construction Cost
  - 3 Quadrant Gates (NW added) with flexible delineators on east side
    - 75% Effective at Reducing Crashes
    - $650,000 Total Construction Cost







# Recommended Safety Enhancement

- West Highlands Drive: 4-Quadrant Gate System
  - $705,000 Total Estimated Construction Costs
  - $10,000/Year Estimated Annual Maintenance
  - ***$141,000 Grant Local Match Requirement (20%)***

# Remaining Grant Crossings

- Grant Crossings in Cocoa maintained by Brevard County
  - Michigan Avenue
  - Dixon Boulevard

- Brevard Board of County Commissioners Meeting held on 5/21
  - Approved including Michigan Avenue and Dixon Boulevard crossings in RCE Grant application

# Michigan Avenue

*Located in Cocoa*
*Maintained by Brevard County*

- No Crashes with Railroad (2018-2023)
- Safety Enhancements Under Consideration
  - Update to 4 Quadrant Gates with median on west side
  - Update to 4 Quadrant Gates
  - 3 Quadrant Gates (SE added) with median on west side








# Dixon Boulevard

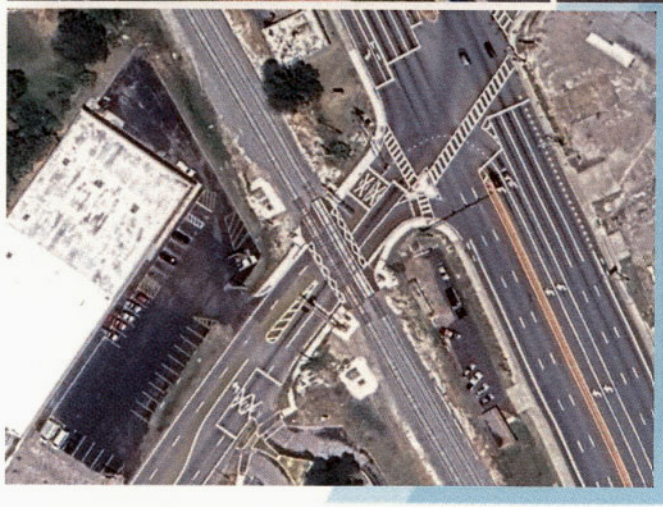
*Located in Cocoa*
*Maintained by Brevard County*

- 1 Pedestrian Fatal Crash in 2020
- Recommended Safety Enhancement
  - Update to 4 Quadrant Gates











# Next Steps

- FRA Railroad Crossing Elimination Grant Application
  - Notice of Funding Opportunity Release
    - Anticipated May 2024
  - Completion of Grant Application Materials
    - June-July 2024
  - Submittal of RCE Grant Application
    - July 2024



# Questions/Contact Information

## SCTPO Project Manager

Laura Carter
2725 Judge Fran Jamieson Way
Building B
Melbourne, FL 32940
Phone: 321-350-9260
Laura.carter@sctpo.com

## Kittelson Project Manager

Daniel Torre, PE
225 East Robinson Street
Suite 355
Orlando, FL 32801
Phone: 407-373-1121
dtorre@kittelson.com

Exhibit B

Inspire
PLACEMAKING COLLECTIVE

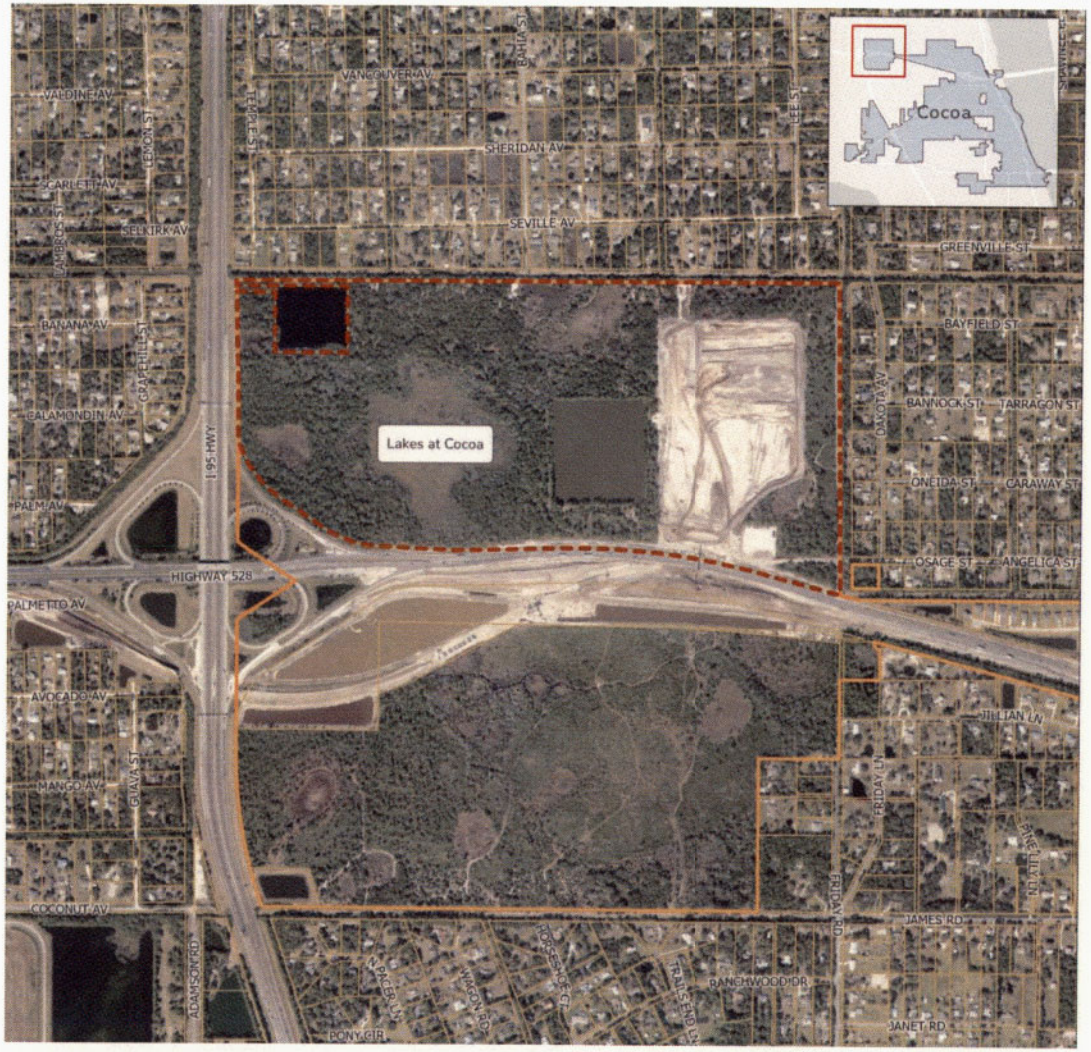
**Lakes at Cocoa Grove – Final Plat and Improvements Agreement**

City of Cocoa City Council Meeting

May 28, 2024

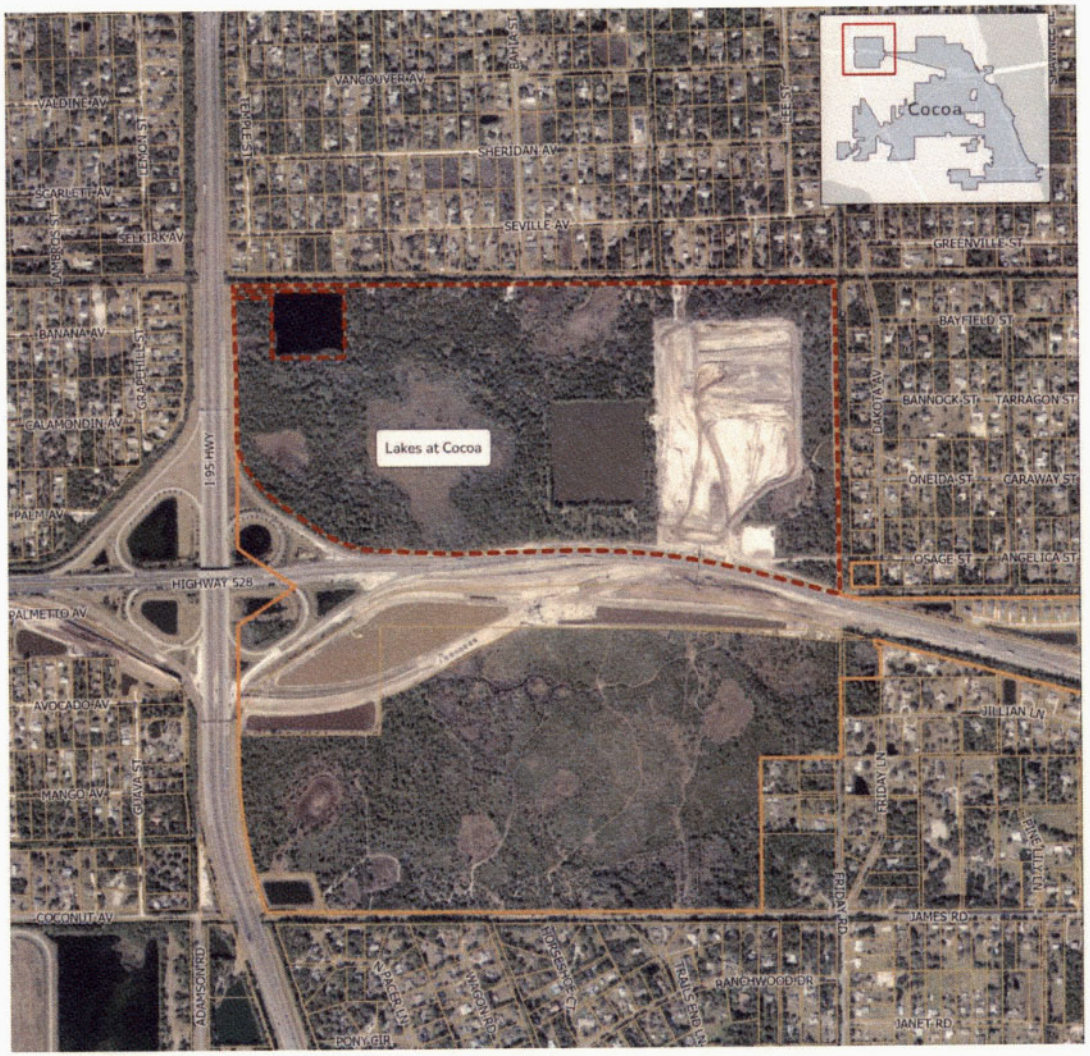
# Agenda

- Location
- Existing Conditions
- Request
- History
- Findings
- Outstanding Issues
- Recommendation



# Location

- North of State Road 528 Beachline Expressway
- East of Interstate 95
- 246.4 acres



# Existing Conditions

- FLUM: Very Low Density Residential / Conservation Overlay
- Allows consideration of up to 4 DU / acre



# Existing Conditions

- Zoning: RU-1-7 (Single-Family Residential District)



# Existing Conditions

| Overview of Surrounding Area: | | | |
|---|---|---|---|
| | Future Land Use Designations | Zoning Districts | Land Uses |
| North | RES 1:2.5 (Brevard County) | AU-Agricultural Residential (Brevard County) | Single-Family Residential |
| South | Very Low Density Residential / Conservation (City) | PUD-Windward Preserve Planned Unit Development (City) | State Road 528/ Vacant Land (south of SR 528) |
| East | RES 1:2.5 (Brevard County) | GU-General Use (Brevard County) | Single-Family Residential |
| West | RES 1:2.5 (Brevard County) | AU-Agricultural Residential (Brevard County) | Interstate 95 / Single-Family Residential (West of I-95) |

**Future Land Use Map**

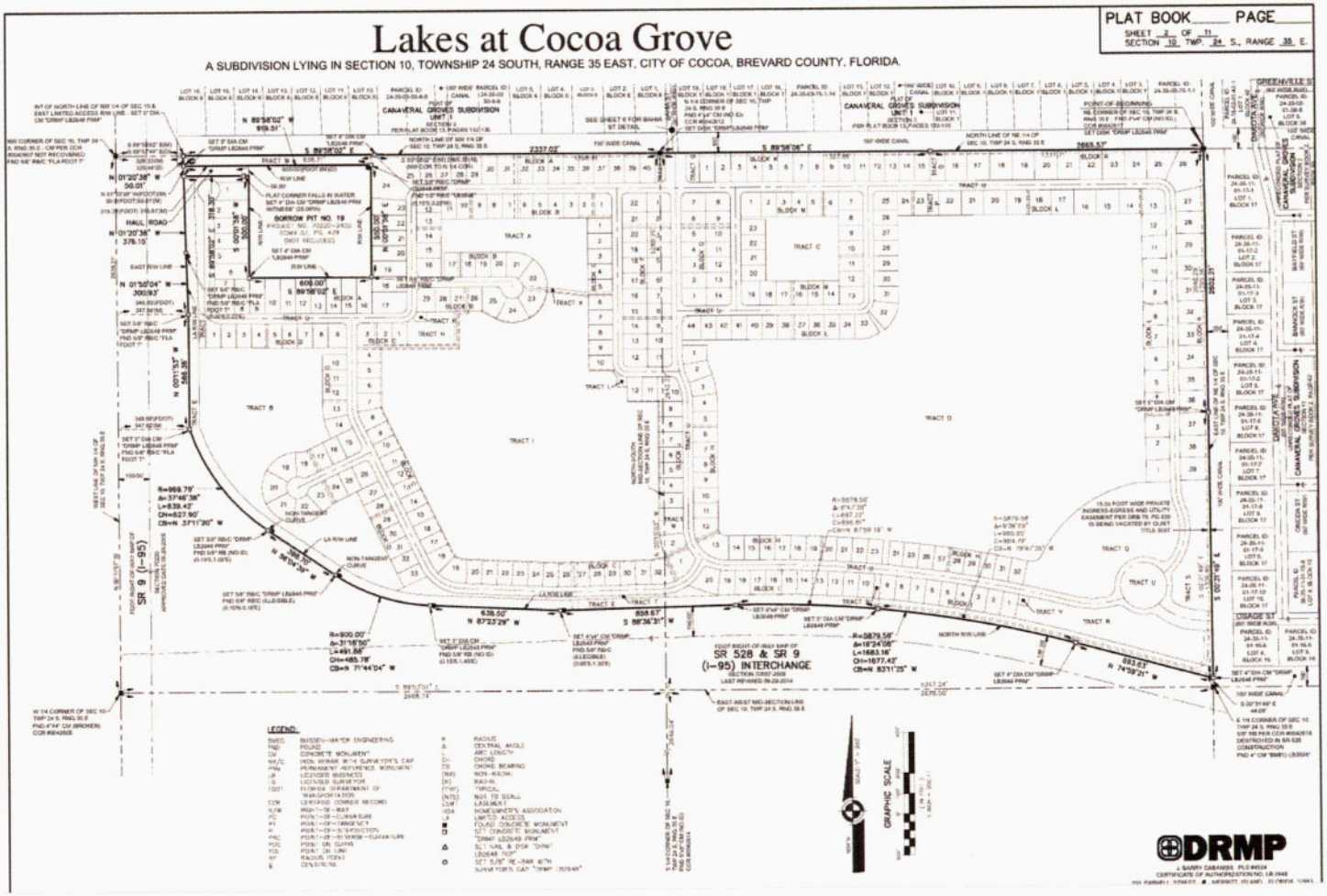



**Zoning Map**



# Request

- Final Plat for 350 dwelling units
- Improvements Agreement



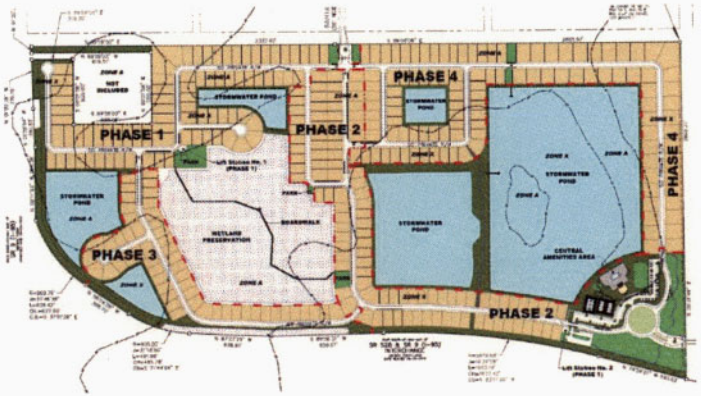
# History

- **2004** - Project originally annexed into the City of Cocoa, Ordinance 31-2004
- **2004** - Brevard County filed a Writ of Certiorari to challenge the annexation
- **2008** - The County and City entered into a Stipulated Settlement Agreement which contained provisions related to density, buffering, access
- **2019** - The City and Virgin Trains USA Florida, LLC entered into a Settlement Implementation Agreement to further outline the responsibilities of the City and the developer as it relates to the development of the property
- **2021** - Brightline Trains Florida LLC (f.k.a. Virgin Trains USA Florida, LLC) conveyed the property to the current owner, Mountain Cove Homes at Lakes at Cocoa Grove LLC
- **2023** - The City approved an amendment to the Settlement Implementation Agreement which allowed for 350 dwelling units
- **2024** – Preliminary Plat / Large-Scale Site Plan approved

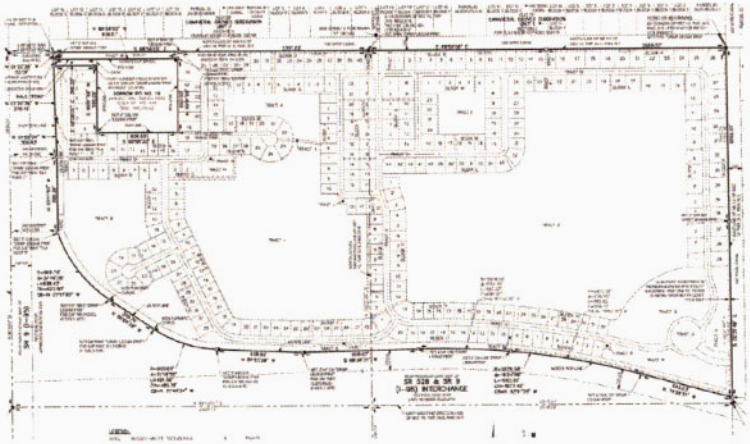
# Findings

- Layout is consistent with the layout previously approved by the City in the 2023 Amended Settlement Implementation Agreement and the approved Preliminary Plat
- Unit count (350) is less than approved in the 2008 Stipulated Settlement Agreement (500) and is consistent with the 2023 Settlement Implementation Agreement (350)

**2024 Approved Preliminary Plat / Site Plan:**

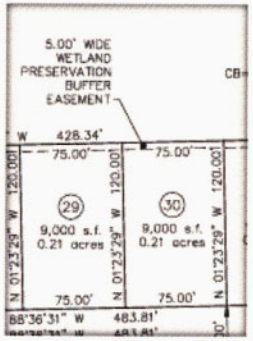


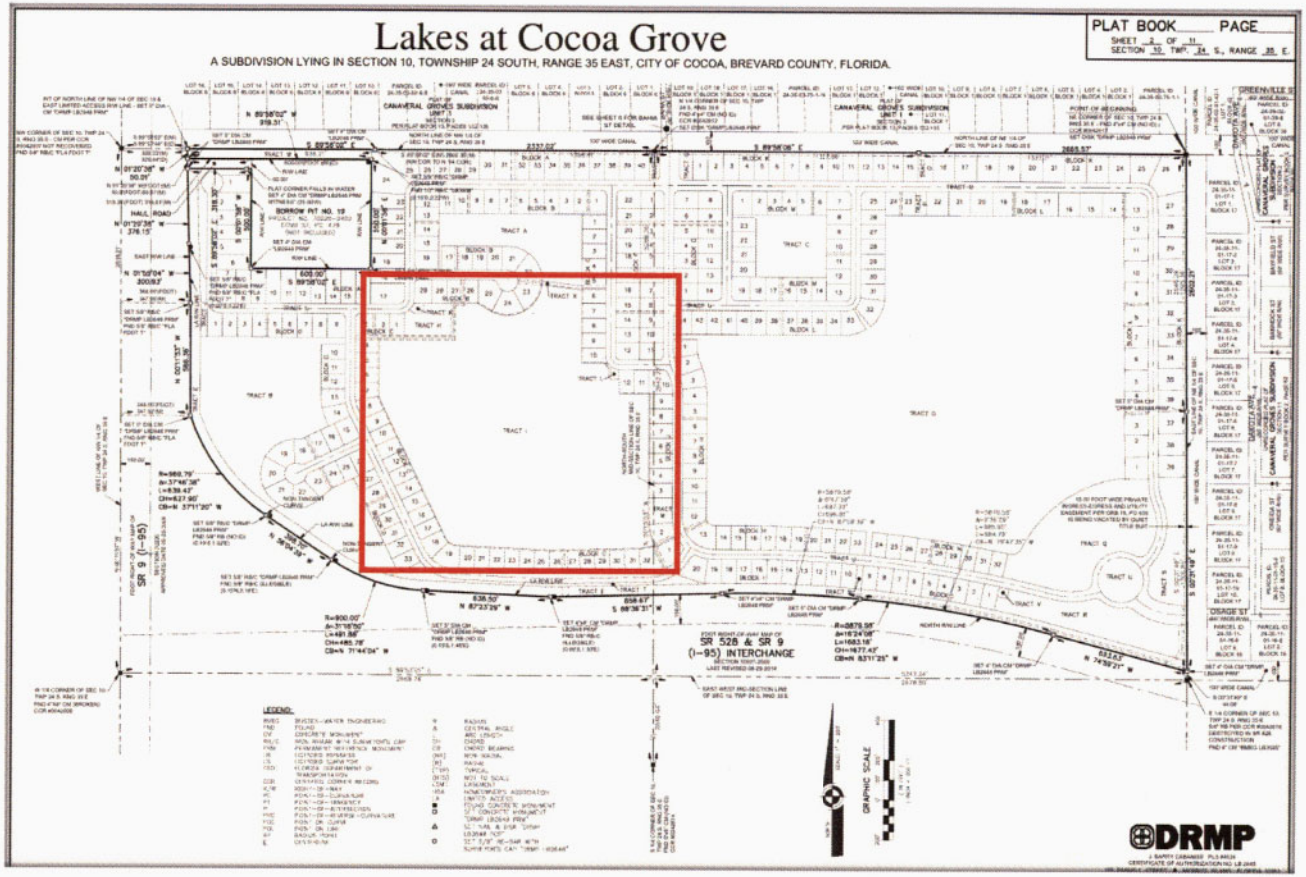

**Proposed Final Plat:**



# Outstanding Issue #1

- Comprehensive Plan policy 12.1.6.15.E requires a 25' upland buffer around the perimeter of the wetlands.
- Applicant is proposing a 20' upland buffer and a 5' wetland buffer preservation easement in lieu of the 25' upland buffer (54 lots)



# Outstanding Issue #2

- Section 18-31 of the City Code requires a performance or surety bond in the amount of 110% of the construction cost estimation of any unfinished portion of the required public improvements for the subdivision.
- As proposed, the construction of the required public improvements for the subdivision will be accomplished through the Lakes at Cocoa Grove Community Development District (CDD).
- The CDD will be required to publicly advertise and solicit bids for the construction of the City improvements and will require its construction contractor following award of the contract to post a payment and performance bond.
- Since the CDD will require its contractor to post a payment or performance bond at the time the contract is awarded, the CDD has requested that the City waive its performance bond requirements under Sec. 18-31.

# Outstanding Issue #2

- The proposed Improvements Agreement requires the construction contractor to name the City as a dual obligee on the payment and performance bond under a special Rider at the time of contract award.
- Contractor and surety will be obligated to construct City improvements in the event of a default by the CDD or Developer.
- The Improvements Agreement provides that should the Developer or District fail to tender to the City a surety bond with the executed Dual Obligee Rider by December 1, 2024, the Developer or the District shall be required to submit a performance bond to the City to secure the completion of the City improvements under Sec. 18-31.

# Recommendation

Staff recommends the City Council **approve** the Final Plat for the Lakes at Cocoa Grove, subject to the conditions set forth below and **approve** the execution of the proposed Improvements Agreement in lieu of requiring a performance bond for the public subdivision improvements.

1. The final plat shall not be recorded until the Improvements Agreement is executed by the Lakes at Cocoa Grove Community Development District and the Developer, Mountain Cove Homes.