Meeting Agenda
Thursday, April 18, 2024

7:00 PM

REGULAR

Cocoa Beach Country Club - 5000 Tom Warriner Boulevard, Cocoa Beach, 32931

WELCOME

Meeting re-broadcasts on: Spectrum - Channel 499 and www.cityofcocoabeach.com.
Meeting Video Archives: www.cityofcocoabeach.com

Packets: Packets are on the City's website (www.cityofcocoabeach.com) and at Commission meetings

Rules of Order: Robert's Rules of Order and the Florida Sunshine Law govern the conduct of our meeting

Speaking Courtesy Rules:

- The Commission accepts relevant comments.
- A time limit of three minutes is imposed on each speaker. If speaking for a group, the Commission may grant an additional three minutes
- Please direct comments and questions through the Mayor
- Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk prior to the introduction of the item. Speaker Cards are available in the rear of the Commission Room and in the City Clerk's office prior to the meeting. The purpose of the card is to obtain the spelling of your name, contact information if follow-up is needed, and provide for efficient meeting administration
- Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone

Approval Of Order Of Business:
Note: Members of the public, Commission and Staff may remove items from the Consent Agendas, if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting

Appealing a Decision:
Any person desiring to appeal any decision made by the City Commission, with respect

to any matter considered at such meeting or hearing, will need a record of the proceedings and for such purposes must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense as the City does not provide one

American with Disabilities Act:
ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TDD); or (800) 955-8770 (Voice) or 711.

THANK YOU for participating in your Cocoa Beach City Government.

A. MEETING CALLED TO ORDER

1. Pledge of Allegiance

2. Invocation by Deacon Joe Pecko, Our Saviour Catholic Church.

3. Roll Call

B. APPROVAL OF THE AGENDA
(Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting.)

C. SPECIAL PRESENTATIONS

1. Swear-in Ceremony of Officers Noah Barnes, Jessica Clanton, and Natalie Romero
Staff Representative: Wes Mullins, Interim Police Chief

2. Presentation of the Final Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2023.
CRI Representative: Yvonne Clayborne
Staff Representative: Patrisha Draycott, CGFO, Chief Financial Officer/ Assistant City Manager

D. PUBLIC COMMENTS
Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the “Public Comment” section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

E. STAFF REPORTS AND ANNOUNCEMENTS

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

1. Consider recognizing Cameron Turk's Boat Racing Championship by adding his name to the City entrance sign.
   Representative: Mayor Keith Capizzi

H. CONSENT AGENDA

1. Approve the following Meeting Minutes: March 21, 2023 and April 4, 2023
   Representative: City Clerk
   Recommendation: Approve

2. Approve the termination of the agreement of the Joinder to the Second Amended and Restated Interlocal Agreement relating to the Creation of the Florida Resiliency and Energy District. (FRED)
   Representative: Wayne Carragino, City Manager
   Recommendation: Approve

3. Confirm the following meetings:
   June 18, 2024 - 6:00 PM FY 25 Budget Workshop
   July 18, 2024 - 7:00 PM Set the Tentative Millage Rate - Regular Meeting
   Representative: Patrisha Draycott, CFO/ Assistant City Manager
   Recommendation: Confirm

I. ITEMS REMOVED FROM THE CONSENT AGENDA

J. NEW BUSINESS

1. Consider a request for a Density Variance for property at 505 North Orlando Ave. Pursuant to Section 4-41 (A)(3) of the Land Development Code, the applicant is requesting a variance to allow a density of thirty (30) transient lodging units per acre on the subject property. **The requested variance requires a concurring vote of four (4) members of the City Commission.**
   Applicant: Francesca DiPasquale
   Representative: Randy Stevenson, Development Services Director
   Recommendation: Approve

2. Review and Consider the STINA project conceptual site plan pursuant to Section 4-02 (C) of the Land Development Code. The site plan requires review and final action by the City Commission since the plan contains structures of thirty thousand (30,000) square feet or greater.
   Representative: Randy Stevenson, Development Services Director
   Recommendation: Approve

K. GENERAL PUBLIC COMMENT
(Only if not accommodated in the 30-minute Public Comment period earlier)

L. ADJOURNMENT

Dear City Commissioners,

I am writing to wholeheartedly recommend my son, Cameron Turk, for a position on the championship board for boat racing. Over the last year, I have witnessed his unwavering passion, dedication, and exceptional skills in the realm of boat racing. I believe he falls under the team or individual category.

Cameron has demonstrated a remarkable commitment to the sport, consistently striving for excellence in both skill and sportsmanship. His achievements, include being the youngest racer to ever win National Champ, World Champ and now Hall Of Champions. This just shows his capability to contribute positively to the championship board.

Moreover, Cameron possesses strong leadership qualities and a keen understanding of the strategic aspects of boat racing. His ability to work collaboratively with teammates, coupled with his determination to continuously improve, makes him an ideal candidate for a position that requires effective teamwork and decision-making. He also won the conch award this year for his sportsmanship in helping other teams out.

I firmly believe that Cameron would not only excel in his role on the championship board but also bring a fresh perspective and innovative ideas to enhance the overall experience for participants and spectators alike. His passion for boat racing is contagious.

Thank you for considering Cameron for this opportunity. I am more than willing to provide any additional information. You are more than welcome to follow him on his racing journey through Facebook or Instagram. TFR offshore racing.

A little background on Cameron. He was born and raised in Cocoa Beach and he is currently attending Cocoa Beach Jr/Sr High School. He is a junior at this time. All his teachers and school staff support his racing and follow him on social media.

Sincerely,

KeriAnn Turk
A proud mom!
January 2, 2024

For Staff Use Only:
__SPECIAL APPEARANCE

__SPECIAL PRESENTATION

COCOA BEACH CITY COMMISSION

AGENDA ITEM REQUEST FORM

Please mail completed form to:

City Manager's Office
City of Cocoa Beach
P.O. Box 322430
Cocoa Beach, Florida 32932-22430

DATE: 3/28/24

NAME: Keith Capizzi

PHONE: ____________

E-MAIL ADDRESS: Keith.Capizzi@cityofcocoabeach.com

ADDRESS: ____________

BUSINESS ADDRESS: 1600 Minuteman Cswy. Cocoa Beach, FL 32931

BUSINESS PHONE: 321-868-3201

PLEASE COMPLETE THE FOLLOWING:

ITEMS(S) TO BE CONSIDERED: Add Cameron Turk's name to the Championship board on 520.

PERTINENT FACTS CONCERNING ITEMS(S): Cocoa Beach Jr/Sr High student. Youngest racer to ever win a National Championship, World Championship and in Hall of Champions. Conch award winner for sportsmanship in helping other teams.

(PLEASE ATTACH APPLICABLE DOCUMENTS)

DESIRED ACTION BY COMMISSION: (USE REVERSE SIDE FOR ADDITIONAL SPACE)

Approve Cameron Turk to be added to Championship Board sign on 520

Signed by: ____________

K:\POLICIES AND FORMS\LIBRARY\COMMISSION POLICIES AND PROCEDURES\FORMS\AG-REQST.DOC

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION COCOA BEACH COUNTRY CLUB - 5000 TOM WARRINER BOULEVARD, COCOA BEACH, 32931 MINUTES
March 21, 2024

A. MEETING CALLED TO ORDER

Mayor Capizzi called the meeting to order at 7:00 PM.

1. Pledge of Allegiance
2. Invocation: Dr. Bob Lehton with Servant Air Ministries
3. Roll Call

Commission Members Present:
Commissioner Joshua Jackson
Commissioner Karalyn Woulas
Commissioner Skip Williams
Vice-Mayor Jeremy Hutcherson
Mayor Keith Capizzi

Administrative Members Present:
City Attorney Becky Vose
City Manager Wayne Carragino
City Clerk Karin Grooms
Interim Police Chief Wes Mullins
Fire Chief Ryan Duckworth
Water Reclamation Director Brad Kalsow
Development Services Director Randy Stevenson
Public Works Director Robert Torres
Chief Financial Officer/ Assistant City Manager Patrisha Draycott
Major Kris Kuehn
Executive Assistant Rachel Kabboord
Officer Jacob Wedra
Officer Brandon Tate
Officer Ali Zariv
Lt. Joe Mailman

B. SPECIAL PRESENTATIONS

1. Swearing-in Police Officers; Jacob Werda, Brandon Tate, and Ali Zariv.

Interim Chief Wes Mullins presented new officers Jacob Werda, Brandon Tate, and Ali Zariv with their oath.

C. APPROVAL OF THE AGENDA

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MOTION HUTCHERSON/JACKSON.
I MOVE TO APPROVE THE AGENDA, WITH THE REMOVAL OF ITEM H2.
VOICE VOTE ON THE MOTION 5:0. MOTION CARRIED.

D. PUBLIC COMMENTS

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Ms. Isabella Capizzi, a Freedom 7 student, discussed the SDG6 program. Sustainability Development Goals when it comes to water. She mentioned the need for clean water and what other countries do not have. Noted SDG6 is an issue and needs to be corrected.

E. STAFF REPORTS AND ANNOUNCEMENTS

City Manager Wayne Carragino noted that Space Coast Transportation Planning Organization (TPO) notes that the current voting member is Commissioner Williams, and the staff representative is Mr. Jared Francis, City Engineer. Stated Mr. Francis was leaving, and he would like to appoint Morgan Zuhlke, Staff Engineer.

The City Commission concurs by consensus.

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

City Attorney Beck Vose asked Mr. Randy Stevenson, Development Services Director, to the podium to explain the need to extend beach licenses.
Mr. Stevenson requested the Commission to extend the beach license agreements for one additional month to the end of May. Mentioned there are ongoing discussions with the contracts and possible modifications to the Code of Ordinances.
Mr. Stevenson noted that he would like to put on the record for the April 4th meeting to extend to May.
Commissioner Williams requested the commission to make a motion now instead of waiting until April 4th. Noted no gap period for the agreements.

MOTION BY WILLIAMS/HUTCHERSON
MOVE TO APPROVE EXTENSION OF BEACH LICENSES.

VOICE VOTE ON THE MOTION 5:0. MOTION CARRIED.

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Vice-Mayor Hutcherson mentioned the ongoing conversations between the City and the

County regarding lifeguards. He noted the narrative that has been highlighted as Cocoa Beach is not in favor of Lifeguards and Public Safety. The Vice-Mayor noted the annual budget for the city's Public Safety and what the majority of the funds go towards. On record, Cocoa Beach is not against lifeguards and public safety. It was also mentioned that Volusia County has a $10 million budget just for Ocean Rescue. That is different from Cocoa Beach.

Mayor Capizzi added additional statistics regarding residents and visitors. Noted that the city pays their share of taxes and the small population, with the large county population, has their obligation as well. Noted there will still be lifeguards. Sidney Fischer Park is the only park without lifeguards. Signs will be posted, and it will be swim at your own risk. Lifeguards will be at Coconuts, Shepard Park, Lori Wilson, and the Pier. The fire department is trained and is ready to respond. Public Safety is the top priority and will keep people safe.

Commissioner Williams noted the communications from staff regarding lifeguards and it will be well communicated.

H. CONSENT AGENDA

The City Attorney read the consent agenda.

MOTION BY WOULAS/ JACKSON.
I MOVE TO APPROVE THE CONSENT AGENDA OF THE REMOVAL OF ITEM H2.
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY 5-0.

1. Approve the March 7, 2024, Commission Meeting Minutes
   Representative: City Clerk Department
   Recommendation: Approve

2. Review and approve the application form for grandfathering a vessel and/or waterside accessory structure that exceeds the encroachment limits established by the Ordinance and was in existence as of February 15, 2024.
   Representative: Randy Stevenson, Development Services Director
   Recommendation: Approve

I. ITEMS REMOVED FROM THE CONSENT AGENDA

The City Attorney read item H2.

MOTION BY WILLIAMS/ WOULAS.
I MOVE TO APPROVE THE APPLICATION FORM.

Vice-Mayor Hutcherson wanted to go on record that he was not in favor of this application. Understood it was approved by the ordinance and this component was added.

Commissioner Jackson noted the concerns about this and spoke with the staff. This is establishing the baseline for those who are going to be grandfathered in. He explained that this is just for the application as of current status.

VOICE VOTE ON THE MOTION CARRIED 4-1; HUTCHERSON, NAY

J. UNFINISHED BUSINESS

1. Discuss possible modification or elimination of the existing Noise Ordinance 1678 (7/20/2023).
   Representative: Karalyn Woulas, City Commission
   Recommendation: Discuss

The City Attorney read item J1.

Commissioner Williams requested to comment before a motion was made. Noted received emails and communications from residents noting that things are better now with this ordinance. Commissioner Williams mentioned many of the emails received requesting stricter ordinances.

MOTION BY WOULAS/ JACKSON
I MOVE TO DISCUSS

Mayor Capizzi relayed that eliminating the ordinance would not be an option. He noted potential modifications to the ordinance. He noted he would like to hear from the commission.

Commissioner Woulas stated she did not wish to eliminate the ordinance. Would like to discuss modifying the current ordinance. She mentioned how the ordinance is currently as it allows one person to call and complain about the music therefore shutting down the business. She reminded everyone that the business owners are residents as well. Mentioned it will hurt the economy if these businesses close.

The Mayor concurred with Commissioner Woulas but noted he will agree with Vice-Mayor Hutcherson's side as well.
Vice-Mayor Hutcherson inquired about the ordinance Commissioner Woulas referred to.
Commissioner Woulas explained the ordinance 1006 for Vice-Mayor Hutcherson.
Vice-Mayor Hutcherson discussed the ordinance with the on the books that was at night it was applied during the day.

Mayor Capizzi mentioned the added 500 feet to the ordinance.
Vice-Mayor Hutcherson noted its legally enforceable and wouldn't do anything that wasn't.
Commissioner Woulas expressed concern over the number of businesses having to shut down do to the ordinance.

Vice-Mayor Hutcherson presented a chart that was discussed regarding the police calls for noise. Explaining the data from the police department.
Futher explained that short term-rentals are businesses and they have to follow a stricter noise ordinance. Mention Cocoa Beach is a residential town.

Mayor Capizzi noted the music presented that was performed, was unacceptable.

Commissioner Woulas discussed previous meetings with discussing and talk about this situation. Would like to discuss this issue. Explained that her band was playing at a Salty Sisters when playing acoustic set. Noted other bands played louder and were not shut down. Does not agree with this ordinance.

Vice-Mayor Hutcherson noted the emails are not in favor of this and asked what suggestions Commissioner Woulas would have?

Commissioner Woulas stated there just as many people not in favor of the ordinance and noted how residents do enjoy music.

Mayor Capizzi wanted to bridge the gap. Explained to the residents the reasoning of why they need to hear the discussion before speaking.

Commissioner Jackson agreed with the support of not lessening the ordinance. It is difficult for our businesses, and enforcement. Noted pitfalls and mention improvements. Suggested that one person should not have the ability to shut down a business.
Idea of building on the 500 feet, establishment along with the ability and factors of sound. Could be audible one day and not another.

Mayor Capizzi noted points made by the other commissioners. The commission is not in favor of eliminating the noise ordinance. The data, at each location, a majority calls from a specific person creating a bigger issue. If there were multiple calls from other home, but it is the only person calling repeatedly that is something to consider. The problem is defining clearing audible. Previous police chief, did not have a definition. Spoke with the new Police Chief, clearly audible should be measurable and identify.

Commissioner Williams inquired the definition of Mayor Capizzi's definition for clearly audible. Noted the definition needs to be clear for words and music.

City Attorney Becky Vose studied the ordinance and pointed out the issue within the ordinance. She read section B3 of the Ordinance 1678.
Commissioner Jackson agreed with the city attorney due to the sound being loud one day and not the next due to factors. Need subjective perspective.

Mayor Capizzi inquired from the City Attorney regarding the decibel reader. Ms. Vose requested for Interim Police Chief, Wes Mullins to help explain. Ms. Vose noted there are variables to include background noise and all bars.

Mayor Capizzi did confirm that he did go with the businesses with a decibel reader.

Interim Police Chief, Wes Mullins, noted he is not an expert on decibel meters.
According to Interim Police Mullins the current ordinance is much simpler than using a

decibel meter. Need a middle ground with being reasonable. Internim Chief Mullins acknowledges it starts in the police department with using common sense in order to hold the other side accountable. He made a suggestion to the commission regarding only change to the ordinance would be distance and clearly audible. Provided example of a motorcycle. Explained vibration could be included in the definition of audible. The police department should be ensuring both sides are happy with a reasonable degree. It was discussed about the new statute regarding unable to make a complaint without identifying yourself. The callers are the same and they don't want to provide their information. Ms. Vose clarified the new statute.

Interim Chief Mullins provided clarification regarding the citations process, noting that there was only one citation issued. For the record, he explained that the citation had been dropped by the magistrate due to the complainant's did not show for the hearing. He outlined the steps taken by the department for businesses to be cited along with the procedures followed by officers when a complaint is received. Interim Police Mullins emphasized that any citation issued would be brought to the magistrate for resolution, where both parties involved would have an opportunity to present their arguments. Then the third party, the magistrate, would make the final decision.

Commissioner Williams defined audible.

Commissioner Jackson shared his concerns about the citation process, drawing a parallel with driving without speed limits and the challenges businesses face when issued citations. He expressed his struggle with the impact this process has on businesses, particularly regarding missed work.

Interim Chief Mullins explained the balance of the decibel with side factors. He suggested Commissioner Woulas's idea of other steps to be taken such as going back to old practices and only responding if there was more than one complaint. Noted there are steps that could be took.

Commissioner Woulas inquired about the magistrate and what they judge.

Interim Chief Mullins explained what the magistrate actually looks at and what they handle.

Mayor Capizzi is concerned with future chiefs, this could be an issue again. He referred to the Salty Sister's citation and noted he was at the establishment when it was shut down. Concurred that there are residents to weaponize the ordinance to take down the business.

Interim Chief Mullins explained the complaints are no longer within the distant requirement.

Commissioner Jackson inquired clarification from Internim Chief Mullins regarding if they moved forward with the procedures presented the final say would be the magistrate, but it would need to be more than one complaint. Commissioner Jackson suggested that a decibel level to be established not for enforcement however for a basis for businesses to turn it down.

Interim Chief Mullins will do what the commission wishes however, noted it was a decibel was being brought into the equation. Interim Chief Mullins noted if there were a number of complaints and not just one, that takes away the subjectivity of the situation.

Commissioner Williams explained audible noise of the high school during the week, and the football station. There is noise and needs to have subjectivity as not wishing to shut down the high school.

Vice-Mayor Hutcherson noted the frequency of these events. Mentioned Friday Fest, it is once a month.
Mayor Capizzi agrees with the chief with at least two complaints. Would be open to expand the distance to get rid other nuisance complaints. As well as define clearly audible.

Mr. Rick Anderson discussed that numerous years there was not a problem. One business came in and created the problem. It was passed at a high emotional point. Agreed with Commissioner Jackson it is too subjective and decibel's are imperfect way to measure sound. Need to get it right, and the businesses need some sort of stability.

Mayor Capizzi agreed with Mr. Anderson regarding the time was very emotional.

Mr. Tim Tumulty, referred back to the start of this issue a year ago. There were 28 complaints for one person. 3 from other people. That caused issues with Area 142 business and the commission. Compared the music that was played at a venue, don't agree with the language however noted it is a 1st Amendment right. Mr. Tumulty compared it to having a strip club in the city. He suggest to use the word continuous within the ordinance. Noted it was a knee-jerk reaction due to one business, now it has gone to every business.

Commissioner Williams noted it may not work due to having more than one complaint, due to work around. Mentioned the emails received regarding this ordinance. Majority is saying don't eliminate and don't change it. Whether or not they call the Police department making a complaint they are email. Not in favor of any changes.

Mayor Capizzi did work with Area 142 and they were working on making changes. As a business, they tried to work with the city and make it work. Although it changed hands, he wish to acknowledge that.

Ms. Adrianne Dillon noted her property location to businesses near her home. Noted recently had not had any issues. But did have issues in the past. Noted don't know the science of sound, however, she mentioned the base of music "boom boom". Requested to only consider music to be inside or only allowing instruments outside.
Vice-Mayor Hutcherson noted a discussion that was the commission had regarding sound analysis. Another business had one done and the take away was to have a structure built to absorb the sound. Does not agree with new sound analysis. Just leverage the finding from the initial.

Mayor Capizzi does not think they need to spend money on another analysis.
Commissioner Woulas expressed various factors that carry sound waves. Requests a sound analysis.

Commissioner Williams stated there are too many various factors and spending funds on a sound analysis not worth it.

Ms. Elise Comochuck and Ms. Tiffany Martin, Salty Sister's owners, explained how they don't wish to break the law. Agreed with Interim Chief Mullins to have an understanding. Explained how they installed a sound barrier. Has not had a complaint since it had been installed. They noted they are willing to self-police and are willing to shut down bands that will not turn it down. Noted certain bands were getting more calls. Commissioner Woulas's band has been called when the first cord and they will call. However, will not call on others. Ms. Martin spoke with a resident who called and worked with her.
What is the clearly audible expectations?

Mayor Capizzi inquired from the Commission how to modify or if they wish to modify.
Commissioner Williams suggested instead of the commission deciding, defer to the City Attorney, City Manager and the Police Chief decide and bring it back.
Ms. Vose noted could take care of the issues without changing the ordinance. The police department has discretion. They can decide how they handle situations.
Mayor Capizzi expressed his concerns without having something in writing.
Ms. Vose explained how it worked previously. If the chief changes we could revisit the ordinance.
Commissioner Williams noted everyone will not be there forever, and should not be worried about it at this time.

Commissioner Williams noted no changes at this time, and if the city manager, city attorney, or the Interim Chief come up with an epiphany to make this better.
Commissioner Jackson request staff to address the civil complaint and how we can ensure that one person can not take them hostage. What levels should a business to be at to stay in compliance. Researched and found their are ways to focus on such as base tones.

Commissioner Williams expressed his concerned with putting in numbers in the ordinance.
Commissioner Woulas requested something that chronic complainers to not shut down businesses.

Mayor Capizzi will go with the Interim Chief and the departments discretion.
Commissioner Woulas asked for a report.
It was agreed that the commission requested staff to work together to see if there is a way to improve this and bring it back.

K. NEW BUSINESS

1. Approve the Scope of Services for Engineering and Design and fee estimates totaling $185,040 from Kimley Horn to design rehabilitation improvements for Lift Station #3 under Task Order #2, Lift Station #6 under Task Order #3 and Lift Station #15 under Task Order 4. The engineering and design for this project is a budgeted item this fiscal year.
   Representative: Brad Kalsow, Water Reclamation Director
   Recommendation: Approve

The City Attorney read item K1.

MOTION BY HUTCHERSON/ WOULAS
I MOVE TO APPROVE ITEM K1 AS WRITTEN

Vice-Mayor Hutcherson requested Mr. Brad Kalsow, Water Reclamation Director to the podium. The vice-mayor applauded Mr. Kalsow for his detail in items brought before the Commission. Vice Mayor Hutcherson did inquire for all items brought before the commission if there was recurring cost built in for items in the future for maintenance etc.

Mr. Kalsow confirmed there is a standard and is built into the budget going forward. Noted operation needs.

VOICE VOTE ON THE MOTION CARRIED 5:0.

2. Approve the purchase of a Closed Circuit Television Transit Van and associated equipment for sewer inspections from CUES, Inc. through a piggyback agreement with Houston-Galveston Area Council in the amount of $303,453. This is a budgeted Capital Item this fiscal year.
   Representative: Brad Kalsow, Water Reclamation Director
   Recommendation: Approve

The City Attorney read item K2.

MOTION BY WILLIAMS/ HUTCHERSON
I MOVE TO APPROVE AS READ.

Mayor Capizzi requested clarification of what this item is for approval for a camera system.
Mr. Kalsow, explained the need for new equipment as it is outdated. Explain the van will not go away, it will turn into the electrician's van. Clarified the need and what the new system will be able to do for the sewer system within the city.

Mayor Capizzi noted that in the future we will collaborate with neighboring cities.
Vice-Mayor Hutcherson agreed with the increased utilization.

VOICE VOTE ON THE MOTION CARRIED 5:0.

Commissioner Williams noted the beach rake and it did not work out. Items rusted in the past. The mayor noted that their would be clear instructions for maintenance.

Vice- Mayor Hutcherson noted the number cities in a small area and discuss the operations. Noted the with the fire department with the access of usage.

3. Approve the expenditure of $191,700 for Gregori Construction, Inc. to perform milling and paving work at three (3) locations in the City – East St. Lucie Lane, Marion Lane, and the intersection of Ocean Beach Boulevard and East Cocoa Beach Causeway, and road repair on North Banana River Boulevard. This is a budgeted item.
   Representative: Bob Torres, Public Works Director
   Recommendation: Approve

The City Attorney read item K3.

MOTION BY WILLIAMS/ HUTCHERSON
I MOVE TO APPROVE AS READ.
VOICE VOTE ON THE MOTION CARRIED 5:0.

L. GENERAL PUBLIC COMMENT
(Only if not accommodated in the 30-minute Public Comment period earlier)

M. ADJOURNMENT

The meeting was adjourned at 8:30 pm.

____
Karin Grooms, MPA, CMC
City Clerk

____
Keith Capizzi,
Mayor-Commissioner

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION COCOA BEACH COUNTRY CLUB - 5000 TOM WARRINER BOULEVARD, COCOA BEACH, 32931 MINUTES
April 4, 2024

A. MEETING CALLED TO ORDER

Mayor Capizzi called the meeting to order at 7 pm.

1. Pledge of Allegiance
2. Invocation by Mark Reynolds, Pastor, First United Methodist Church.
3. Roll Call

Commission Members Present:
Commissioner Joshua Jackson
Commissioner Skip Williams
Commissioner Karalyn Woulas
Vice-Mayor Jeremy Hutcherson
Mayor Keith Capizzi

Administrative Members Present:
City Attorney Becky Vose
City Manager Wayne Carragino
City Clerk Karin Grooms
Development Services Director Randy Stevenson
Chief Financial Officer/ Assistant City Manager Patrisha Draycott
Leisure Services Director, Laird McLean
Interim Police Chief, Wes Mullins
Information Technology Director, Kevin Perez
Information Technology Manager, Ron Munns
Information Technology System Analysis, Tristan Takacs
Information Technology System Tech 1, Nate Guruwatte
Information Technology System Tech 2, Mike Ledesma
Information Technology Support Coordinator , Lauren Domenech

B. APPROVAL OF THE AGENDA
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VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

C. PUBLIC COMMENTS
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Mr. Tony Sasso discussed the Thousand Islands and gave a history of the islands. Thanked the commission for the Friends of a Thousand Island event. Noted the success of the event and commended staff for the assistance provided to make it a great event. Mr. Sasso thanked Kelsey Mack, Environmental Specialist, for a great job in helping with the event. Noted her being a great representation of the city. Mr. Sasso described the festival and vendors at the event.

Commissioner Williams inquired about the reuse line installed after the Australian Pines were removed for replanting. The line runs from 4th Street South to the Island. Commissioner Williams asked if it was not needed could be removed before degrading into the lagoon.
Mr. Sasso and Mr. Bob Day concurred there's no need for the line as the plants have naturally taken over.
Commissioner Williams asked for consensus from the Commission to direct the City Manager to work with city staff to remove the line from the lagoon.
Mr. Sasso offered the assistance of the Friends of the Thousand Islands to help with the removal if needed.
Mr. Day brought up the annual Trash Bash, including the Thousand Islands and Downtown area.

Mr. Ty Billings mentioned his history of living in the City. He also spoke about his parents who worked to keep the pool and keep it running for families. Mr. Billings mentioned the lifeguard situation and how he researched it. Spoke about the County Commission. Then he transitioned to discussing the International Palms and the demolition with funding from the County. Mentioned decreased funding for other programs/projects in the County after the International Palms funding. Mr. Billings informed the Commission that he would be attentive to the County Commission meetings and would be attending more of them to see what was happening.

D. STAFF REPORTS AND ANNOUNCEMENTS

Mr. Wayne Carragino, City Manager, discussed how he is going to, time permitting, point out an individual on the staff who is doing an outstanding job. Mr. Carragino mentioned bringing forward positivity. Had a difficult decision to make as looked at the department. Noted the entire department does an outstanding job. He noted the department is all smart and young, and they step up to the plate and keep us safe. The department Mr. Carragino was speaking of the IT Department. The individual he wanted to recognize was Mike Ledesma. Mr. Carragino noted that Mike was the guy behind the curtain. The team came united and supported him for the acknowledgment.

E. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

The City Attorney had no reports.

F. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Commissioner Woulas mentioned she had done a night ride along with the Police Department. Noted the different officers she had rode with and gave a brief description of the events that had happened during her ride along. Explained to the commission about understanding more about the equipment and how it is needed concerning the budget.

Mayor Capizzi noted reaching out to Interim Chief, Wes Mullins.
Commissioner Williams noted his experience and how it was during spring break.

Mayor Capizzi inquired from Commissioner Woulas regarding whom the major issues were with and if they were residents. She confirmed it was mostly visitors and not residents.

G. NEW BUSINESS

1. Adopt Resolution 2024-04, A Resolution of the City Commission of the City of Cocoa Beach, Florida establishing a pilot program for the operation of pedicabs at specified locations within the corporate limits of the City of Cocoa Beach, and providing an effective date.
   Representative: Randy Stevenson, Development Services Director
   Recommendation: Approve

The City Attorney read Resolution 2024-04.

Mr. Randy Stevenson, Development Services Director, noted he missed a change in the resolution. Note that in a section of the resolution, it mentioned 8 feet on a sidewalk, and the correction should be noted as 5 feet. Requested when the motion is made to make that correction.
Commissioner Williams noted during the last meeting that the commission discussed no sidewalks. Commissioner Jackson agreed with no sidewalks except for a safety issue.
Mayor Capizzi noted he would be OK with the sidewalks at 5 feet.
Commissioner Williams was not good with the sidewalks. Noted the location of Ocean Beach Blvd without being on sidewalks.
Vice-Mayor Hutcherson confirmed that the 8 feet to 5 feet. Mr. Stevenson confirmed the change of removing sidewalks.

MOTION WILLIAMS/HUTCHERSON
MOVE TO RESOLUTION WITH THE REMOVAL OF THE SIDEWALKS

Commissioner Jackson mentioned the possibility of ending the pilot program early. Mr. Stevenson noted the city manager could end the program.

Commissioner Woulas inquired the size of the sidewalks. Inquired if they can add the sidewalks but they have to give pedestrians the right of way.
Commissioner Williams noted the area and the sidewalks and the inability of moving.

VOICE VOTE 3:2 CAPIZZI, WOULAS NAY

2. Approve the Scope of Work for 2 sanitary sewer pipe repairs to be performed by CK Contractors & Development for a total amount of $75,941.00. These repairs are 100% reimbursable expenses through our CDBG-MIT Grant through Florida Commerce.
   Representative: Brad Kalsow, Water Reclamation Director
   Recommendation: Approve

MOTION WILLIAMS/ WOULAS
I MOVE TO APPROVE THE SCOPE OF WORK FOR 2 SANITARY SEWER PIPE REPAIRS TO BE PERFORMED BY CK CONTRACTORS & DEVELOPMENT FOR A TOTAL AMOUNT OF $75,941.00.
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

3. Adopt Resolution 2024-06 A Resolution of the City of Cocoa Beach, Florida, adopting an amendment to the annual operating budget for Fiscal Year 2023-2024 which begins October 1, 2023 and ends September 30, 2024, including adjustments for revenues and expenditures; providing for legislative findings and intent; providing for implementing administrative actions by the city manager; and providing for scrivener's errors, conflicts, severability, and effective date
   Representative: Patrisha Draycott, Chief Financial Officer
   Recommendation: Approve

The City Attorney read Resolution 2024-06.

MOTION WILLIAMS/ JACKSON
I MOVE TO ADOPT RESOLUTION 2024-06 AS READ.

Vice-Mayor Hutcherson inquired from Ms. Patrisha Draycott, CFO/Assistant City Manager, that the budget states $15,000 however there is $16,000.
Ms. Draycott explained the Fire Department received a donation of $16,000 and the adjustment reflected the increased value received.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

H. GENERAL PUBLIC COMMENT
(Only if not accommodated in the 30-minute Public Comment period earlier)

I. ADJOURNMENT

The meeting was adjourned at 7:29 pm.

Karin Grooms, MPA, CMC City Clerk	Keith Capizzi, Mayor-Commissioner

City of Cocoa Beach City Commission
Agenda Item Summary

DEPARTMENT MAKING REQUEST/NAME:	City Manager /
MEETING DATE	April 18, 2024

REQUESTED MOTION/ACTION
Approve the termination of the agreement of the Joinder to the Second Amended and Restated Interlocal Agreement relating to the Creation of the Florida Resiliency and Energy District. (FRED)
Representative: Wayne Carragino, City Manager
Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:
The original agreement with the city was approved on May 19, 2022. The City's initial appointment to the Governing Board is no longer serving as a Governing board member, and at this time the city does not intend to declare a new appointment.

Details of the program from the May 19th, 2022 meeting:
The City of Cocoa Beach is an Active FRED Community due to Brevard County's acceptance in the PACE program. The purpose of the program recognizes that the City acknowledges and agrees to non-ad valorem special assessments arising from a property owner's voluntary participation in the PACE program and levied by FRED on properties within the jurisdictional boundaries of the City, as well as provides that any act by the City in the collection and distribution of any non-ad valorem special assessments imposed by FRED are ministerial acts. FRED and FDFC may provide access to financing for Qualifying Improvements to real property within the jurisdictional boundaries of the City, and subject to the Interlocal Agreement.

The Joinder shall remain active, FRED may terminate in the future, and it will not affect property owners participating in the program or applications in the process.

Neither FRED nor FDFC is authorized to issue bonds, or any other form of debt on behalf of the City, this Joinder, or the Interlocal Agreement. FRED or FDFC issues PACE related bonds under its own authority in connection with this Joinder and Interlocal Agreement and those bonds may be secured by voluntary non-ad valorem special assessments imposed by FRED on the participating properties requesting funds within the City jurisdiction.

This instrument was prepared by or under the supervision of (and after recording should be returned to): Ryan Bartkus Florida Resiliency and Energy District c/o Florida Development Finance Corp 156 Tuskawilla Road, Suite 2340 Winter Springs, Florida 32708	(SPACE reserved for Clerk of Court)

TERMINATION OF THE JOINDER TO THE LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT BETWEEN THE FLORIDA RESILIENCY AND ENERGY DISTRICT AND THE CITY OF COCOA BEACH

WHEREAS, the Town of Lake Clarke Shores, Florida and the City of Fernandina Beach, Florida previously entered into that certain Second and Amended and Restated Interlocal Agreement Relating to the Creation of the Florida Resiliency and Energy District, dated as of April 11, 2017, as the same may be further amended and supplemented from time to time (the “Interlocal Agreement”), providing for the creation of the Florida Resiliency and Energy District (the “District”) which may, pursuant to Section 163.08(2)(a), Florida Statutes, finance Qualifying Improvements through a voluntary assessment program; and

WHEREAS, the Interlocal Agreement provides that additional cities or counties of the State of Florida may join the District as a Limited Member (as defined in the Interlocal Agreement) through the execution of a Limited Purpose Party Membership Agreement (“LPPMA”), or as a Subsequent Party (as defined in the Interlocal Agreement) through the execution of a Joinder Agreement; and

WHEREAS, on March 20, 2018, Brevard County, Florida (the “County”) entered into a LPPMA with the District and joined the District as a Limited Member, thereby authorizing the District to finance Qualifying Improvements for projects located within the legal boundaries of the County, and

WHEREAS, on May 19, 2022, the City of Cocoa Beach (the “City”) and the District executed that certain Joinder Agreement, as recorded in Official Record Book 9821, Page 1226 of the Public Records of Brevard County, Florida (the “Joinder”), wherein the City agreed to the Joinder to the Interlocal Agreement and to assume the rights and obligations of a Subsequent Party, including but not limited to, the right to appoint an individual to serve on the District Governing Board; and

WHEREAS, the City’s initial appointment to the Governing Board is no longer serving as a Governing Board member, and the City does not plan to make a new appointment; and

WHEREAS, the District and the City desire to terminate the City’s status as a Subsequent Party and to terminate the Joinder; and

WHEREAS, the City further desires to continue its participation with the District in the capacity of a Limited Member pursuant to the District's LPPMA with the County.

NOW, THEREFORE, in consideration of the terms and conditions, promises and covenants hereinafter set forth, the Parties agree as follows:

SECTION 1. TERMINATION OF JOINDER TO THE INTERLOCAL AGREEMENT. The District and the City hereby terminate the Joinder. The District may continue to facilitate financings for Qualifying Improvements for projects that are located within the City in accordance with the terms and conditions of the LPPMA between the District and the County.

SECTION 2. RECORDING. This Termination shall be filed by the District and recorded in the public records of Brevard County and Seminole County, in accordance with Section 163.01(11), Florida Statues.

SECTION 3. EFFECTIVE DATE. This Termination shall become effective upon the recordation of the Amendment, in accordance with Section 3, above.

[SIGNATURE PAGES FOLLOW]

[SIGNATURE PAGE TO TERMINATION]

IN WITNESS WHEREOF, the undersigned has caused this Termination to be signed by its duly authorized representative, on the ____day of ____________________, 2024.

CITY OF COCOA BEACH, FLORIDA

By: ________________________

Ketih Capizzi, Mayor

(Seal)

Attest:

By: _______________________

City Clerk

[SIGNATURE PAGE TO TERMINATION]

IN WITNESS WHEREOF, the undersigned has caused this Termination to be signed by its duly authorized representative, on the ____day of ____________________, 2024.

WITNESS:

____
Signature

____
Print Name

Address: 156 Tuskawilla Road, Suite 2340
Winter Springs, Florida 32708

FLORIDA RESILIENCY AND ENERGY DISTRICT

By: ____________________________________
Ryan Bartkus, Assistant Clerk

WITNESS:

____
Signature

____
Print Name

Address: 156 Tuskawilla Road, Suite 2340
Winter Springs, Florida 32708

STATE of FLORIDA
COUNTY OF ______________

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this ___ day of ___________, 2024, by Ryan Bartkus, Assistant Clerk of the Florida Resiliency and Energy District, who is personally known to me/has produced _________________ as identification.

____
Printed/Typed Name: _________________
Notary Public – State of Florida
Commission Number:

City of Cocoa Beach City Commission
Agenda Item Summary

DEPARTMENT MAKING REQUEST/NAME: Finance /

MEETING DATE April 18, 2024

REQUESTED MOTION/ACTION
Confirm the following meetings:
June 18, 2024 - 6:00 PM FY 25 Budget Workshop
July 18, 2024 - 7:00 PM Set the Tentative Millage Rate - Regular Meeting
Representative: Patrisha Draycott, CFO/ Assistant City Manager
Recommendation: Confirm

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

City of Cocoa Beach City Commission
Agenda Item Summary

DEPARTMENT MAKING REQUEST/NAME:	Development Services / Randy Stevenson, Director of Development Services
MEETING DATE	April 18, 2024

REQUESTED MOTION/ACTION

Consider a request for a Density Variance for property at 505 North Orlando Ave. Pursuant to Section 4-41 (A)(3) of the Land Development Code, the applicant is requesting a variance to allow a density of thirty (30) transient lodging units per acre on the subject property. **The requested variance requires a concurring vote of four (4) members of the City Commission.**

Applicant: Francesca DiPasquale

Representative: Randy Stevenson, Development Services Director

Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

The subject property comprises 2.01 acres and is located in the Towncenter Redevelopment District as well as the Community Redevelopment Area (CRA). The applicants are seeking a variance to allow thirty (30) transient lodging units per acre to facilitate a mixed-use development consisting of sixty (60) transient units, 7,200 square feet of retail, and a 4000 square-foot restaurant. If granted, the variance would allow for a total of four (4) additional transient units on the site. If the variance request is denied, the applicants would proceed with a development that would include only 56 transient units and no restaurant or retail.

DEPARTMENT OF DEVELOPMENT SERVICES
STINA PROJECT BRIEFING
April 18, 2024

REQUEST:	Pursuant to Section 4-41 (A) (3) of the Land Development Code, review and consider a request for a variance to allow a density of thirty (30) transient lodging units per acre on the subject 2.01 acre site for the Stina project (Glass Bank site)
CASE NO:	PZ-23-17
DATE OF BRIEFING:	April 18, 2024

Applicant:	Francesca DiPasquale
Location:	505 N Orlando Ave
Parcel ID:	25-37-10-CZ-*-8. XA
Zoning Current:	TC Towncenter
Land Use:	Redevelopment
Area:	Approx. 2.01 acres

Background:

The project site is located at 505 N Orlando Ave, Cocoa Beach. The site is currently vacant land but was previously home to the Glass Bank building, a mixture of The First Federal Savings and Loan Association of Cocoa Beach, restaurant space on the top floor, and, in 1983, a penthouse was added. The Sky Room, Ramon's, and Marby's Rainbow Room occupied the restaurant space and hosted astronauts, celebrities, and politicians on special occasions. The building ultimately fell into disrepair and sustained damage from hurricanes. The city demolished the building in 2015.

For approximately 2 years, the applicant has been working to finalize various encumbrances on the subject site in an effort to clear up any possible impediments to development of the parcel. As part of this process, the legal acreage of the parcel decreased from 2.64 acres to 2.01 acres. On June 15, 2023, an application was submitted for the site plan review for design and construction of the Stina Building (Glass Bank property). This property location is a key gateway site located near the northern terminus of the Cocoa Beach Downtown Redevelopment District. The proposed project will include a restaurant and shops aimed at improving the downtown experience for Cocoa Beach residents and visitors alike. The proposed mixed-use project will be comprised of 60 transient lodging units, 7,000 square feet of retail/commercial, and 4,000 square feet of restaurant space.

Details of the Requested Variance:

Section 4-41 pf the City's Land Development Code provides an allowance for landowners to apply for a variance from the City Commission for a density to exceed twenty-eight (28) units per acre for transient lodging units. Specifically, Section 4-41 (A) (3) allows for this variance but caps the number of units per acre at thirty (30). Pursuant to this section, the applicant has requested a variance from the City Commission to allow thirty units per acre or a total of four (4) additional units. This variance, if granted, would allow sixty (60) transient lodging units on the subject property instead of the currently allowable Fifty-six (56) units. This variance request requires the concurring vote of four (4) members of the City Commission. If the variance is granted, the applicant proposes a mixed-use development as detailed above with transient lodging units as well as retail/commercial space and a restaurant. If the variance is not granted, the applicant plans to move forward with just 56 transient lodging units and no retail/commercial or restaurant.

Considerations for Review of the Variance:

Section 4-41 of the Land Development Code (LDC) enumerates the criteria stating that the City Commission shall make findings of fact based upon substantial evidence that the application for the variance satisfies certain legal standards. These standards shall exclusively govern and be required for approval of a density variance by the City Commission. Those standards which are applicable to this request are as follows:

A. Special conditions and circumstances (regardless of whether such special conditions or circumstances result from the actions of the applicant) exist with respect to the land, structure or building involved, including, but not limited to, unusual or extraordinary site conditions or location. Among the applicable conditions and circumstances for the subject property are a substandard stormwater management system and potential blight and associated elevated incidence of crime on the property.
B. As a result of such special conditions and circumstances, the literal interpretation and strict application of the density limit would result in unnecessary hardship. Such unnecessary hardship may include but not be limited to:

    - Impeding or disincentivizing the redevelopment of a parcel, where the redevelopment of such parcel would foreseeably ameliorate any blighted condition associated with the land including, but not limited to, the substandard stormwater management system and potential blight as a result of the property being vacant and used for impromptu vehicle parking.

    - Impeding or disincentivizing the development or redevelopment of a parcel so as to result in a substantial economic loss to both the property owner and City.

Section 2-32 of the LDC describes the Towncenter subdistrict as a mixed use, pedestrian oriented hub for surrounding neighborhoods and the entire city. This is the downtown center for dining, shopping, housing, and entertainment, with shaded sidewalks, large windows, intimate pedestrian spaces, outdoor dining, and richly detailed building facades. This subdistrict supports a variety of special events and public gathering activities.

The City's Comprehensive Plan also speaks to provision of mixed-use development within the City, specifically in the Towncenter area. Policy II.2.2 (a) (2) allows the same consideration for a variance to density (from 28 to 30 units per acre) as detailed in Section 4-41 of the Land Development Code.

Policy I.2.1 of the Comprehensive Plan states that the City "shall support the efforts of the State Legislature to foster innovative planning in order to maximize existing facilities and services through redevelopment and the revitalization of targeted areas." The Downtown Redevelopment District is a targeted area.

Objective I.3 of the Comprehensive Plan encourages the City to use innovative land development regulations that may include provisions for planned unit developments and other mixed-use development techniques.

Goal III of the Comprehensive Plan states that the City will "support redevelopment of the City's downtown, promote a mix of uses and creative solutions to ensure the downtown's long-term economic viability and livability, support new investment, and enhance and preserve the area's vibrancy and unique "Cocoa Beach" character.

Policy III.1.8 of the Comprehensive Plan states that in the Downtown Area, the City must encourage low impact design (LID) to improve stormwater management.

Policy III.2.1 (c), (d), and (e) speak to the support of the Downtown Cocoa Beach CRA Community Redevelopment Plan by redeveloping the Towncenter, creating a gateway at the northern end of Downtown, and repositioning retail and broadening uses within the Downtown area.

Objective III.3 of the Comprehensive Plan states that the “City of Cocoa Beach seeks to increase the Downtown’s overall population, further economic stability, and improve Downtown with a mix of active commercial uses which support and encourage walking and foot traffic in combination with residential, lodging, and office uses. Policy III.3.1 affirms that mixed residential and commercial uses on the same lot and/or building footprint are allowable in the Downtown Area.

In 2010-2012, the City commissioned Zyscovich Architects to prepare a Downtown Visioning Plan and Downtown Design Standards. The subject parcel is contained in the Campus Gateway section of the downtown as identified in the Zyscovich Study. The study goes on to say that this area of the Downtown will be a northern gateway for the Downtown. Mixed-use buildings are permitted. Additional development may include other public amenities like parks, green space, plazas, and interactive fountains. Residential uses are permitted.

Staff Analysis and Recommendation:

The Owner of the Stina property owns a landscape design and build firm. Her passion and desire are to create a park-like atmosphere to enhance the walkability experience and aesthetics of the distinctive shops and cafes that will become an important part of the Stina project. This iconic gateway property will set the tone for the walkability of the downtown experience. Green space, landscaping, fountains, and benches will be welcoming to locals and tourists coming to enjoy the area.

Under “considerations” above, staff has provided numerous references from the LDC, the Comprehensive Plan and the Zyscovich study wherein the design standards for the downtown are detailed. The proposed development, if the variance request is approved, addresses many of the goals, objectives and policies of not only the Comprehensive Plan but also the vision set forth in the Zyscovich Study as well as meeting the consideration criterion of the LDC.

Section 4-41 of the LDC and Policy II.2.2 of the Comprehensive Plan were incorporated into these respective documents with the foresight that certain circumstances would necessitate some flexibility in the maximum density allowances, given the goals, objectives, and policies cited in both the LDC and the Comprehensive plan as being desirable for the Downtown area.

After consideration of all applicable documents, the proposed conceptual site plan, the criterion for granting a variance in accordance with the sections referenced above, and the goals for development in the Towncenter Redevelopment District, staff is of the opinion that the criterion for the variance have been met and the proposed development would be a welcomed and needed addition to this area of town. Staff is offering a recommendation of approval to the City Commission for the requested variance. These types of land development projects are how the goals and objectives of planning studies, commissioned and paid for by the City, are implemented into real brick and mortar projects that accomplish the stated goals for the Towncenter Redevelopment Area.

Letter Of Intent

I. Project Summary

The project site is located at 505 North Orlando Ave Cocoa Beach. The site is currently vacant land but was previously known as the Glass Bank. The Glass Bank property had a restaurant, banking and retail customers. The site is currently zoned for building heights of 82 feet and for 28 hotel units per acre.

This property is a key gateway site to Cocoa Beaches Downtown redevelopment area. The Proposed Project's architectural design, eateries and shops will be a foundational element in achieving the goals of the town center redevelopment plan and zoning district.

Retail/Restaurant Component: The proposed project involves the total rebuild of the site. The project presented is for a mixed-use redevelopment featuring 7,200 square feet of retail and 4000 square feet of restaurant space, both on the ground floor for downtown area walkability and on the roof top which will offer views of the ocean and the river. The project's retail component will feature a full-service restaurant, a Cocoa Beach brand distillery, taffy and coffee shops, and more. Beautiful landscaping will enhance the main walkways and driving path into Cocoa Beach and dim night lite landscaped areas with fountains and art will invite locals and visitors to stroll to that end of town.

Residential Component: This proposal includes 60 hotel units, with minimum suite sizes over 900 square feet per unit and associated guest amenities. The terraced architectural design allows for the experience from ground level of a two-story building, allowing the four (4) floors which embody most of the suites to sit above the terraced restaurant and retail areas on the lower floors of the building. The building height of 82' feet is grandfathered in for this site and congruent with the TC Town center zoning district and the City Charter.

Civil Engineering: The site was previously developed for commercial use and has existing utilities and improvements. The proposed project includes an extensive storm water management system and upgraded underground utilities.

Parking: The 7200 square feet of retail space, 4000 square feet of restaurant space and 60 hotel units will have 124 dedicated surface parking spaces surrounded by landscaping. There is existing parking shown on the Conceptual Site Plan which is not Shaded. The shaded area on the Conceptual Site Plan indicates the new parking area to be built. The new parking area was previously asphalted and used for parking m but was removed when the Glass Bank was demolished.

Variance Request: As discussed in Section II below, this variance request is based upon the hardship created by the understanding of all parties related to the sale of the site, including the

City, that the property was 2.64 acres. City and County records show that to be true. City and County taxes have been paid on 2.64 acres for approximately 40 years. At the time this Applicant purchased the property, the price paid for the property was based on a project of 2.64 acres, with 28 units an acre allowed, for a total of 74 units.

After more than a year of delays and research it has been determined that the property is only 2.0 acres, which with 28 units an acre allowed, yields a total of 56 units. The loss of 18 units was devastating and called into question the economic viability of the project, especially the retail/restaurant component. However, after considerable effort, the Applicant has reworked its plan to preserve the mixed-use concept, but this is only possible if the hotel component has 60 units. Therefore, this variance application requests an extra 2 units per acre, thus increasing the total number of units from 56 to 60.

In order to provide mixed use portion of this project on this site, a minimum of 60 units of rentable hotel units is economically required. The proposed project's architectural design, eateries and shops will be a foundational element in achieving the goals of the town center redevelopment plan and zoning district.

II. Variance Criteria: City Code Section 4-41(A)(3) & Section 4-41(B)

A. Special Conditions & Circumstances: The Applicant purchased the property at a taxed and Listed for Sale size of 2.64 acres. In evaluating the property prior to its sale, the Applicant developed a business plan including hotel and retail space based on 2.64 acres. From the number of hotel units and retail/restaurant square footage in that business plan, the Applicant determined how much it could pay for the property and was ultimately successful in purchasing the property. However, the Applicant has now discovered that the property is only 2.0 acres. The tax records and Listed for Sale size were inaccurate. That loss of acreage means the loss of 18 units, which is a substantial deviation from the modelling used to develop the business plan. The loss of acreage caused by the inaccuracies /misrepresentations has created a unique set of circumstances and therefore constitutes a special condition.

B. Literal Interpretation and Strict Application of Density Limits Will Result in Unnecessary Hardship: Limiting the number of units to 56, will result in a hardship by preventing the financial viability of the retail component of the project. The purpose of this variance request is to increase the total number of residential units from 56 to 60. Even if this request is granted, the Applicant will still have lost 14 units compared to what was modelled in its original business plan. However, the requested additional 4 units will allow the Applicant to move forward with the construction of 7,200 square feet of retail space and 4000 square feet of restaurant space Without an additional 4 hotel units, the economics of the project do not allow for the construction of the ground floor retail/restaurant space. The loss of the retail/restaurant component of the project will result in a substantial economic loss to both the Applicant and the City.

C. Not Contrary To Public Welfare:

(i) Positive Community Impact - The project is located in the City's town center and therefore is well positioned to enhance the public, economic and social welfare of the community. In order to have adequate retail establishments to meet the community's needs, additional retail space must be built in the City's town center. The projects 11,200 square feet of upscale shopping and dining space will improve Cocoa Beaches existing resident's quality of life.

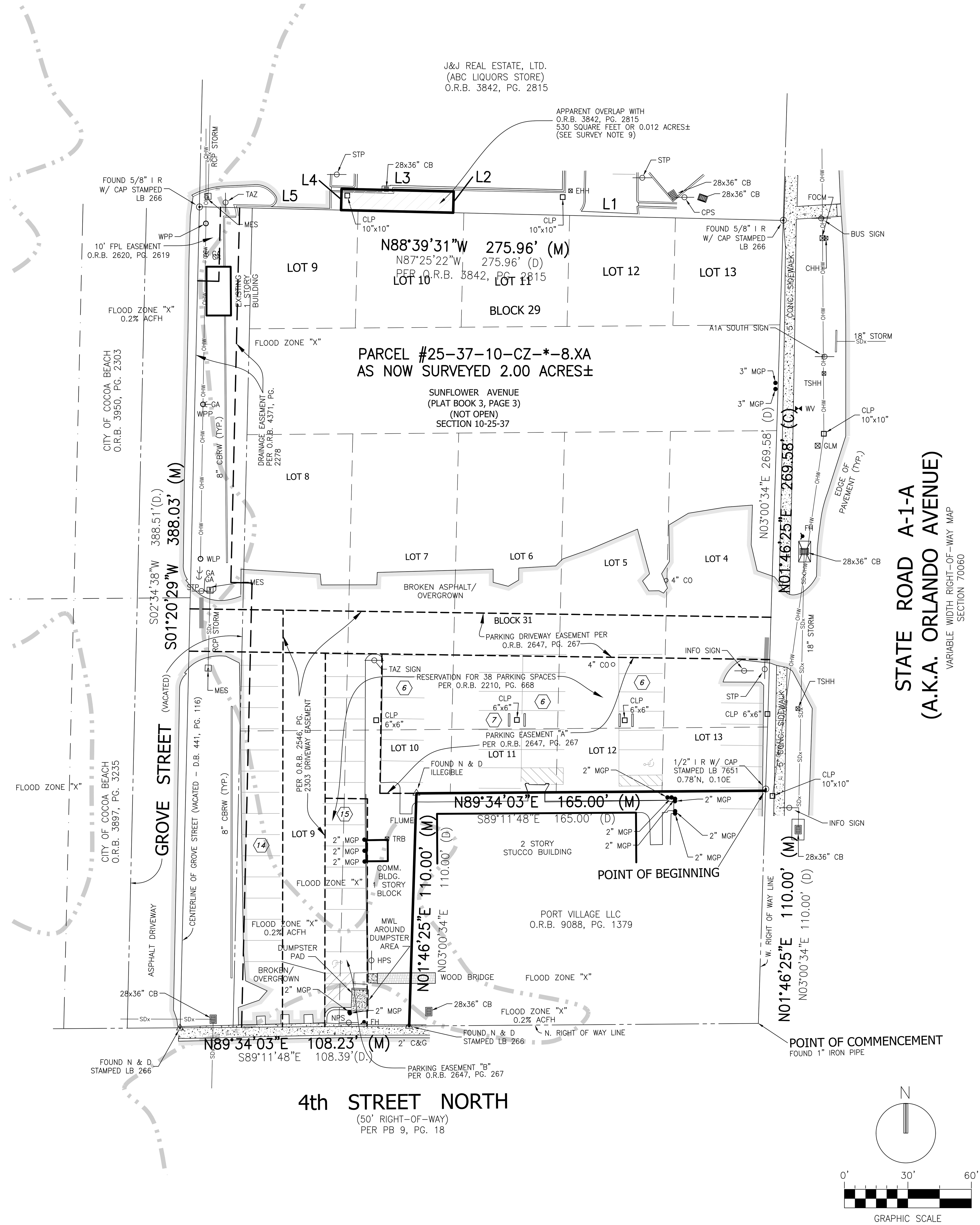
(ii) No Negative Community Impact - Limiting the number of units to 56 would be reasonable and necessary if it protected neighboring properties or the City at large from negative visual impacts, encroached into setbacks, additional building height or negatively impact the operation of the roads or other infrastructure in the vicinity of the project. However, the addition of a total of 4 units will not create any of those outcomes. Therefore, it is not necessary to limit the project to 56 units instead of 60.

(iii) Conclusion

The Applicant requests a variance from 28 hotel units an acre to 30 hotel units an acre for the proposed projects 2-acre site. The variance will increase the total number of hotel units to 60 for the entire site.

Attached please find:

- Boundary Survey
- Conceptual Site Plan
- Floor Plan
- Photographs/Aerial Map
- Architectural Renderings



LINE TABLE

LINE	BEARING	LENGTH
L1	N88°39'31"W	156.00' (C)
L1	N87°25'22"W	156.00' (D)
L2	N01°20'29"E	10.00' (C)
L2	N02°34'38"E	10.00' (D)
L3	N88°39'31"W	53.00' (C)
L3	N87°25'22"W	53.00' (D)
L4	S01°20'29"W	10.00' (C)
L4	S02°34'38"W	10.00' (D)
L5	N88°39'31"W	66.96' (C)
L5	N87°25'22"W	66.96' (D)

(D) PER O.R.B. 2546, PG. 2308

RECORD DESCRIPTION: - O.R.B 9177, PG 1340

A parcel of land lying in Section 10, Township 25 South, Range 37 East, Brevard County, Florida, described as Units, 1, 2, 3, 4a, 4b, 4c, 5 and 6, Glass Door Condominium, according to the Declaration of Condominium thereof as recorded in O.R. Book the same being more particularly described as follows:

Commence at the intersection of the North right-of-way line of 4th Street North with the West right-of-way line of Orlando Avenue; thence, run N 3°00'34" E along said West right-of-way line for 110.00 feet to the Point of Beginning of the following described parcel of land; thence, continue N 3°00'34" E along said West right-of-way line for 269.58 feet; thence, run N 87°25'22" W for 156.00 feet; thence, run N 2°34'38" W for 10.00 feet; thence, run N 87°25'22" W for 66.96 feet to a point on the centerline of Grove street as shown on the Plat of Sea Crest Beach, as recorded in Plat Book 3 at Page 3 of the Public Records of Brevard County, Florida, thence run S 2°34'38" W along said centerline for 388.51 feet to a point on the North right-of-way line of 4th Street North; thence run S 89°11148"E for 108.39 feet; thence run N 3°00'34" E along a line that is parallel with the West right of way line of Orlando Avenue for 110.00 feet; thence run S 89°11'48" E along a line that is parallel with the North Line of 4th Street N for 165.00 feet to the point of beginning.

AND

An Ingress-Egress Easement to Parcel on the West side of Condominium Owned Land described as: A 20 Foot wide strip of land lying in Section 10, Township 25 South, Range 37 East, Brevard County, Florida, the same being more particularly described as follows; Commence at the intersection of the North right-of-way line of 4th Street North with the West right-of-way line of Orlando Avenue; thence run N 3°00'34" E along the West right-of-way line of Orlando Avenue for 172,00 feet to the Point of Beginning of the following described parcel of land; thence, continue N 3°00'34" E along said West right-of-way line for 20.00 feet; thence, run N 87°56'08" W for 274.72 feet to a point on the East line of that certain parcel of land described in Official Record Book 562 at Page 79 of the Public Records of Brevard County, Florida; then run S 2°34'38" W 274.57 feet to the Point of Beginning.

AND

An Easement for Parking in favor of the Condominium on Parcel West of Condominium described as: A strip of land 9.0 feet wide lying In Section 10, Township 25 South, Range 37 East, Brevard County, Florida, the same being the East 9.0 feet of that certain parcel of land described in Official Records Book 562 at Page 79 of the Public Records of Brevard County, Florida.

SURVEYOR'S DESCRIPTION:

A parcel of land lying in Section 10, Township 25 South, Range 37 East, Brevard County, Florida, the same being more particularly described as follows:

Commence at the intersection of the North Right-of-Way line of 4th Street North with the West Right-of-Way line of Orlando Avenue; thence run N01°46'25"E along said West Right-of-Way line for 110.00 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue N01°46'25"E along said West Right-of-Way line for 269.58 feet; thence run N88°39'31"W for 275.96 feet; to a point on the centerline of Grove Street as shown on the plat of Sea Crest Beach, as recorded in Plat Book 3 at Page 3 of the Public Records of Brevard County, Florida; thence run S01°20'29"W along said centerline for 388.03 feet to a point on the North Right-of-Way line of 4th Street North; thence run N89°34'03"E for 108.23 feet; thence run N01°46'25"E along a line that is parallel with the West Right-of-Way line of Orlando Avenue for 110.00 feet; thence run N89°34'03"E along a line that is parallel with the North line of 4th Street North for 165.00 feet to the POINT OF BEGINNING, said parcel contains 2.00 acres more or less.

ABBREVIATIONS:

ACFH	ANNUAL CHANCE FLOOD HAZARD
BLDG	BUILDING
(C)	CALCULATED
CB	CATCH BASIN
C&B	CURB AND GUTTER
CBRW	CONCRETE BLOCK RETAINING WALL
CHH	COMMUNICATION HANDHOLE
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NO.	DATE	FB/PG		CHK'D
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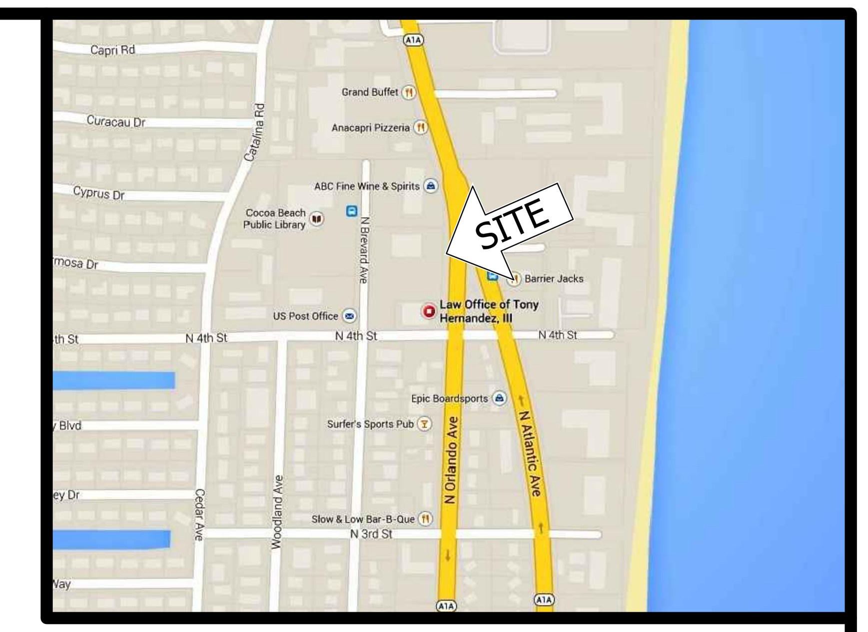
REVISIONS



LOCATION MAP

NOT TO SCALE

SURVEYOR'S NOTES:

1. Bearings shown hereon are referenced to the Florida State Plane East Zone (0901), North American Datum of 1983, 2011 Adjustment (NAD83-2011) and based on the west property line as inversed between a 5/8" iron rebar with cap and a nail and disk, both stamped LB266 as shown hereon. The line bears S01°20'29"W and has a distance of 388.03'. The coordinate values of these points are based on GPS observations relative to the Florida Permanent Reference Network (FPRN), Florida State Plane East 0901 NAD83(2011), at the time of this survey.
2. Easement information shown hereon was taken from First American Title Insurance Company Commitment Number 7222-6376279, dated March 3, 2023 at 8:00 AM, revision number 5, 4/25/23.
3. This site lies within Flood Insurance Rate Map (F.I.R.M.) Zone "X" and Zone "X", 0.2% Annual Flood Chance Hazard (ACFH), per Community Panel Number 125097 0453 H, Map revised January 29, 2021.
4. Unless otherwise noted, underground improvements (foundations, utilities, etc.) were not located by this survey.
5. The underlying streets and lots shown hereon are part of "Sea Crest Beach," Plat Book 3, Page 3 of the Public Records of Brevard County, Florida.
6. Resolution Vacating Streets recorded in Deed Book 441, page 116 of the Public Records of Brevard County, Florida vacates, abandons, discontinues and closes Grove Street and that portion of Sunflower Avenue located on the subject property.
7. The lots shown hereon are part of SEA CREST BEACH, Plat Book 3, page 3, and they are included in the area labeled as Tract No. 8, in the PLAT OF RESUBDIVISION OF S. HALF OF BLOCKS 19 & 20, AND ALL OF BLOCKS 21 TO 32, INCLUSIVE, PLAT OF SEACREST BEACH, Plat Book 9, page 27. The Petition to Vacate, Deed Book 441, page 108, that precedes the above referenced resolution requests the streets and lots be vacated, however the resolution does not specifically vacate the lots in question. The lots and portions of the lots and Tract No. 8 and the vacated street rights of way shown hereon are contained in the property described by metes and bounds as the condominium owned land without any gaps or gores.
8. The driveways and parking areas on the condominium owned land are subject to occasional use by the public for access to adjacent streets, drives, shops and businesses and for parking while using the beach.
9. The overlap is described as being part of the subject parcel in O.R.B. 2546, Page 2308.

SURVEYOR'S REPORT:

The current deed of record at Official Records Book (O.R.B.) 9177, Page 1340 for the subject property has errors in the metes and bounds description. It starts to describe a ten (10.0) foot by fifty-three (53.0) foot jog on the north line and omits two calls before describing the west line. The deed appears to attempt to show Parcel 2 - Glass Bank Parcel as shown on page 2326 of O.R.B. 2546, Page 2308 but that recorded document conflicts with deeds on the parcel to the north that describe the north line as a straight line from Orlando Avenue (State Road A-1-A) to the centerline of Grove Street (now vacated), the west line of both properties affected by said line.

The current deed also mentions a nine (9.0) foot easement for parking that is parallel and outside the west property line that appears to have been Quit Claim by the owners of the property at the time at O.R.B. 3596, Page 968.

O.R.B. 2210, Page 668 calls for reservation of thirty-eight (38) parking spaces on the subject property but does not indicate their location. O.R.B. 2647, Page 267 describes Parking Easement "A" and "B" and these easements physically contain 38 spaces as now surveyed.

Reference O.R.B. 2009, Page 726 and O.R.B. 3596, Page 968 for termination of easements that affected the subject property.

SURVEYOR'S CERTIFICATION:

I hereby certify to Stina Cocoa Beach, LLC; First American Title Insurance Company & Maynard Nexsen PC: that the attached sketch is an accurate representation of a Boundary Survey, performed under my direction, in accordance with all applicable requirements of the "Standards of Practice" as described in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.

DAVID J. IRWIN, PSM License Number 6672 STATE OF FLORIDA Professional Surveyor and Mapper

This item has been electronically signed and sealed by David J. Irwin PSM using a Digital Signature and date. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

Digitally signed by David J Irwin
DN: c=US, o=ALLEN ENGINEERING INC, dnQualifier=A01410C00000185179F3CC70009176D, cn=David J Irwin
Date: 2023.06.12 15:25:05 -04'00'

BY: ______________________

DAVID J. IRWIN
Professional Surveyor & Mapper
Florida Registration No. 6672
ALLEN ENGINEERING, INC.

FB 550/37

FOR: Stina Cocoa Beach, LLC

SURVEY DATE 4/08/22

BOUNDARY SURVEY
FORMER GLASS BANK PARCEL
SECTION 10, TOWNSHIP 25 SOUTH, RANGE 37 EAST
COCOA BEACH
BREVARD COUNTY, FLORIDA

SCALE 1"= 30'

JOB NO. 140073.1

DRAWN DPA

SHEET NO. 1 OF 1

ALLEN ENGINEERING, INC.
CIVIL ENGINEERS • SURVEYORS
FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 266
106 DIXIE LANE, COCOA BEACH, FLORIDA 32931
TELEPHONE: (321)783-7443 - FAX: (321)783-5902
WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

City of Cocoa Beach City Commission
Agenda Item Summary

DEPARTMENT MAKING REQUEST/NAME: Fire /

MEETING DATE April 18, 2024

REQUESTED MOTION/ACTION
Review and Consider the STINA project conceptual site plan pursuant to Section 4-02 (C) of the Land Development Code. The site plan requires review and final action by the City Commission since the plan contains structures of thirty thousand (30,000) square feet or greater.
Representative: Randy Stevenson, Development Services Director
Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

DEPARTMENT OF DEVELOPMENT SERVICES
CITY COMMISSION BRIEFING
April 18th, 2024

REQUEST:	Review and consider a conceptual site plan for redevelopment of the property located at 505 N. Orlando Ave. (Glass Bank) in the Towncenter Redevelopment District pursuant to the requirements provided within the Cocoa Beach Land Development Code Chapter IV Article I.
CASE NO:	PZ-23-17
DATE OF BRIEFING:	April 18th, 2024

Applicant:	Francesca DiPasquale
Location:	505 N Orlando Ave
Parcel ID:	25-37-10-CZ-*-8. XA
Zoning Current:	TC Towncenter
Land Use:	Redevelopment
Area:	Approx. 2.01 acres

Background

The project site is located at 505 N Orlando Ave, Cocoa Beach. The site is currently vacant land but was previously home to the Glass Bank building, a mixture of The First Federal Savings and Loan Association of Cocoa Beach, restaurant space on the top floor, and, in 1983, a penthouse was added. The Sky Room, Ramon's, and Marby's Rainbow Room occupied the restaurant space and hosted astronauts, celebrities, and politicians on special occasions. The building ultimately fell into disrepair and sustained damage from hurricanes. The city demolished the building in 2015.

For approximately 2 years, the applicant has been working to finalize various encumbrances on the subject site to clear up any possible impediments to development of the parcel. As part of this process, the legal acreage of the parcel decreased from 2.64 acres to 2.01 acres. On June 15, 2023, an application was submitted for the site plan review for design and construction of the Stina Building (Glass Bank property). This property location is a key gateway site located near the northern terminus of the Cocoa Beach Downtown Redevelopment District. The proposed project will include a restaurant and shops aimed at improving the downtown experience for Cocoa Beach residents and visitors alike. The proposed mixed-use project will be comprised of 60 transient lodging units, 7,000 square feet of retail/commercial, and 4,000 square feet of restaurant space.

The applicant requests that the City Commission review and approve a proposed conceptual site plan for a mixed-use redevelopment within the downtown center redevelopment district that is comprised of the elements detailed above. There will be 124 dedicated surface parking spaces. The proposal represents a complete redevelopment of the subject parcel. The proposed project includes an extensive storm water management system, upgraded underground utilities, and improved landscaping. The site is currently vested for a building height of 82 feet.

This request for the review and approval of a conceptual site plan for a mixed-use redevelopment project was submitted in accordance with the requirements of the Cocoa Beach Land Development Code (LDC) Section 4-01. The submittal has been reviewed by city staff professionals, comments were provided to the applicant, and revisions based on city comments have been provided. This conceptual site plan proposal is contingent upon approval of a density variance which will be heard by the City Commission on April 18, 2024, prior to the Commission's consideration of the site plan.. The site plan requires review and final action by the City Commission since the plan contains structures of thirty thousand (30,000) square feet or greater.

Considerations for Review of the Conceptual Site Plan:

Listed below are some of the goals, objectives, and policies from the LDC, the Comprehensive Plan, and the Zyscovich Study (Downtown Visioning Plan and Downtown Design Standards) that were considered by staff in reviewing this site plan and making a recommendation to the City Commission. These studies and regulations govern the direction for development in the Downtown Redevelopment Area.

- Section 2-32 of the LDC describes the Towncenter subdistrict as a mixed use, pedestrian oriented hub for surrounding neighborhoods and the entire city. This is the downtown center for dining, shopping, housing, and entertainment, with shaded sidewalks, large windows, intimate pedestrian spaces, outdoor dining, and richly detailed building facades. This subdistrict supports a variety of special events and public gathering activities.

- The City's Comprehensive Plan also speaks to provision of mixed-use development within the City, specifically in the Towncenter area. Policy II.2.2 (a) (2) allows the same consideration for a variance to density (from 28 to 30 units per acre) as detailed in Section 4-41 of the Land Development Code.

- Policy I.2.1 of the Comprehensive Plan states that the City "shall support the efforts of the State Legislature to foster innovative planning in order to maximize existing facilities and services through redevelopment and the revitalization of targeted areas." The Downtown Redevelopment District is a targeted area.

- Objective I.3 of the Comprehensive Plan encourages the City to use innovative land development regulations that may include provisions for planned unit developments and other mixed-use development techniques.

- Goal III of the Comprehensive Plan states that the City will "support redevelopment of the City's downtown, promote a mix of uses and creative solutions to ensure the downtown's long-term economic viability and livability, support new investment, and enhance and preserve the area's vibrancy and unique "Cocoa Beach" character.

- Policy III.1.8 of the Comprehensive Plan states that in the Downtown Area, the City must encourage low impact design (LID) to improve stormwater management.

- Policy III.2.1 (c), (d), and (e) speak to the support of the Downtown Cocoa Beach CRA Community Redevelopment Plan by redeveloping the Towncenter, creating a gateway at the northern end of Downtown, and repositioning retail and broadening uses within the Downtown area.

- Objective III.3 of the Comprehensive Plan states that the "City of Cocoa Beach seeks to increase the Downtown's overall population, further economic stability, and improve Downtown with a mix of active commercial uses which support and encourage walking and foot traffic in combination with residential, lodging, and office uses. Policy III.3.1 affirms that mixed residential and commercial uses on the same lot and/or building footprint are allowable in the Downtown Area.

- In 2010-2012, the City commissioned Zyscovich Architects to prepare a Downtown Visioning Plan and Downtown Design Standards. The subject parcel is contained in the Campus Gateway section of the downtown as identified in the Zyscovich Study. The study goes on to say that this area of the Downtown will be a northern gateway for the Downtown. Mixed-use buildings are permitted. Additional development may include other public amenities like parks, green space, plazas, and interactive fountains. Residential uses are permitted.

Staff Analysis and Recommendation:

Again, it must be noted that the proposed site plan is dependent on the granting of a variance by the City Commission to allow a transient density of thirty (30) units per acre rather than twenty-eight (28) units per acre. This variance request will be heard by the City Commission on April 18, 2024, along with the recommendation of the planning board for this site plan. If the requested density variance is not approved by the City Commission, the site plan will be withdrawn and an alternate site plan will be submitted for a residential only project. This second site plan will be brought back to the Planning Board for review prior to going to the City Commission for final action.

In accordance with Section 4-02 (C) of the Land Development Code, the site plan requires review and final approval by the City Commission since the plan contains structures of thirty thousand (30,000) square feet or greater.

The applicant has provided the documentation required for review and approval of a site plan for the redevelopment of the site at 505 N Orlando Avenue and this site plan has been reviewed by staff for conceptual compliance with all applicable codes and ordinances as well as the Land Development Code. It has been determined by staff, after review of the proposed site plan in accordance with the governing documents referenced above, that the proposal does meet the requirements for approval and staff is offering a recommendation of approval to the City Commission.

Code References

LAND DEVELOPMENT CODE – CHAPTER IV - LAND DEVELOPMENT PROCEDURES ARTICLE I. SITE PLAN APPLICATION PROCESS

Section 4-01. General procedures.
A. Site plans, as defined in section 1-20, shall be submitted for all commercial and residential (including single family) development or redevelopment and all site improvements or building additions which impact the site. All site plans are subject to the following:

1. The site plan shall be sealed by a Florida certified professional and drawn to an industry acceptable engineer's scale, but in no instance less than one (1) inch to forty (40) feet.
2. The requirements of this section shall be determined and expressed to the applicant at the pre-application meeting.
3. The site plan shall show the location of the structure in relation to property lines, setbacks, easements, off-street parking and loading spaces, service areas, walls, fences, public streets,

driveways, open spaces and sidewalks, utilities, and the location and types of signs, and site lighting.

4. Lot areas, percentage of building ground coverage, percentage of impervious lot coverage, floor elevations and square footage in each structure shall also be included.

5. An up-to-date property boundary survey is also required with any site plan application.

6. A stormwater plan is required, which includes, but is not limited to, ground elevations, grading and stormwater management characteristics, flow paths, stormwater facilities and best management practices (BMPs).

7. Site plan requirements for specific projects, including residential developments of three (3) or more units, commercial, professional, public, or institutional developments may include some or all of the requirements below, as determined by the administrator.

a. A landscape plan, as detailed in section 3-52, which includes, but is not limited to, existing trees, site topography, and proposed improvements.

b. A traffic impact statement/analysis, as defined in section 1-20, using standards developed within the most recent version of the Transportation Site Impact Handbook from Florida Department of Transportation (FDOT).

c. A parking plan which incorporates the requirements of section 3-01, and any necessary parking agreements.

d. A lighting plan, which complies with the requirements provided in chapter III, article VI.

e. A preliminary sign plan, which complies with the requirements provided within chapter V.

f. Concurrency analysis documentation, as detailed in section 4-03.

(Ord. No. 1649, § 2(Exh. A), 10-1-2020)

Section 4-02. Site plan review and approval process.

All site plans are reviewed based on the requirements above.

A. Pre-application meeting.

1. Prior to submittal of a site plan, applicants are encouraged to request a pre-application meeting.

2. At any time during the development process, the applicant and/or city staff may request a meeting to get project updates, answer questions, or address concerns.

B. Submittal requirements.

1. Site plan fees are established by the city commission by resolution for residential, commercial and public developments.

2. The site plan shall be prepared, signed and sealed by an architect or professional engineer, licensed by the State of Florida, in engineering standard document format at a scale not less than one (1) inch to forty (40) feet, unless (for larger projects) a larger scale is requested and authorized by the city.

3. Electronic site plan submittal is required, but city staff reserves the right to request one (1) or more signed, sealed paper copies as well.

4. Additional documentation may be required as well, depending on the scope of the project.

C. Site plan review by the city commission.

1. When a site plan submittal involves properties of three (3) acres or greater, or which contain structures of thirty thousand (30,000) square feet or greater, or both, the project is considered a large-scale development, as defined in section 1-20, and requires review and final approval by the city commission.

2. The planning board will review large scale development site plans for compliance with the comprehensive plan and land development code, and as a result of the review, the planning board will provide its recommendations for approval, approval with conditions, or denial.

3. The recommendation of the planning board will be forwarded to the city commission for final review and action.

4. Upon review of the site plan for a large-scale development, the city commission will:

a. Approve the site plan, with or without conditions;

b. Deny the site plan, and identify the findings and reasons for denial; or

c. Return the application to the development services department and/or the planning board for further review and recommendation.

1. The action of the city commission is final and shall be implemented by the development services department.

D. Approved site plans.

1. Following approval of a site plan, the applicant is eligible to apply for a building permit and shall comply with all the building permit application procedures detailed in article II of this chapter.

2. Once a site plan has received final approval, the applicant shall have two (2) years to apply for and receive approval of a building permit. Once a site plan has expired, a new site plan application shall be submitted.

3. Requested revisions to a site plan after approval shall be submitted for review. If the revision is considered minor, city staff may be able to review and approve. If the revision is considered major, the original approval process will be followed. The administrator, or designee, will make the determination.

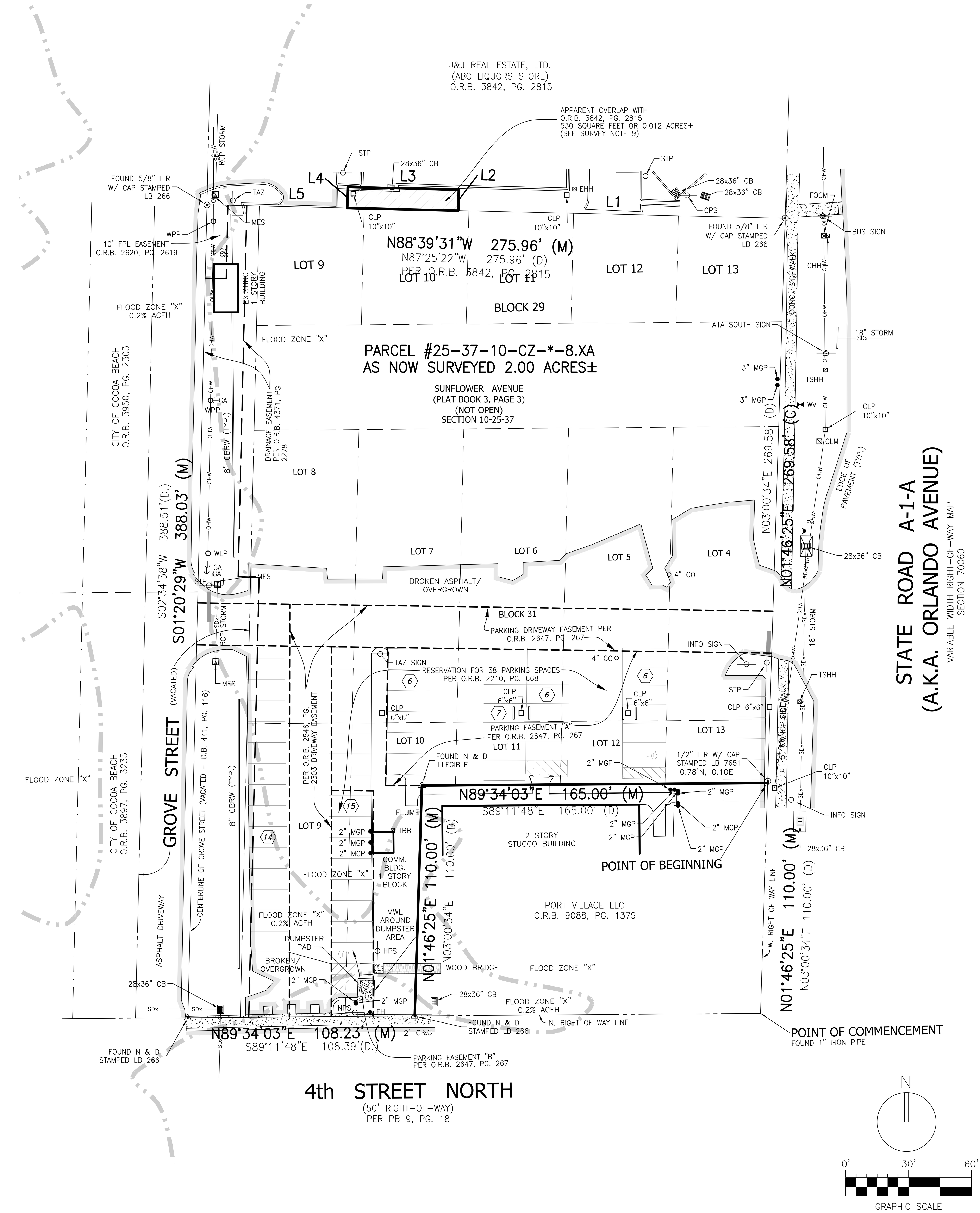
[Ord. No. 1649, § 2(Exh. A), 10-1-2020]

Attachments

A. Property Survey

B. Site Plan

C. Landscape Plan



LINE TABLE

LINE	BEARING	LENGTH
L1	N88°39'31"W	156.00' (C)
L1	N87°25'22"W	156.00' (D)
L2	N01°20'29"E	10.00' (C)
L2	N02°34'38"E	10.00' (D)
L3	N88°39'31"W	53.00' (C)
L3	N87°25'22"W	53.00' (D)
L4	S01°20'29"W	10.00' (C)
L4	S02°34'38"W	10.00' (D)
L5	N88°39'31"W	66.96' (C)
L5	N87°25'22"W	66.96' (D)

(D) PER O.R.B. 2546, PG. 2308

RECORD DESCRIPTION: - O.R.B 9177, PG 1340

A parcel of land lying in Section 10, Township 25 South, Range 37 East, Brevard County, Florida, described as Units, 1, 2, 3, 4a, 4b, 4c, 5 and 6, Glass Door Condominium, according to the Declaration of Condominium thereof as recorded in O.R. Book the same being more particularly described as follows:

Commence at the intersection of the North right-of-way line of 4th Street North with the West right-of-way line of Orlando Avenue; thence, run N 3°00'34" E along said West right-of-way line for 110.00 feet to the Point of Beginning of the following described parcel of land; thence, continue N 3°00'34" E along said West right-of-way line for 269.58 feet; thence, run N 87°25'22" W for 156.00 feet; thence, run N 2°34'38" W for 10.00 feet; thence, run N 87°25'22" W for 66.96 feet to a point on the centerline of Grove street as shown on the Plat of Sea Crest Beach, as recorded in Plat Book 3 at Page 3 of the Public Records of Brevard County, Florida, thence run S 2°34'38" W along said centerline for 388.51 feet to a point on the North right-of-way line of 4th Street North; thence run S 89°11148"E for 108.39 feet; thence run N 3°00'34" E along a line that is parallel with the West right of way line of Orlando Avenue for 110.00 feet; thence run S 89°11'48" E along a line that is parallel with the North Line of 4th Street N for 165.00 feet to the point of beginning.

AND

An Ingress-Egress Easement to Parcel on the West side of Condominium Owned Land described as: A 20 Foot wide strip of land lying in Section 10, Township 25 South, Range 37 East, Brevard County, Florida, the same being more particularly described as follows; Commence at the intersection of the North right-of-way line of 4th Street North with the West right-of-way line of Orlando Avenue; thence run N 3°00'34" E along the West right-of-way line of Orlando Avenue for 172,00 feet to the Point of Beginning of the following described parcel of land; thence, continue N 3°00'34" E along said West right-of-way line for 20.00 feet; thence, run N 87°56'08" W for 274.72 feet to a point on the East line of that certain parcel of land described in Official Record Book 562 at Page 79 of the Public Records of Brevard County, Florida; then run S 2°34'38" W 274.57 feet to the Point of Beginning.

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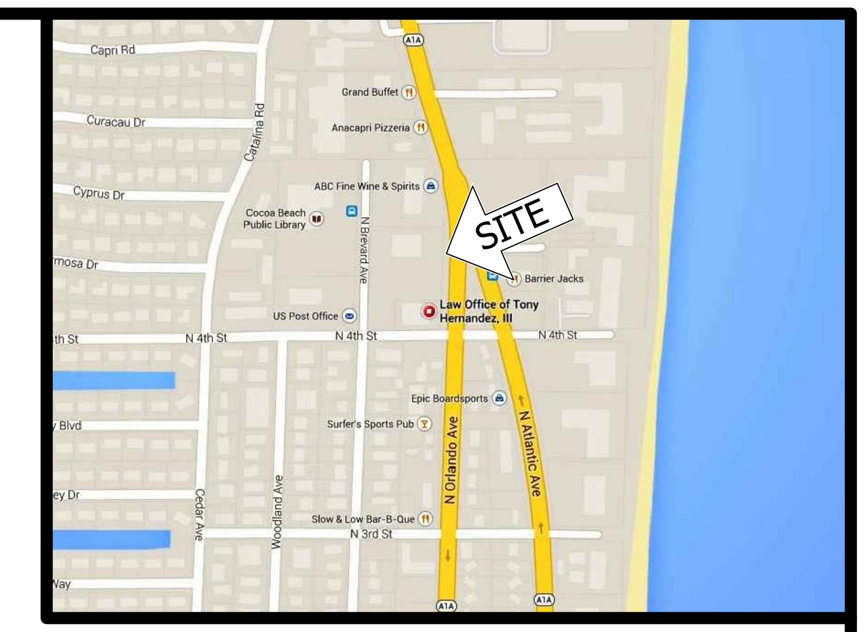
REVISIONS



LOCATION MAP

NOT TO SCALE

SURVEYOR'S NOTES:

1. Bearings shown hereon are referenced to the Florida State Plane East Zone (0901), North American Datum of 1983, 2011 Adjustment (NAD83-2011) and based on the west property line as inversed between a 5/8" iron rebar with cap and a nail and disk, both stamped LB266 as shown hereon. The line bears S01°20'29"W and has a distance of 388.03'. The coordinate values of these points are based on GPS observations relative to the Florida Permanent Reference Network (FPRN), Florida State Plane East 0901 NAD83(2011), at the time of this survey.
2. Easement information shown hereon was taken from First American Title Insurance Company Commitment Number 7222-6376279, dated March 3, 2023 at 8:00 AM, revision number 5, 4/25/23.
3. This site lies within Flood Insurance Rate Map (F.I.R.M.) Zone "X" and Zone "X", 0.2% Annual Flood Chance Hazard (ACFH), per Community Panel Number 125097 0453 H, Map revised January 29, 2021.
4. Unless otherwise noted, underground improvements (foundations, utilities, etc.) were not located by this survey.
5. The underlying streets and lots shown hereon are part of "Sea Crest Beach," Plat Book 3, Page 3 of the Public Records of Brevard County, Florida.
6. Resolution Vacating Streets recorded in Deed Book 441, page 116 of the Public Records of Brevard County, Florida vacates, abandons, discontinues and closes Grove Street and that portion of Sunflower Avenue located on the subject property.
7. The lots shown hereon are part of SEA CREST BEACH, Plat Book 3, page 3, and they are included in the area labeled as Tract No. 8, in the PLAT OF RESUBDIVISION OF S. HALF OF BLOCKS 19 & 20, AND ALL OF BLOCKS 21 TO 32, INCLUSIVE, PLAT OF SEACREST BEACH, Plat Book 9, page 27. The Petition to Vacate, Deed Book 441, page 108, that precedes the above referenced resolution requests the streets and lots be vacated, however the resolution does not specifically vacate the lots in question. The lots and portions of the lots and Tract No. 8 and the vacated street rights of way shown hereon are contained in the property described by metes and bounds as the condominium owned land without any gaps or gores.
8. The driveways and parking areas on the condominium owned land are subject to occasional use by the public for access to adjacent streets, drives, shops and businesses and for parking while using the beach.
9. The overlap is described as being part of the subject parcel in O.R.B. 2546, Page 2308.

SURVEYOR'S REPORT:

The current deed of record at Official Records Book (O.R.B.) 9177, Page 1340 for the subject property has errors in the metes and bounds description. It starts to describe a ten (10.0) foot by fifty-three (53.0) foot jog on the north line and omits two calls before describing the west line. The deed appears to attempt to show Parcel 2 - Glass Bank Parcel as shown on page 2326 of O.R.B. 2546, Page 2308 but that recorded document conflicts with deeds on the parcel to the north that describe the north line as a straight line from Orlando Avenue (State Road A-1-A) to the centerline of Grove Street (now vacated), the west line of both properties affected by said line.

The current deed also mentions a nine (9.0) foot easement for parking that is parallel and outside the west property line that appears to have been Quit Claim by the owners of the property at the time at O.R.B. 3596, Page 968.

O.R.B. 2210, Page 668 calls for reservation of thirty-eight (38) parking spaces on the subject property but does not indicate their location. O.R.B. 2647, Page 267 describes Parking Easement "A" and "B" and these easements physically contain 38 spaces as now surveyed.

Reference O.R.B. 2009, Page 726 and O.R.B. 3596, Page 968 for termination of easements that affected the subject property.

SURVEYOR'S CERTIFICATION:

I hereby certify to Stina Cocoa Beach, LLC; First American Title Insurance Company & Maynard Nexsen PC: that the attached sketch is an accurate representation of a Boundary Survey, performed under my direction, in accordance with all applicable requirements of the "Standards of Practice" as described in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.

DAVID J. IRWIN, PSM
License Number
6672
STATE OF FLORIDA
Professional Surveyor and Mapper

This item has been electronically signed and sealed by David J. Irwin PSM using a Digital Signature and date. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Digitally signed by David J Irwin
DN: c=US, o=ALLEN ENGINEERING INC, dnQualifier=A01410C00000185179F3CC70009176D, cn=David J Irwin
Date: 2023.06.12 15:25:05 -04'00'

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

BY: ____________________
DAVID J. IRWIN
Professional Surveyor & Mapper
Florida Registration No. 6672
ALLEN ENGINEERING, INC.

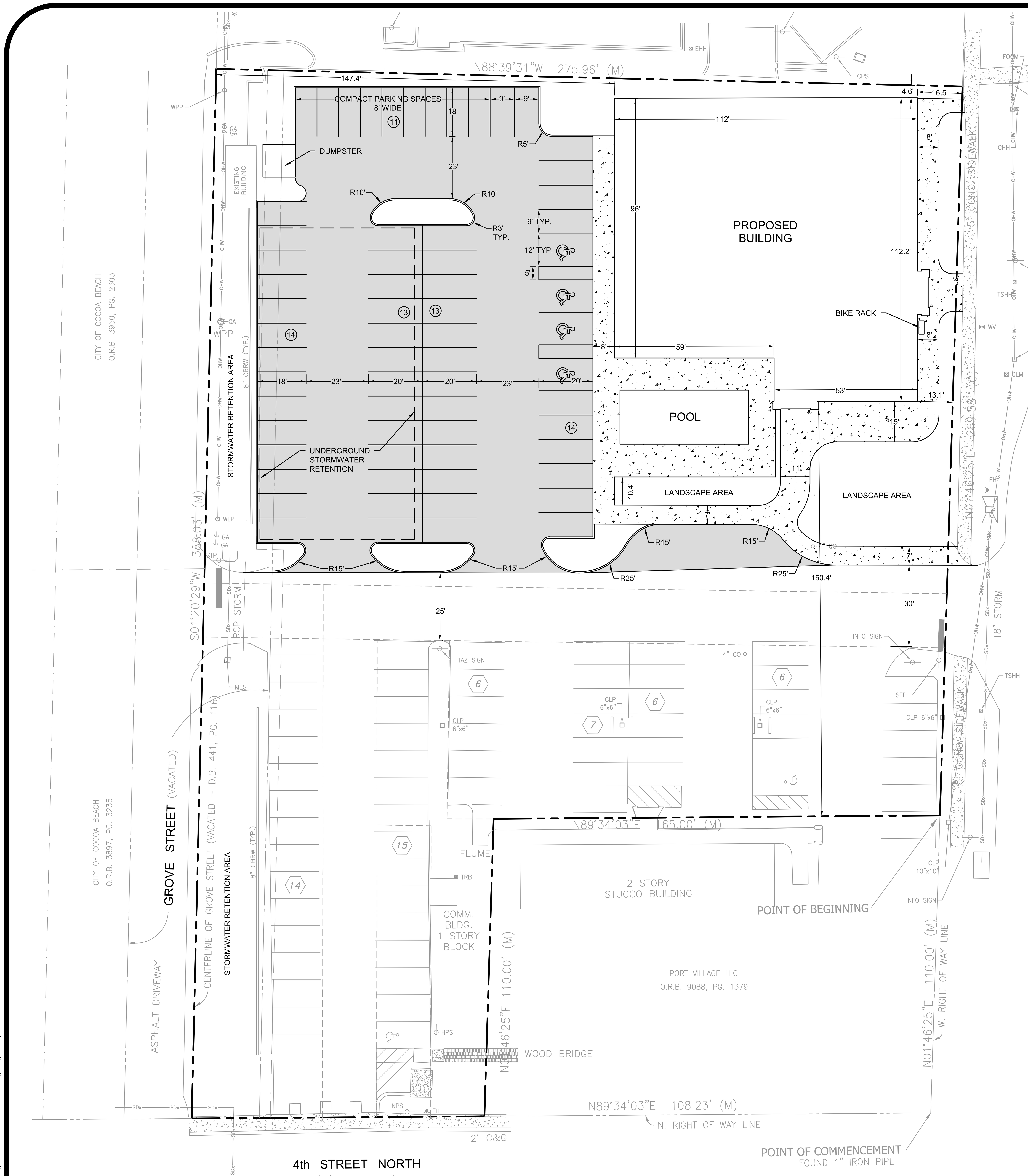
FB 550/37

FOR:
Stina Cocoa Beach, LLC

BOUNDARY SURVEY
FORMER GLASS BANK PARCEL
SECTION 10, TOWNSHIP 25 SOUTH, RANGE 37 EAST
COCOA BEACH
BREVARD COUNTY, FLORIDA

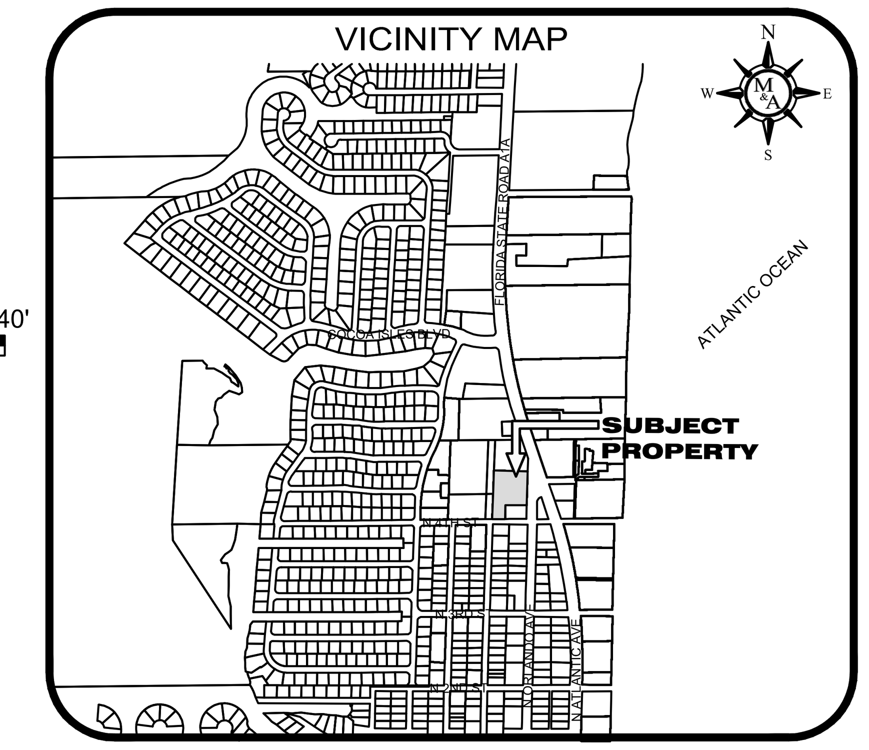
ALLEN ENGINEERING, INC.
CIVIL ENGINEERS • SURVEYORS
FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 266
106 DIXIE LANE, COCOA BEACH, FLORIDA 32931
TELEPHONE: (321)783-7443 - FAX: (321)783-5902
WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

SURVEY DATE	4/08/22
SCALE	1"= 30'
JOB NO.	140073.1
DRAWN	DPA
SHEET NO.	1 OF 1



NORTH

GRAPHIC SCALE
SCALE: 1" = 20'



SITE INFORMATION:

GENERAL STATEMENT:

THE PROJECT CONSISTS OF CONSTRUCTION OF A NEW MIXED USE BUILDING WITH ASSOCIATED SITE IMPROVEMENTS INCLUDE PARKING, STORMWATER MANAGEMENT SYSTEM, UTILITY CONNECTIONS AND LANDSCAPING.

PROJECT CONTACTS

OWNER: STINA COCOA BEACH, LLC
1075 CARRIGAN BLVD
MERRITT ISLAND, FL 32952

ENGINEER: MORGAN & ASSOCIATES CONSULTING ENGINEERS, INC.
504 N. HARBOR CITY BLVD.
MELBOURNE, FL 32935
PH: 321-751-6088

SITE DATA

ADDRESS: TO BE DETERMINED

PARCEL ID: 25-37-10-CZ-*-8.XA

TAX ACCOUNT: 2528698

PARCEL AREA: 2.00 ACRES

SECTION: 10
TOWNSHIP: 25 SOUTH
PHONE: 37 EAST

ZONING: TC, TOWNCENTER
FLU: REDEVELOPMENT
CRA DISTRICT: DOWNTOWN
DENSITY: 30 UNITS PER ACRE x 2 ACRES = 60 UNITS

PLEASE NOTE THAT THIS SITE IS COVERED BY A SETTLEMENT AGREEMENT DATED JANUARY 8, 2014.

FEMA FLOOD ZONE:
ZONES X AND X SHADED
PER MAP NUMBER 12009C0453H, PANEL 363, REVISED DATE JANUARY 29, 2021

BUILDING DATA
NUMBER OF STORIES: 8

PROPOSED STRUCTURE:		
	RESIDENTIAL	90,000 SF
	RETAIL	7,200 SF
	RESTAURANT	4,000 SF
	TOTAL	101,200 SF

BUILDING TYPE: MIXED USE
BUILDING HEIGHT:
ALLOWED 82 FT PER SETTLEMENT AGREEMENT
PROPOSED 82 FT (92 FT TO TOP OF STAIR/ELEVATOR)

BUILDING SETBACKS

	REQUIRED	PROVIDED
FRONT	0 FT MIN / 20 FT MAX	13.1 FT
REAR	10 FT MIN	147.4 FT
SIDE	10 FT	4.6 FT
SIDE STREET	0 FT MIN	150.4 FT

PARKING REQUIRED

HOTEL - 1 SPACE PER EACH GUEST UNIT = 60 UNITS	=	60
HOTEL - 1 SPACE PER 12 UNITS FOR EMPLOYEES = 60/12	=	5
RESTAURANT - 1 SPACE FOR 3 SEATS = 120 SEATS / 3	=	40
RETAIL - 1 SPACE PER 300SF = 7,200 SF / 300 SF	=	24
TOTAL PARKING SPACES REQUIRED	=	129 SPACES
BICYCLE RACK PROVIDED (4% REDUCTION) = 129 x 4%	=	(5) SPACE REDUCTION
TOTAL PARKING SPACES REQUIRED (WITH REDUCTION)	=	124 SPACES

PARKING PROVIDED

EXISTING (2 HANDICAP SPACES)	=	59
PROPOSED (4 HANDICAP / 9 COMPACT SPACES)	=	65
TOTAL (INCLUDES 6 HANDICAP / 9 COMPACT SPACES)	=	124 SPACES

RECORD DESCRIPTION: - O.R.B 9177, PG 1340

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 25 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS UNITS, 1, 2, 3, 4A, 4B, 4C, 5 AND 6, GLASS DOOR CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF AS RECORDED IN O.R. BOOK THE SAME BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF 4TH STREET NORTH WITH THE WEST RIGHT-OF-WAY LINE OF ORLANDO AVENUE; THENCE, RUN N 3°00'34" E ALONG SAID WEST RIGHT-OF-WAY LINE FOR 110.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE, CONTINUE N 3°00'34" E ALONG SAID WEST RIGHT-OF-WAY LINE FOR 269.58 FEET; THENCE, RUN N 87°25'22" W FOR 156.00 FEET; THENCE, RUN N 2°34'38" W FOR 10.00 FEET; THENCE, RUN N 87°25'22" W FOR 66.96 FEET TO A POINT ON THE CENTERLINE OF GROVE STREET AS SHOWN ON THE PLAT OF SEA CREST BEACH, AS RECORDED IN PLAT BOOK 3 AT PAGE 3 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE RUN S 2°34'38" W ALONG SAID CENTERLINE FOR 388.51 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 4TH STREET NORTH; THENCE RUN S 89°11148"E FOR 108.39 FEET; THENCE RUN N 3°00'34" E ALONG A LINE THAT IS PARALLEL WITH THE WEST RIGHT OF WAY LINE OF ORLANDO AVENUE FOR 110.00 FEET; THENCE RUN S 89°11'48" E ALONG A LINE THAT IS PARALLEL WITH THE NORTH LINE OF 4TH STREET N FOR 165.00 FEET TO THE POINT OF BEGINNING.

AND

AN INGRESS-EGRESS EASEMENT TO PARCEL ON THE WEST SIDE OF CONDOMINIUM OWNED LAND DESCRIBED AS: A 20 FOOT WIDE STRIP OF LAND LYING IN SECTION 10, TOWNSHIP 25 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, THE SAME BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF 4TH STREET NORTH WITH THE WEST RIGHT-OF-WAY LINE OF ORLANDO AVENUE; THENCE RUN N 3°00'34" E ALONG THE WEST RIGHT-OF-WAY LINE OF ORLANDO AVENUE FOR 172,00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE, CONTINUE N 3°00'34" E ALONG SAID WEST RIGHT-OF-WAY LINE FOR 20.00 FEET; THENCE, RUN N 87°56'08" W FOR 274.72 FEET TO A POINT ON THE EAST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 562 AT PAGE 79 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THEN RUN S 2°34'38" W 274.57 FEET TO THE POINT OF BEGINNING.

AND

AN EASEMENT FOR PARKING IN FAVOR OF THE CONDOMINIUM ON PARCEL WEST OF CONDOMINIUM DESCRIBED AS: A STRIP OF LAND 9.0 FEET WIDE LYING IN SECTION 10, TOWNSHIP 25 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, THE SAME BEING THE EAST 9.0 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 562 AT PAGE 79 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SURVEYOR'S DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 25 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, THE SAME BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF 4TH STREET NORTH WITH THE WEST RIGHT-OF-WAY LINE OF ORLANDO AVENUE; THENCE RUN N01°46'25"E ALONG SAID WEST RIGHT-OF-WAY LINE FOR 110.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE N01°46'25"E ALONG SAID WEST RIGHT-OF-WAY LINE FOR 269.58 FEET; THENCE RUN N88°39'31"W FOR 275.96 FEET; TO A POINT ON THE CENTERLINE OF GROVE STREET AS SHOWN ON THE PLAT OF SEA CREST BEACH, AS RECORDED IN PLAT BOOK 3 AT PAGE 3 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN S01°20'29"W ALONG SAID CENTERLINE FOR 388.03 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 4TH STREET NORTH; THENCE RUN N89°34'03"E FOR 108.23 FEET; THENCE RUN N01°46'25"E ALONG A LINE THAT IS PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF ORLANDO AVENUE FOR 110.00 FEET; THENCE RUN N89°34'03"E ALONG A LINE THAT IS PARALLEL WITH THE NORTH LINE OF 4TH STREET NORTH FOR 165.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 2.00 ACRES MORE OR LESS.

Revision	
Date:	05/23/2023
Date:	05/23/2023
Date:	05/23/2023
Designed:	AK
Drawn:	DD
Checked:	AK

STINA - COCOA BEACH

CONCEPTUAL SITE PLAN

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 #: 2021-067
Drawing #: CIVIL
Scale:
Horiz. 1" = 20'
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:

The Owner of the Stina property owns a landscape design and build firm. Her passion and desire is to create a park like atmosphere to enhance the walkability experience and aesthetics of the distinctive shops and cafes that will become an important part of the Stina project. This iconic gateway property will set the tone for the walkability of the down town experience. Green space, landscaping, fountains and benches will be welcoming to locals and tourist coming to enjoy the area.