



Meeting Date
8/23/16

AGENDA	
Section	Public Hearings
Item No.	11.F

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: COCOA EXPO SPORTS CENTER, LLC AND UPLAND INVESTMENTS, LLC SMALL SCALE COMPREHENSIVE PLAN AMENDMENT 16S.07 AND ZONING APPLICATION 16PZ00062 (DISTRICT 1)
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:
It is requested that the Board take action on the attached small scale Comprehensive Plan amendment and rezoning request for the Cocoa Expo Sports Complex, LLC. And Upland Investments, LLC.

Summary Explanation & Background:
On August 4, 2016, the Board of County Commissioners tabled the above captioned small scale Comprehensive Plan amendment (16S.07) and rezoning request (16PZ00062) located north of SR 520, on the west side of Friday Road.

16-16 Cindy 52660

Clerk to the Board instruction: Chairman to sign the Small Scale Comprehensive Plan Amendment Ordinance and return to P&D.

Exhibits Attached: Planning & Zoning Staff Comments

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	X	No	<input type="checkbox"/>	PR <input type="checkbox"/>
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County Manager Stockton Whitten		Department Director / Extension Robin M. DiFabio, AICP, Director Planning & Development Dept. Ext. 56363
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DISTRICT 2

IV.B.11. (16PZ00062) – COCOA EXPO SPORTS CENTER, LLC, AND UPLAND INVESTMENTS, LLC – (Stephen Burch) – requests the following: Tax Parcels 758, 760, 762, 817 (15.41 acres), an amendment to an existing BDP (Binding Development Plan); Tax Parcel 780 (0.34 acres), a Small Scale Plan Amendment (16S.07) to change the Future Land Use designation from NC to CC), and a change of classification from TR-1 to BU-1, and the following CUP's: 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or an area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) the 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements as well as buildings, mobile homes, trailers, vehicles or mechanical equipment, on 15.75 acres total, located on the northwest corner of S.R. 520 and Friday Rd. (500 Friday Rd., Cocoa; Tax Parcel 780 = 345 Friday Rd., Cocoa)

LPA Recommendation: Moia/Thodey – Approved. Vote was unanimous.

P&Z Recommendation: Moia/Thodey – Applicant-requested revisions to the BDP were partially approved on a modified basis as follows: denial of Section 1 proposed changes to Paragraph 7 of the BDP; denial of Section 2 proposed changes to Paragraph 11 of the BDP; denial of the provision in Section 3 regarding issuance of final Certificates of Occupancy; changes in Section 4 are approved on a modified basis to allow that Phase 1a site work must be completed and a Certificate of Completion issued within nine (9) months or performance bonds for remaining site work be posted within nine (9) months. In the interim, Concert Day Events (a.k.a. Special Events) can be conducted provided applicant obtains Board of County Commission approval of a Traffic Management Plan prior to holding each event; denial of provision in Section 5 permitting other than Concert Day Events without prior County approval; approval of provision in Section 6. Vote was unanimous.

RESOLUTION NO. 16PZ00062

On motion by Commissioner Infantini, seconded by Commissioner Anderson, the following resolution was adopted by a 4:1 vote, with Commissioner Barfield voting nay:

WHEREAS, COCOA EXPO SPORTS CENTER, LLC AND UPLAND INVESTMENTS, LLC has requested the following: Tax Parcels 758, 760, 762, 817 (15.41 acres), an amendment to an existing BDP (Binding Development Plan); Tax Parcel 780 (0.34 acres), a Small Scale Plan Amendment (16S.07) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), and a change of classification from TR-1 (Single-Family Mobile Home) to BU-1 (General Retail Commercial), and the following CUP's (Conditional Use Permits): 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or an area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) the 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements as well as buildings, mobile homes, trailers, vehicles or mechanical equipment. The property is described as follows: Tax Parcel 758, as recorded in ORB 6902, Pages 2485 – 2487; Tax Parcel 760, as recorded in ORB 6569, Pages 2260 – 2263; Tax Parcel 762, as recorded in ORB 6563, Pages 1999 – 2002; Tax Parcel 780, as recorded in ORB 7238, Page 378; and Tax Parcel 817, as recorded in ORB 6902, Pages 2481 – 2483, all recorded in the Public Records of Brevard County, Florida. **Section 27, Township 24, Range 35.** (15.75 acres total) Located on the northwest corner of S.R. 520 and Friday Rd. (500 Friday Rd., Cocoa; Tax Parcel 780 = 345 Friday Rd., Cocoa)

Section 27,

Township 24 S,

Range 35 E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board/Local Planning Agency recommended that the application be approved(*) as follows: Applicant-requested revisions to the BDP were partially approved on a modified basis as follows: denial of Section 1 proposed changes to Paragraph 7 of the BDP; denial of Section 2 proposed changes to Paragraph 11 of the BDP; denial of the provision in Section 3 regarding issuance of final Certificates of Occupancy; changes in Section 4 are approved on a modified basis to allow that Phase 1a site work must be completed and a Certificate of Completion issued within nine (9) months or performance bonds for remaining site work be posted within nine (9) months. In the interim, Concert Day Events (a.k.a. Special Events) can be conducted provided applicant obtains Board of County Commission approval of a Traffic Management Plan prior to holding each event; denial of provision in Section 5 permitting other than Concert Day Events without prior County approval; approval of provision in Section 6; and approved a change of classification from TR-1 (Single-Family Mobile Home) to BU-1 (General Retail Commercial), and the following CUP's (Conditional Use Permits): 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or an area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) the 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements as well as buildings, mobile homes, trailers, vehicles or mechanical equipment; and

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the Second Amended Binding Development Plan be approved as follows: 1.) Paragraph 1 of the BDP shall be amended by deleting reference to the construction of improvements within Friday Road, S.R. 520, and S.R. 524 rights-of-way identified in the Traffic Study and approved site plan; 2.) Paragraph 7 of the BDP shall be amended by deleting reference to "no later than 18 months of the issuance of the first Certificate of Occupancy issued for any buildings within the property in Exhibit A" and replacing with, "prior to the issuance of a Certificate of Occupancy for any phase other than Phase 1a"; 3.) Paragraph 10 of the BDP shall be amended to read as follows: "the specific recommendations in said study shall be implemented within the site plan approval process, with the omission of the roadway improvements to Friday Road, S.R. 524, and S.R. 520."; 4.) Paragraph 11 of the BDP shall be deleted in its entirety and replaced with the following language: "unless otherwise stated in this BDP, all site plan requirements shall be met prior to the issuance of a CO for each phase of the project. A Certificate of Completion for a phase must be obtained prior to the use or occupancy of any property or structures within said phase"; 5.) Paragraph 14 of the BDP shall be amended to read as follows: "At no time shall the number of spectators, staff, invitees, employees, and guests, hereinafter spectators, exceed the constructed and available parking, unless approved in a Special Event Permit" and clarifies spectator/parking thresholds for special events and additional special event application requirements; 6.) All other terms of the 2012 and 2014 BDP's not inconsistent with the provisions of this Amendment shall remain in full force and effect; and approved a change of classification from TR-1 (Single-Family Mobile Home) to BU-1 (General Retail Commercial), and the following CUP's (Conditional Use Permits): 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or an area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) the 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements as well as buildings, mobile homes, trailers, vehicles or mechanical equipment; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested amendment to an existing BDP in a BU-1 zoning classification APPROVED with a BDP recorded in ORB 7778, Pages 2439 – 2447, dated December

16, 2016, as follows: 1.) Paragraph 1 of the BDP shall be amended by deleting reference to the construction of improvements within Friday Road, S.R. 520, and S.R. 524 rights-of-way identified in the Traffic Study and approved site plan; 2.) Paragraph 7 of the BDP shall be amended by deleting reference to "no later than 18 months of the issuance of the first Certificate of Occupancy issued for any buildings within the property in Exhibit A" and replacing with, "prior to the issuance of a Certificate of Occupancy for any phase other than Phase 1a"; 3.) Paragraph 10 of the BDP shall be amended to read as follows: "the specific recommendations in said study shall be implemented within the site plan approval process, with the omission of the roadway improvements to Friday Road, S.R. 524, and S.R. 520."; 4.) Paragraph 11 of the BDP shall be deleted in its entirety and replaced with the following language: "unless otherwise stated in this BDP, all site plan requirements shall be met prior to the issuance of a CO for each phase of the project. A Certificate of Completion for a phase must be obtained prior to the use or occupancy of any property or structures within said phase"; 5.) Paragraph 14 of the BDP shall be amended to read as follows: "At no time shall the number of spectators, staff, invitees, employees, and guests, hereinafter spectators, exceed the constructed and available parking, unless approved in a Special Event Permit" and clarifies spectator/parking thresholds for special events and additional special event application requirements; 6.) All other terms of the 2012 and 2014 BDP's not inconsistent with the provisions of this Amendment shall remain in full force and effect, and approved a change of classification from TR-1 (Single-Family Mobile Home) to BU-1 (General Retail Commercial), and the following CUP's (Conditional Use Permits): 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or an area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) the 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements as well as buildings, mobile homes, trailers, vehicles or mechanical equipment. and that the zoning classification relating to the above described property be changed, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of December 16, 2016.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


by Jim Barfield, Chairman
Brevard County Commission

As approved by Brevard County Commission on August 23, 2016.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – July 11, 2016)

(*) LPA Recommendation: Approved Small Scale Plan Amendment 16S.07

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

August 24, 2016

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director

RE: Item IV.F., Ordinance for Small Scale Plan Amendment (16S.07) and Rezoning Request for Cocoa Expo Sports Center, LLC and Upland Investments, LLC (Zoning Application 16PZ00062)

The Board of Commissioners, in regular session on August 23, 2016, adopted Ordinance No. 16-16, Small Scale Plan Amendment (16S.07); and approved the Second Amended Binding Development Plan that relieves the owner from the responsibility for constructing the road improvements on State Road 520, State Road 524, and Friday Road, said amended BDP to become effective once Cocoa Expo completes the remaining Phase 1a site plan improvements, specifically sodding of the relocated berm along the southerly property line and constructing a toe wall along the western portion of the southerly property line in lieu of relocating the berm inside the property, and posting the landscape bond, all which must be completed in order to receive the Certificate of Occupancy (CO) for Phase 1a; and approved all budget changes associated with funding the road work by the County. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Contracts Administration
County Manager
Finance
Budget



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

December 16, 2016

MEMORANDUM

TO: Jennifer Jones, Zoning

RE: Item IV.F., Binding Development Plan Agreement with Cocoa Expo Sports Center, LLC

The Board of County Commissioners, in regular session on August 23, 2016, executed Binding Development Plan Agreement with Cocoa Expo Sports Center, LLC, for property located on the east side of Friday Road, approximately 490 feet north of S.R. 520. Said Agreement was recorded in ORBK 7778 PGs 2439 through 2447. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cm

Encls. (2)

cc: Contracts Administration

SECOND AMENDMENT TO THE BINDING DEVELOPMENT PLAN

THIS AGREEMENT, is entered into this 16 day of December 2016 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as the "County") and Cocoa Expo Sports Center, LLC, a Florida Limited Liability Corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Owner owns property and improvements known commonly as the Cocoa Expo Sports Center (hereinafter referred to as the "Property") in Brevard County, Florida; and

WHEREAS, Cocoa Expo entered into a binding development plan with Brevard County on November 13, 2012, which was recorded in Official Records book 6738 at page 2370 of the Public Records of Brevard County, Florida, is incorporated herein by reference, and which, as amended, shall be referred to as the "BDP";

WHEREAS, the parties entered into an amendment to the BDP on or about December 16, 2014, which amendment was recorded in Official Records book 7270 at page 218 of the Public Records of Brevard County, Florida, and is incorporated herein by reference; and

WHEREAS, on March 3, 2016, the County and Owner entered into a Memorandum of Understanding regarding the development of the Property; and

WHEREAS, the County is authorized to regulate development of the Property; and

WHEREAS, the original site plan for the Property has been rephased; and

WHEREAS, the County is planning, in the near future, to do certain road improvements in furtherance of the community health, safety and welfare and the public interest; and

WHEREAS, the Owner wishes to amend and revise the BDP. Additional language is shown as underlined; deletions are stricken through.

NOW THEREFORE, the parties agree as follows:

1. Paragraph 1 of the BDP shall be amended to read as follows:

The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements within the parcels described within Exhibits A and B, as amended herein, ("onsite improvements") ~~or in the construction of the improvements required within Friday Road, SR 524 and SR 520 rights of way as identified within the Traffic Study and the approved site plan.~~ It is the intent of the parties that the

Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of said onsite improvements.

2. Paragraph 7 of the BDP shall be amended to read as follows:

The parking, driveway, and associated improvements located within the property west of Friday Road (Exhibit B), including any pedestrian crossing improvements, shall be completed prior to the issuance of a Certificate of Occupancy for any phase other than Phase 1A. ~~No later than 18 months of the issuance of the first Certificate of Occupancy issued for any of the buildings within the property described in Exhibit A.~~ Pursuant to Section 62-2956(b)(2), the Developer/Owner shall enter into a separate sidewalk assessment agreement and design a sidewalk along the frontage of the property described in Exhibit B.

3. Paragraph 10 of the BDP shall be amended to read as follows:

The approved Traffic Study and Traffic Management Plan shall be incorporated and made part of the Binding Development Plan as Exhibit E. The Specific recommendations in said study shall be implemented within the Site Plan approval process, with the omission of roadway improvements to Friday Road, SR 524, and SR 520.

4. Paragraph 11 of the BDP shall be deleted in its entirety and replaced with the following language:

Unless otherwise stated in this BDP, all site plan requirements shall be met prior to the issuance of a Certificate of Occupancy for each phase of the project. A Certificate of Completion for a phase must be obtained prior to the use or occupancy of any property or structures within said phase.

5. Paragraph 14 of the BDP shall be amended to read as follows:

At no time shall the number of spectators, staff, invitees, employees, and guests (hereinafter Spectators), exceed the constructed and available parking, unless approved in a Special Event permit as set forth below. The available parking shall be derived by using a formula of one (1) vehicle (parking space) per three (3) spectators. Once all of the

proposed parking spaces are constructed and made available as indicated on the approved site plan, the maximum number of Spectators shall be based upon the constructed and available parking count shown in the approved site plan, unless otherwise approved as a special event pursuant to Chapter 10, Article II. Events reasonably anticipated to exceed the maximum number of spectators shall require a special event permit. As of August 23, 2016, the plans show, for Phase 1A, maximum constructed and available on-site parking of 1,912 spaces if all the ball fields, other than the stadium field, are available for parking use. Therefore, the Spectators are limited to 5,736 people if all designated parking areas are available. If the ball fields are in use, for purposes other than parking, or other parking areas are not available for vehicular parking for any reason, the number of available spaces is deemed reduced by the number of spaces shown in the attached parking plan for the area which is not available, and the number of allowable Spectators shall be reduced by 3 for each parking space which is not available.

Events shall be limited in size based on the constructed and available on-site parking, unless otherwise approved as a Special Event pursuant to Chapter 10, Article II. Events reasonably anticipated to exceed the maximum number of Spectators, based on on-site available parking shall require a Special Event Permit.

Application for a Special Event shall include a parking and traffic management plan and shall be reviewed under the Code provisions set forth in Chapter 10, Article II. Complete applications for Special Events with all fees paid shall be submitted no less than 21 days prior to the planned event.

6. All other terms of the 2012 Binding Development Plan and the 2014 Amendment to the 2012 Binding Development Plan, not inconsistent with the provisions of this Amendment, shall remain in full force and effect.

7. The following Exhibit to the original binding development plan is amended and replaced with the Exhibit attached to this Amendment:

Exhibit B - Legal description for parcels West of Friday Road.

WITNESS:

[Signature]

Bridgit Land

(Witness Name typed or printed)

DEVELOPER/OWNER

[Signature]

By J.C. Unnerstall, Managing Member
Cocoa Expo Sports Center, LLC
500 Friday Road, Cocoa, Florida 32926

WITNESS:

[Signature]

Vincent Unnerstall

(Witness Name typed or printed)

STATE OF Florida §
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 14 day of December by Jefferey Unnerstall, Managing Member of Cocoa Expo Sports Center, LLC, who is personally known to me.



[Signature]

Public Notary

Commission No.:

Commission Expires

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

[Signature]

By: Scott Ellis, Clerk of Court

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, Florida 32940

By [Signature]

Chairman of the Board of
County Commissioners of Brevard County Florida

As approved by the Board on 8/23/16

Binding Site Plan

Cocoa Expo Complex

Exhibit B – West of Friday Road

(COUNTY TAX PARCELS # 24-35-27-00-00762.0-0000.00 AND 24-35-27-00-00760.0-0000.00):

A PARCEL OF LAND IN THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 27 AND RUN N00°34'28"E, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 67.55 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 520; THENCE S89°55'47"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 205.27 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5333, PAGE 866, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, S89°55'47"W A DISTANCE OF 457.08 FEET TO THE WEST LINE OF SAID EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 27; THENCE N00°31'22"E, ALONG SAID WEST LINE, A DISTANCE OF ~~804~~997.05 FEET; THENCE N89°49'50"E, A DISTANCE OF ~~202.05~~23 FEET TO THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5475, PAGE 2653, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S00°34'28"W, PARALLEL TO AND 461 FEET WEST OF (AS MEASURED PERPENDICULARLY) THE EAST LINE OF SAID SECTION 27, A DISTANCE OF ~~422~~38.33 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5475, PAGE 2653, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N89°49'53"E, ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5475, PAGE 2653, A DISTANCE OF 436.04 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5475, PAGE 2653 AND THE WEST RIGHT-OF-WAY LINE OF FRIDAY ROAD, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE S00°34'28"W ALONG SAID RIGHT-OF-WAY LINE, (SAID RIGHT-OF-WAY LINE BEING 25.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 27), A DISTANCE OF 378.20 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5715, PAGE 6135, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S89°49'53"W,

ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5715, PAGE 6135, A DISTANCE OF 195.02 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S00°34'28"W, PARALLEL TO AND 195 FEET WEST OF (AS MEASURED PERPENDICULARLY) SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2459, PAGE 1317, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N89°49'53"E, ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2459, PAGE 1317, A DISTANCE OF 195.02 FEET TO THE SOUTHEAST CORNER THEREOF AND THE WEST RIGHT-OF-WAY LINE OF SAID FRIDAY ROAD; THENCE S00°34'28"W, ALONG SAID RIGHT-OF-WAY LINE, (SAID RIGHT-OF-WAY LINE BEING 25.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 27), A DISTANCE OF 75.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5333, PAGE 866; THENCE S89°49'53"W, ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5333, PAGE 866, A DISTANCE OF 180.28 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S00°34'28"W A DISTANCE OF 156.31 FEET TO THE POINT OF BEGINNING. CONTAINING 9.99 ACRES, MORE OR LESS.

TOGETHER WITH PARCEL 758, CONSISTING OF ± 2.36 ACRES (COUNTY TAX PARCEL # 24-35-27-00-00758.0-0000.00):

PART OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6264, PAGE 385, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA ALSO BEING PART OF THE SOUTH 871.52 FEET OF THE EAST 250.00 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 27 AND RUN N00°34'28"E, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 67.55 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 520; THENCE S89°55'47"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 662.35 FEET TO A POINT ON THE EAST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°55'47"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 250.01 FEET, TO THE WEST LINE OF THE EAST 250.00 FEET OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE N00°31'22"E, ALONG SAID WEST LINE, A DISTANCE OF 521.89 FEET; THENCE N88°50'50"E A DISTANCE OF 127.66 FEET; THENCE S00°57'31"W A DISTANCE OF 221.40 FEET;

THENCE N89°50'49"E A DISTANCE OF 124.04 FEET TO THE EAST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE S00°31'22"W, ALONG SAID EAST LINE, A DISTANCE OF 297.96 FEET TO THE POINT OF BEGINNING, CONTAINING 2.36 ACRES, MORE OR LESS.

TOGETHER WITH PARCEL 817 CONSISTING OF ± 2.24 ACRES (COUNTY TAX PARCEL # 24-35-27-00-00817.0-0000.00):

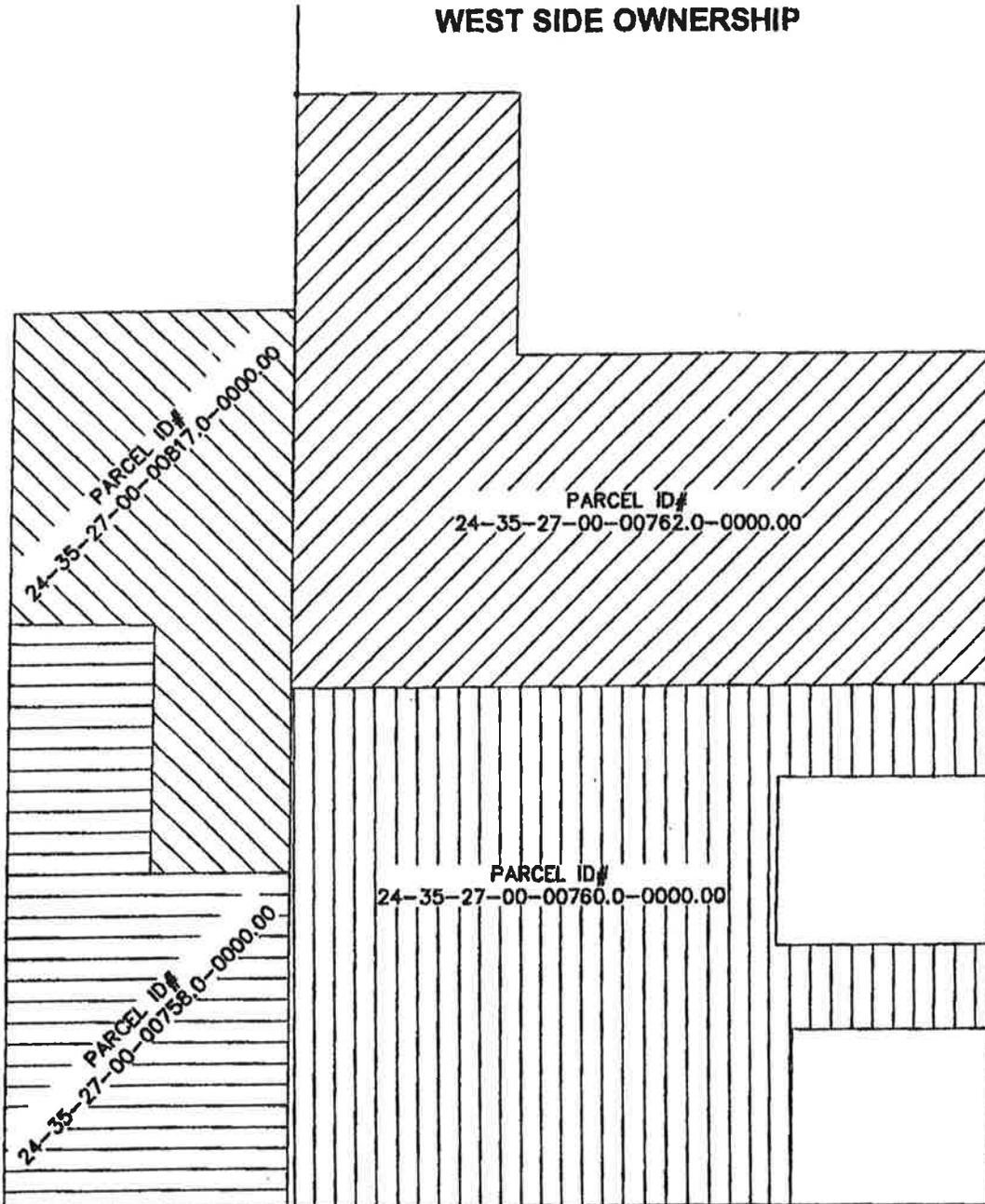
PART OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6264, PAGE 385, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA ALSO BEING PART OF THE SOUTH 871.52 FEET OF THE EAST 250.00 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 27 AND RUN N00°34'28"E, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 67.55 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 520; THENCE S89°55'47"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 662.35 FEET TO A POINT ON THE EAST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE CONTINUE S89°55'47"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 250.01 FEET, TO THE WEST LINE OF THE EAST 250.00 FEET OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE N00°31'22"E, ALONG SAID WEST LINE, A DISTANCE OF 521.89 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N88°50'50"E A DISTANCE OF 127.66 FEET; THENCE S00°57'31"W A DISTANCE OF 221.40 FEET; THENCE N89°50'49"E A DISTANCE OF 124.04 FEET TO THE EAST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE N00°31'22"E, ALONG SAID EAST LINE, A DISTANCE OF 504.17 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6264, PAGE 385; THENCE S89°45'51"W, ALONG THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6264, PAGE 385, A DISTANCE OF 250.02 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6264, PAGE 385 AND THE WEST LINE OF THE EAST 250.00 FEET OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE S00°31'22"W, ALONG SAID WEST LINE, A DISTANCE OF 279.53 FEET TO THE POINT OF BEGINNING, CONTAINING 2.24 ACRES, MORE OR LESS.

TOGETHER WITH PARCEL 780, CONSISTING OF ±.34 ACRES (COUNTY TAX PARCEL # 24-35-27-00-780):

A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 27, AND RUN NORTH 00°26'20" EAST, ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 67.40 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 520; THENCE SOUTH 89°16'26" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 25.0 FEET, TO A POINT ON THE WEST RIGHT OF WAY LINE OF FRIDAY ROAD; THENCE NORTH 00°06'20" EAST, ALONG SAID WEST LINE, A DISTANCE OF 230.87 FEET TO THE POINT OF THE BEGINNING; THENCE CONTINUE NORTH 00°06'20" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 75.0 FEET; THENCE SOUTH 89°21'41" WEST, PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ A DISTANCE OF 195.0 FEET; THENCE SOUTH 00°06'20" WEST, PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 75.0 FEET HENCE NORTH 89°21'41" EAST PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 196.0 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"
WEST SIDE OWNERSHIP



FRIDAY ROAD

STATE ROAD 520

FOR REFERENCE ONLY
NOT TO SCALE

H:\Projects Folder\1123\Drawings\1123_101_110_EXHIBIT B.dwg September 24, 2014 12:17:16 PM LH



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901
PHONE: (321) 725-3874 FAX: (321) 723-1150
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 09/24/14
DESIGN/DRAWN LEH
DRAWING# 11123_101_110
PROJECT# 11123
SHEET# OF#

14 P2021

BrevardClerk.US

Scott Ellis, Clerk of Court

700 South Park Avenue, Bldg. B
 P.O. Box 2767
 Titusville, FL 32781-2767
 (321) 637-2006

DBLIVE Transaction
 #: 1818670
 Receipt #: 61784016
 Cashier Date: 12/16/2016
 3:15:35 PM



Print Date:
 12/16/2016 3:15:37 PM

Customer Information	Transaction Information	Payment Summary
() COCOA EXPO SPORTS CENTER TENANT LLC 500 FRIDAY RD COCOA, FL 32926	DateReceived: 12/16/2016 Source Code: Titusville - Six Story Q Code: Titusville - Six Story Return Code: Hand Carried Trans Type: Recording Agent Ref Num:	Total Fees \$78.00 Total Payments \$78.00

1 Payments	
CHECK 1464	\$78.00

1 Recorded Items		
(AG) AGREEMENT	BK/PG: 7778/2439 CFN:2016247289 Date:12/16/2016 3:15:32 PM From: To:	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	9	\$78.00
Indexing @ 1st 4 Names Free, Addt'l=\$1 ea.	2	\$0.00

0 Search Items

1 Miscellaneous Items
(AGTR) AGENT TRANSMITTAL



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 25, 2016

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 16-16, which was filed in this office on August 25, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 16- 16

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SEVENTH SMALL SCALE PLAN AMENDMENT OF 2016, 16S.07, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2016 as Plan Amendment 16S.07; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 16S.07; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

Officially filed with the Secretary of State August 25, 2016

WHEREAS, on July 11, 2016, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 16S.07, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on August 4, 2016, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 16S.07; and

WHEREAS, Plan Amendment 16S.07 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 16S.07 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 16S.07 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 16S.07, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 23 day of August, 2016.

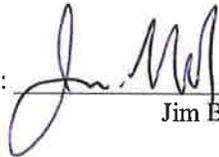
ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By:



Jim Barfield, Chairman

As approved by the Board on Aug. 23, 2016.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

FINDINGS OF FACT (EXHIBIT B)

*Small Scale Plan Amendment 16S.07
Township 24, Range 35, Section 27*

Property Information

Owner / Applicant: Cocoa Expo Sports Center, LLC

Adopted Future Land Use Map Designation: NC

Requested Future Land Use Map Designation: CC

Acreage: 15.75 +/- acres Tax Account #: 2408080/2408084/2462067/2408082/2408102

Site Location: West side of Friday Rd, NW corner of SR 520

Current Zoning: TR-1, BU-1, BU-2

Requested Zoning: BU-1 with BDP and 2 CUP's

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant	TR-1	NC
South	Vacant	BU-1	CC
East	Roadway	N/A	N/A
West	Vacant	BU-1	CC

General Analysis

The subject property has a mixture of commercial and mobile zoning classifications, with a NC Future Land Use designation. This request will amend the NC Future Land Use designation on 0.34 acres and allow for CC Future Land Use designation. The companion rezoning to all BU-1, with the amended BDP and two CUP may permit the future expansion of a Sports entertainment and amusement enterprise and the onsite consumption of alcoholic beverages.

The property is bordered by CC future land use designations to the south and west and NC to the north. The existing sports center is located on the east side of Friday Road. There is

an existing mobile home on the subject site. The character of the area is comprised by a mixture of mobile home, commercial development and vacant land.

Environmental Resources

Note: The Natural Resources Management will provide a detailed analysis at the time of a the future request for rezoning for of the following environmental factors: Wetlands, Floodplains, Aquifer Recharge, and Endangered or Threatened Species. Applicants are encouraged to contact the Brevard County Natural Resources Management concerning environmental considerations prior to planning and development. Any future development will be subject to Brevard County's land development regulations.

Historic Resources

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in *italics*

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

Role of the Comprehensive Plan in the Designation of Commercial Lands

Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject parcel has direct access to Friday Road and SR 520.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

The subject parcel is adjacent to other Community Commercial land uses.

- C. Existing commercial development trend in the area;

There is an existing gas station at the corner of Friday Road and SR 520.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

There are no fundamental changes in the character of the area as a result of infrastructure improvements.

- E. Availability of required infrastructure at/above adopted levels of service;

Friday Road is a minor collector. Please see companion rezoning staff report (14PZ-00021) concerning traffic concurrency and correspondence with the engineer of record.

- F. Spacing from other commercial activities;

The subject parcel is an expansion commercial land uses associated with a sports center.

- G. Size of proposed commercial designation compared with current need for commercial lands;

The subject parcel has a designation of Neighborhood Commercial. The requested change in land use would increase the FAR from 0.75 to 1.00.

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

An environmental analysis will be required by NRMD at the time of a request for rezoning. Please see companion rezoning staff report for NRMD comments.

- I. Integration of open space; and

Open space requirements are addressed during the site plan review stage.

- J. Impacts upon strip commercial development.

This request would not contribute to strip commercial development.

Activities Permitted in Community Commercial (CC) Future Land Use Designations Policy 2.7

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and

professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.12; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

The applicant intends to develop an entertainment and amusement enterprise, with onsite consumption of alcoholic beverages. There is an associated application for rezoning from TR-1, BU-2 to BU-1.

Locational and Development Criteria for Community Commercial Uses

Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The subject parcel has an existing Neighborhood Commercial land use and is requesting an increase in intensity to Community Commercial. The subject parcel is 0.34 acres and is located on a minor collector roadway, and will expand an existing sports center at the intersection of the minor collector and a major arterial roadway (S.R. 520).

- B. Community commercial complexes should not exceed 40 acres at an intersection.

The subject parcel is 0.34 acres.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

The subject parcel is 0.34 acres with an existing NC future land use designation.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size.

The gross floor area is regulated through the land development regulations at the time of site plan review, and through the companion rezoning with Binding Development Plan.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites.

The FAR is regulated through the land development regulations at the time of site plan review.

Summary

This application proposes to change the Future Land Use on 0.34 acres from NC to CC. The subject parcel will expand the associated uses with the existing sports center on the west side of Friday Road. The parcels on the west side of Friday Road are predominantly vacant. The sports center is located at the intersection of a minor collector and a major arterial roadway. A companion rezoning, modification of BDP and two CUP's will allow for commercial development, along with onsite consumption of alcoholic beverages.

IV.B.11.

Commission District # 2 (16PZ00062)
Initial Hearing Dates: P&Z 07/11/16 BCC 08/04/16

**REZONING REVIEW WORKSHEET
 WEST SIDE OF FRIDAY ROAD**

Applicant Name: COCOA EXPO SPORTS CENTER, LLC, AND UPLAND INVESTMENTS, LLC

Request: An amendment to the existing BDP on Tax parcels 758, 760, 762, 817; Tax Parcel 780 (0.34 acres), a Small Scale Plan Amendment (16S.07) to change the Future Land Use designation from NC to CC, and a change of classification from TR-1 to BU-1, and the following CUP's (Conditional Use Permits): 1.) CUP for Alcoholic Beverages for On-Premises Consumption; 2.) CUP for Commercial Entertainment and Amusement Enterprises, with waivers to: a.) the required 300-foot minimum setback to an existing residential development or an area designated by the County Comprehensive Land Use Plan for Residential Development; and b.) the 75 ft. perimeter setback for athletic fields, parking, and ancillary improvements as well as buildings, mobile homes, trailers, vehicles or mechanical equipment.

Subject Property:

Parcel ID#: 24-35-27-00-758; 24-35-27-00-760; 24-35-27-00-762; 24-35-27-00-780; 24-35-27-00-817
Tax Acct#: 2408080; 2408082; 2408084; 2408102; 2462067
Location: Northwest corner of S.R. 520 and Friday Rd.
Address: 500 Friday Rd., Cocoa; Tax Parcel 780 = 345 Friday Rd., Cocoa
Acreage: 15.75 acres total

Consistency with Land Use Regulations

YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
NO** Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-1 & BU-2 with BDP; TR-1	BU-1 & BU-2 with Amended BDP and CUPs
Potential*	1 unit	Sports Center Complex ancillary uses
Can be Considered under FLU MAP	YES COMMUNITY COMMERCIAL NEIGHBORHOOD COMMERCIAL	NO**

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.
 **Requires a Small Scale Comprehensive Plan Amendment from Neighborhood Commercial to Community Commercial.

	ADT	PM Peak		
Trips from Existing Zoning	310	452	Segment Number	84
Trips from Proposed Zoning	497	724	Segment Name	SR 520 I-95 to Friday Road*
Maximum Acceptable Volume (MAV)	56,500	5,141	Acceptable LOS	E
Current Volume	17,910	1,630	Directional Split	.51
Volume With Proposed Development	18,407	2,354	ITE CODE 495 189,413 sf. Existing gross 303,195 sf. With proposed gross	
Current Volume / MAV	31.6%	31.7%		
Volume / MAV with Proposal	32	45		
Current LOS	D	D		
LOS With Proposal	D	D		

*Although the property has frontage on SR 520, access/ingress is primarily from Friday Road. Existing Conditions on Friday Road may not accommodate associated traffic volumes without remedial improvements.

Land Use Compatibility

FLUE Policy 1.1 requires consideration of land use compatibility and character of the area.

The request is for an amendment to the existing BDP and a rezoning to the BU-1 zoning classification with the addition of Conditional Use Permits for Commercial Entertainment and Amusement Enterprises and the On-premises Consumption of alcohol and a Binding Development Plan to replace the Binding Site Plan as well as an accompanying Small Scale Comprehensive Plan Amendment from Neighborhood Commercial to Community Commercial on the west side of Friday Road. The BU-1 zoning classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 zoning classification does not permit warehousing or wholesaling. The surrounding properties are zoned TR-1 and AU to the north, BU-1 and TR-1 to the east, BU-1 to the south across Highway 520 and TR-1 and BU-1 to the west across Friday Road. TR-3 zoning is a mobile home park zoning classification with a minimum lot size of 10 acres for the park. Mobile home sites must be at least 4,000 square feet, with a minimum width of 40 feet. TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet. This area of Cocoa is a mixture of commercial and single-family mobile home development. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

Environmental Constraints

Natural Resources Management have provided one consolidated rezoning review for both east and west sides of Friday Road, all Cocoa Expo Sports Center, LLC property. It is important to note that the property holdings on the West side of Friday Road have floodplain issues that are unresolved at this time.

* Does the project appear to meet county use or density restrictions based upon:
 * Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped Wetlands and Hydric soils	Coastal Protection	NA
Aquifer Recharge Soils	Mapped	Surface Water Protection	NA
Floodplains	Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

Other Considerations: In 2012, the applicant sought a rezoning application with Conditional Use Permits to unify the zoning on the property and for the purposes of refurbishing the existing stadium and improvements to the fields and dormitory. The application was approved in 2012 subject to CUP criteria being met and a BDP. The Developer/Owner of the site did not want to make the required road improvements until the site was operational and generating revenue. Therefore, the BDP provided timelines for required road improvements based on the issuance of the first permanent certificate of occupancy. According to the BDP, improvements were postponed but to be constructed within 18 months of the first Certificate of Occupancy (CO) issued.

Effectively, through the amendment to the BDP, the onsite and offsite improvements to roadways, parking and pedestrian have been postponed. These improvements are standard County requirements for the proposed CUPs and uses proposed at the site. Such improvements are expected to be made prior to receiving a CO.

The initial 2012 site plan provides for all on site improvements on the east side of Friday Road to be completed in order to be eligible for a Certificate of Occupancy. In 2014, the applicant amended the BDP to reflect that additional properties had been added to his holdings. A revision to the approved site plans was required to incorporate the additional property into the site. Following a letter of deficiency by the County in March 2014, the site plan revision remained incomplete. In March 2015, the applicant approached the County about allowing use of his property for baseball despite the incomplete nature of the site and the absence of a Certificate of Occupancy.

In May 2015, a Memorandum of Understanding (MOU) between the County and the applicant was agreed upon, stipulating to 14 conditions such as completing the revisions to the site plan and completion of site improvements by September 4, 2015 via the site plan revision, the applicant amended the phasing of the project. Phase 1a, which has still not obtained a Certificate of Occupancy due to outstanding deficiencies, includes the dormitory, training building, stadium, and 2 concession stands along with 8 ballfields and 250 paved parking spaces. The Memorandum of Understanding has been extended by the Board and is set to expire on September 9, 2016. The MOU is very specific and provides operational limitations while temporary CO's are in place as well as a list of improvements and a deadline of September 9, 2016.

Pursuant to the current "Memorandum of Understanding" (MOU), the applicant is submitting an amended Binding Development Plan. The MOU states:

- "2. Cocoa Expo understands that it must work expeditiously in order to obtain an amendment to its BDP prior to September 9, 2016 and
3. On or before the September 9, 2016, Cocoa Expo shall:
 - a. post bonds covering all outstanding deficiencies and remaining work for Phase 1A (12SP-00320), including required landscaping and buffers, to guarantee such work is completed within an eighteen (18) month time period, unless such requirements are amended or deleted through an approved revised Binding Development Plan;"

Therefore, since the Developers/Owners of Cocoa Expo have not posted performance bonds or finalized and obtained Certificates of Occupancy for the work that has been permitted under Phase 1a of the site plan; they are seeking an amendment to the BDP.

The proposed BDP amends Paragraph 7 and Paragraph 11 of the 2012 BDP and changes Sections 3-7 with new language. (please note section numbers may not be correct). The existing language is shown in *italics* and the proposed language is shown in underline. Any language to be stricken is shown as ~~strike through~~.

Paragraph 7 would be amended as follows: "*The parking driveway and associated improvements located within the property west of Friday Road (Exhibit B), including any pedestrian crossing improvements, shall be completed no later than 18 months of the issuance of the first Certificate of Occupancy issued for any buildings*

within the property described in Exhibit A. prior to holding any Concert Day Events, unless a specific Traffic Management Plan to assure traffic and public safety is submitted by the Developer/Owner and approved by Brevard County prior to the event." Pursuant to Section 62-2956(b)(2), the Developer/Owner shall enter into a separate sidewalk assessment agreement and design a sidewalk along the frontage of the property described in Exhibit B.

Paragraph 11 would be amended as follows: that "Unless FDOT requires the Developer/Owner to construct improvements for the proposed driveway connections on SR 520, and/or at the intersection of Friday Road and SR520, and/or at the intersection of Friday Road and SR 524 sooner than the two (2) years outline below the improvements to SR520, SR 524, and Friday Road identified in the Traffic Study as needed to support a "Concert Day Event" (as defined within the Traffic Study) must be completed and accepted by Brevard County within two (2) years of the issuance of the first certificate of occupancy for any building within the Project or prior to holding any Concert Day events that do not have a specific Traffic Management Plan approved by Brevard County prior to the schedule event. Construction of said improvements must commence within (18) months of the issuance of the first Certificate of Occupancy for any building within the project. To insure the completion of such improvements, the Applicant shall post a Performance Bond in the amount of 125% of the Total Construction Cost, as certified by the applicant's Engineer and as approved by Brevard County. The Performance Bond shall be provided to Brevard County prior to the first building Certificate of Occupancy being issued and shall be for a period of two (2) years from that date.. No "Concert Day Events" (as defined within the Traffic Study) shall be permitted until the improvements to SR 520, SR 524 and Friday Road, as defined in the Traffic Study, are completed and accepted by Brevard County, unless a Traffic Management Plan to ensure traffic and public safety is submitted by the Developer/Owner and approved by Brevard County prior to the scheduled event.

As referenced above, a "Concert Day Event" is defined in the Traffic Study as 5,400 spectators "where up to 1,809 parking spaces will be utilized." It is important to note that the existing stadium seats approximately 3,800 spectators and adequate parking has not been evaluated for the existing uses being performed on site currently. Staff has advised the applicant that the Parking Analysis and Traffic Study performed as part of the 2012 BDP need to be updated to reflect existing conditions such as the absence of roadway improvements or parking on the west side of Friday Road in that said parking was key to supporting the parking needs of the facility.

The Amended BDP also contains the new following language, however it is not underlined as new language. It states under "Section 3". "Following the completion of final building and fire inspections, which may have already been obtained by the Owner, and the completion of requirements listed in paragraph 4 of the MOU, County shall issue final certificates of occupancy on any building which has received said inspections without the need for a performance bond for any outstanding deficiencies for remaining work for Phase 1a of the BDP.

Inspections have not been performed in the last year and conditions may have changed on the property. Therefore, Staff has reservations regarding this condition, as written.

And, the Amended BDP also contains the new following language under Section 4 and 5, again, this new language is not underlined to indicate that it is new language. It states under Section 4 that : "Owner shall be prohibited from conducting events designated as Concert Day Events in the BDP unless Owner either:

- iv. Obtains a certificate of completion for Phase 1a.
- v. Posts bonds covering all outstanding landscaping and deficiencies and remaining work for Phase 1a (12SP-00320), including required landscaping buffers, to guarantee such work is completed within and eighteen (18) month time period in the amount of 125% of the total outstanding construction cost; or
- vi. Seeks and obtains approval from the Board of County Commissioners of a traffic management plan for each Concert Day Event prior to the holding of a Concert Day Event as described in amended Paragraph 11 of the BDP. (see above)

It states in the proposed second amended BDP, under Section 5 that: "With the exception of Concert Day Events which are governed by Paragraph 3 of this agreement, Owner shall not be prohibited from holding any event for

any use permitted by the BDP on the property once the certificates of occupancy have been issued, and shall be permitted to hold said event without prior approval from the County."

It is not clear in the newly added language to the BDP, if in addition to doing away with required roadway improvements, the applicant is giving up the ability to hold Concert Day Events so that they can utilize the Special Event Permit process for larger events not permitted under the MOU, BDP or the CUP criteria for Commercial Entertainment and Amusement Enterprises. This seems to indicate that the developer wants to hold regular events under the terms of the BDP without kicking off the time frames given for making adjacent required roadway improvements.

To date we have received inquiries and an application for Special Events to be held at Cocoa Expo for a concert and a circus with possible attendance numbers of 10,000 people. Absence of available onsite parking and the proposal of multiple off-site parking, with the arrangement of bussing in spectators only underscores the need for onsite parking improvements. Additionally, as previously mentioned, the Developer/Owner has not amended the Parking Evaluation or the Traffic Study since 2012 or addressed the insufficiency of those documents, which contemplated having the parking on the west side of Friday Road in place.

Summary: The request is for an amendment to the existing BDP and a rezoning to the BU-1 zoning classification with the addition of Conditional Use Permits for Commercial Entertainment and Amusement Enterprises and the On-premises Consumption of alcohol and a Binding Development Plan to replace the existing Binding Site Plan as well as an accompanying Small Scale Comprehensive Plan Amendment from Neighborhood Commercial to Community Commercial on the west side of Friday Road.

In compliance with the current "Memorandum of Understanding" (MOU) between the County and the Developers/Owners of Cocoa Expo Sports Center, LLC, the applicant is submitting an amended Binding Development Plan. This will be the "Second Amended Binding Development Plan" submitted although it is the third version of the Binding Development Plan considered by the Board of County Commissioners for the subject property since 2012. While, the revisions to the Binding Development Plan (BDP) stipulate that improvements will be made to roadways prior to the Cocoa Expo having any "Concert Day Events" where attendance would exceed the number of parking spaces constructed and without the expansion of parking facilities on the west side of Friday Road, the proposed language also includes a provision to circumvent the requirement by submitting a Traffic Management Plan. Such plan would be subject to BCC for approval for each event. If this amendment is accepted as drafted, all other activities associated with the Commercial Entertainment and Amusement Enterprise would be allowed, per the proposed BDP without the requisite parking and roadway improvements being completed.

There are many unresolved issues on the subject property that have not allowed the County to review or finalize the subject property's use as a Commercial Entertainment and Amusement Enterprise as a Sports Complex. As with previous amendments, the Traffic Study which is an exhibit to the Binding Development Plan, has not been updated. The applicant's rationale for not updating the study is because "the request does not equate to additional traffic demand or traffic trips". As no road improvements or paved parking beyond 250 spaces onsite have been made to date and the facility has been in operation, an analysis of ongoing events in relationship to the traffic study should be evaluated.

A "Memorandum of Understanding" (MOU) was approved on March 3, 2016 to afford Developer/Owner with the ability to conduct baseball activities on a limited scale until the site work and road work is completed. Instead of scheduling improvements or posting performance bonds for the work, the applicant is choosing to submit an amended Binding Development Plan by September 9, 2016 as alternatively stipulated by the MOU. The MOU document has held all code enforcement actions in abeyance and has permitted Cocoa Expo Sports Center to utilize and actively proceed with uses and structures without permanent Certificates of Occupancy.

Natural Resources Management have provided one consolidated rezoning review for both east and west sides of Friday Road, all Cocoa Expo Sports Center, LLC property. It is important to note that the property holdings on the West side of Friday Road have floodplain issues and are unresolved at this time.

NATURAL RESOURCES MANAGEMENT OFFICE
Rezoning Review
SUMMARY

Item No. & Zoning Request:
16PZ00062 – NC & CC and TR-1, BU-1, & BU-2 to BU-1 with BDP & 2 CUPs
Applicant: Cocoa Expo Sports Center, LLC
P&Z: 07/11/16 **BCC Hearing Date: 08/04/16**

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped wetlands and hydric soils	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

This review relates to the following properties: Twp. 24, Rng. 35, Sec. 27; Tax ID Nos. 2407990, 2408080, 2408082, 2408084, 2418102, & 2462067

Subject Parcel No. 2407990 (east side of Friday Road) contains a small area of mapped hydric soils and wetlands. However, the applicant has previously demonstrated that there are no wetlands on the subject properties on the east side of Friday Road.

The subject parcels on the west side of Friday Road contain mapped hydric soils and wetlands. The BoCC, in regular session on May 27, 2014, approved impacts to low quality wetlands for commercial development located on Parcel Nos. 2408080, 2408082, 2408084 & 2462067. Wetland impacts on these parcels are permissible upon an approved Brevard County development order (i.e., site plan approval). Board approval may be required for wetland impacts on additional parcels containing wetlands. Any permitted wetland impacts shall meet the mitigation requirements of Sections 62-3694(e) and 62-3696.

Subject Parcel No. 2407990 (east side of Friday Road) contains a small area of mapped floodplain as identified by the Federal Emergency Management Agency. However, the applicant has previously demonstrated that the property elevations on the east side of Friday Road are above the base flood elevation.

The properties on the west side of Friday Road are located within floodplain as identified by the Federal Emergency Management Agency. A floodplain study of this vicinity determined that the floodplain is "riverine." Thus, the properties are subject to compensatory storage, maximum filled footprint, and structure elevation criteria as specified in Conservation Objective 4, its subsequent policies; and Chapter 62, Article X, Division 5, entitled Floodplain Protection. Section 3, No. 2 of the proposed BDP contains language establishing land uses that may be in conflict with these criteria. The Binding Site Plan and Parking

Evaluation report also includes proposed land uses that may be in conflict with Comp Plan and Ordinance criteria.

Protected species may be present on the properties. Prior to any plan, permit submittal, or development activity, including land clearing, the owner should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service.

The owners are advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Proposed BDP

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III 6.11.
COCOA EXPO

SECOND AMENDED BINDING DEVELOPMENT PLAN

THIS AGREEMENT, is entered into this ___ day of _____, 2016 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as the "County) and Cocoa Expo Sports Center, LLC, a Florida Limited Liability Corporation (hereinafter referred to as "Owner").

RECITALS

WHEREAS, Owner owns property and improvements known commonly as the Cocoa Expo Sports Center (hereinafter referred to as the "Property) in Brevard County, Florida; and

WHEREAS, Cocoa Expo entered into a binding development plan with the Brevard County on November 13, 2012, which was recorded in Official Records book 6738 at page 2370 of the Public Records of Brevard County, Florida, is incorporated herein by reference, and which, as amended, shall be referred to as the "BDP";

WHEREAS, the parties entered into an amendment to the BDP on or about December 16, 2014, which amendment was recorded in Official Records book 7270 at page 218 of the Public Records of Brevard County, Florida, and is incorporated herein by reference; and

WHEREAS, on March 3, 2016, the County and Owner entered into a Memorandum of Understanding (hereinafter referred to as "MOU" and attached as Exhibit A) regarding the development of the Property; and

WHEREAS, the County is authorized to regulate development of the Property; and

WHEREAS, the Owner wishes to amend and revise the BDP.

NOW THEREFORE, the parties agree as follows:

Section 1. Paragraph 7 of the BDP shall be amended to read as follows:

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The parking, driveway, and associated improvements located within the property west of Friday Road (Exhibit B), including any pedestrian crossing improvements, shall be ~~completed no later than 18 months of the issuance of the first Certificate of Occupancy issued for any of the buildings within the property described in Exhibit A.~~ completed prior to holding any Concert Day Events, unless a specific Traffic management Plan to assure traffic and public safety is submitted by the Developer/Owner and approved by Brevard County prior to the event. Pursuant to Section 62-2956(b)(2), the Developer/Owner shall enter into a separate sidewalk assessment agreement and design a sidewalk along the frontage of the property described in Exhibit B.

Section 2. Paragraph 11 of the BDP shall be amended to read as follows:

Unless FDOT requires the Developer/Owner to construct improvements for the proposed driveway connections on SR 520, and/or at the intersection of Friday Road and SR520, and/or at the intersection of Friday Road and SR 524 sooner than the two (2) years outlined below, the improvements to SR520, SR524, and Friday Road identified in the Traffic Study as needed to support a "Concert Day Event" (as defined within the Traffic Study) must be completed and accepted by Brevard County within (2) years of the issuance of the first Certificate of Occupancy for any building within the Project or prior to holding any Concert Day events that do not

have a specific Traffic Management Plan approved by Brevard County prior to the scheduled event. Construction of said improvements must commence within (18) months of the issuance of the first Certificate of Occupancy for any building within the Project. To insure the completion of such improvements, the Applicant shall post a Performance Bond in the amount of 125% of the Total Construction Cost, as certified by the applicant's Engineer and as approved by Brevard County. The Performance Bond shall be provided to Brevard County prior to the first building Certificate of Occupancy being issued and shall be for a period of two (2) years from that date. No "Concert Day Events" (as defined within the Traffic Study) shall be permitted until the improvements to SR520, SR, 524 and Friday Road, as defined in the Traffic Study, are completed and accepted by Brevard County, unless a Traffic Management Plan to ensure traffic and public safety is submitted by the Developer/Owner and approved by Brevard County prior to the scheduled event.

Section 3. Following the completion of final building and fire inspections, which may have already been obtained by Owner, and the completion of the requirements listed in Paragraph 4 of the MOU, County shall issue final certificates of occupancy on any building which has received said inspections without the need for a performance bond for any outstanding deficiencies for remaining work for Phase 1a of the BDP.

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Section 4. Owner shall be prohibited from conducting events designated as “Concert Day Events” in the BDP unless Owner either:

- i. Obtains a certificate of completion for Phase 1(a);
- ii. Posts bonds covering all outstanding deficiencies and remaining work for Phase 1a (12SP-00320), including required landscaping and buffers, to guarantee such work is completed within an eighteen (18) month time period in the amount of 125% of the total outstanding construction cost; or
- iii. Seeks and obtains approval from the Board of County Commissioners of a traffic management plan for each Concert Day Event prior to the holding of a Concert Day Event as described in the amended Paragraph 11 of the BDP.

Section 5. With the exception of Concert Day Events which are governed by Paragraph 3 of this agreement, Owner shall not be prohibited from holding any event for any use permitted by the BDP on the Property once the certificates of occupancy have been issued, and shall be permitted to hold said event without prior approval from the County.

Section 6. The following Exhibits to the BDP are amended and replaced with the Exhibits attached to this Amendment:

Exhibit A – Legal description for parcels East of Friday Road
Exhibit B – Legal description for parcels West of Friday Road
Cocoa Expo – Binding Site Plan Parking Evaluation
Exhibit F – Proposed buffers for Eastside

Section 7. This Second Amended Binding Development Plan shall substitute, replace, supersede, and amend the BDP, as previously amended. All other terms and conditions of the BDP, not inconsistent with the provisions of this amendment shall remain in full force and effect.

SIGNATURE PAGES TO FOLLOW

IV, F
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IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Jim Barfield, Chairman
As approved by the Board on _____

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

WITNESSES:

DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

(Witness Name typed or printed)

(President)

(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this ____ day of
, 20__, by _____, President of _____, who is personally
known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)

(18)

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated _____, given by _____ as mortgagor, in favor of the undersigned, _____ as mortgagee, recorded in Official Records Book _____, page _____, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the change of property use and development requirements as set forth therein.

WITNESSES:

MORTGAGEE NAME/ADDRESS

(Address)

Authorized Agent Signature

(Witness name typed or printed)

(Name/title typed, printed or stamped)

(Witness name typed or printed)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, who is personally known to me or who has produced _____ as identification.

My commission expires

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)

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Binding Site Plan

Cocoa Expo Complex

Exhibit A – East of Friday Road

PARCEL 1 (COUNTY TAX PARCEL # 24-35-26-00-00502.0-0000.00):

A TRACT OF LAND AS SITUATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 24 SOUTH RANGE 35 EAST, IN BREVARD COUNTY, FLORIDA, CONTAINING A PORTION OF OFFICIAL RECORDS BOOK 2550, PAGE 0017, OFFICIAL RECORDS BOOK 3734, PAGE 1959 (PARCEL B), AND ALL OF OFFICIAL RECORDS BOOK 2932, PAGE 1679, OFFICIAL RECORDS BOOK 3364, PAGE 2309, OFFICIAL RECORDS BOOK 3671, PAGE 3758, OFFICIAL RECORDS BOOK 4376, PAGE 2788, OFFICIAL RECORDS BOOK 4376, PAGE 2859, ALL OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO 520 (RIGHT OF WAY VARIES) WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 26, THENCE S 89°59'56" W, ALONG THE SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 1320.03 FEET, TO THE SOUTHEAST CORNER OF OFFICIAL RECORDS BOOK 2864, PAGE 2503, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE CONTINUE S 89°59'56" W, ALONG SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 600.00 FEET, TO THE POINT OF BEGINNING, THENCE N 00°00'04" W, PERPENDICULAR TO THE SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 587.72 FEET, THENCE S 89°34'43" E, FOR A DISTANCE OF 380.79 FEET, THENCE N 00°25'17" E, FOR A DISTANCE OF 552.59 FEET, THENCE S 89°34'43" E, FOR A DISTANCE OF 176.16 FEET, THENCE N 00°25'17" E, FOR A DISTANCE OF 913.79 FEET, TO THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 2550, PAGE 0017, THENCE N 89°59'48" W, ALONG SAID NORTH LINE, FOR A DISTANCE OF 861.25 FEET, TO THE SOUTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK 3734 PAGE 1959 (PARCEL B), THENCE N 00°41'27" E, ALONG THE EAST LINE FOR A DISTANCE OF 100.04 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL B, THENCE S 89°59'37" W, ALONG THE NORTH LINE OF SAID PARCEL B, FOR A DISTANCE OF 219.92 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL B, SAID POINT LYING ON THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2788, THENCE N 00°54'00" E ALONG THE AFOREMENTIONED LINES, FOR A DISTANCE OF 46.50 FEET, TO THE NORTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2788, THENCE S 89°54'07" W, ALONG THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2788, FOR A DISTANCE OF 150.12 FEET, TO THE NORTHWEST

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CORNER OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2788, AND THE EAST RIGHT OF WAY LINE OF FRIDAY ROAD (100' RIGHT OF WAY), THENCE S 00°37'22" W, ALONG THE WEST LINES OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2788 AND OFFICIAL RECORDS BOOK 4376, PAGE 2859 AND THE SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 146.23 FEET TO THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2859 AND THE NORTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 2932, PAGE 1679 THENCE CONTINUE S 00°40'14" W, ALONG THE SAID EAST RIGHT OF WAY LINE AND THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 2932, PAGE 1679 AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 2550, PAGE 0017, FOR A DISTANCE OF 1509.79 FEET TO THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 3364, PAGE 2309, THENCE N 89°59'27" E, ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 3364, PAGE 2309, FOR A DISTANCE OF 286.71 FEET TO THE SOUTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK 3364, PAGE 2309, THENCE S 00°24'32" W, ALONG THE SAID WEST LINE OF SAID OFFICIAL RECORDS BOOK 2550, PAGE 0017, AND THE EAST LINE OF OFFICIAL RECORDS BOOK 4764, PAGE 1719, OFFICIAL RECORDS BOOK 3359 PAGE 0679 AND OFFICIAL RECORDS BOOK 2247, PAGE 2079, ALL OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, FOR A DISTANCE OF 240.08 FEET, TO AN INTERSECTION WITH THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 5436, PAGE 0901, THENCE S 89°44'17" E, ALONG THE SAID NORTH LINE FOR A DISTANCE OF 57.09 FEET, TO THE NORTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK 5436 PAGE 0901, THENCE S 00°27'10" W, ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 5436, PAGE 0901, FOR A DISTANCE OF 300.08 FEET, TO THE AN INTERSECTION WITH THE SAID NORTH RIGHT OF WAY LINE OF STATE ROAD 520, THENCE N 89°59'56" E, ALONG THE SAID NORTH RIGHT OF WAY LINE AND THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 2550, PAGE 0017, FOR A DISTANCE OF 341.01 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION SET FORTH IN THAT PARTIAL RELEASE OF MORTGAGE RECORDED IN OFFICIAL RECORDS BOOK 6019, PAGE 686, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST LINE OF SAID SOUTHWEST 1/4 WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 520, AND RUN S 89°59'56" W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1320.03 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2864, PAGE 2503; THENCE CONTINUE S 89°59'56" W, ALONG SAID NORTH

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RIGHT OF WAY LINE, A DISTANCE OF 600.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN N 00°00'04" W, ALONG AN EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5877, PAGE 5044, A DISTANCE OF 587.72 FEET TO AN ANGLE POINT IN SAID EAST LINE, POINT OF BEGINNING; THENCE S 89°34'43" E, ALONG AN EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5877, PAGE 5044, A DISTANCE OF 380.79 FEET TO AN ANGLE POINT; THENCE N 00°25'17" E, ALONG AN EAST LINE OF SAID LANDS, A DISTANCE OF 3.88 FEET TO AN ANGLE POINT FOR A WEST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5879, PAGE 8847; THENCE N 89°34'43" W, ALONG A WEST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5879, PAGE 8847, A DISTANCE OF 380.81 FEET TO AN ANGLE POINT; THENCE S 00°00'04" E, ALONG A WEST LINE OF SAID LANDS, A DISTANCE OF 3.88 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A TRACT OF LAND SITUATED IN SECTION TWENTY-SIX (26), TOWNSHIP TWENTY-FOUR (24) SOUTH, RANGE THIRTY-FIVE (35) EAST IN BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD 520 WITH THE EAST RIGHT OF WAY LINE OF FRIDAY ROAD, WHICH IS THE POINT OF BEGINNING OF THE LAND DESCRIBED HEREIN, RUN SOUTH EIGHTY NINE (89) DEGREES, FIFTY EIGHT (58) MINUTES, THIRTY (30) SECONDS EAST, ALONG THE NORTH RIGHT OF WAY LINE OF STATE ROAD 520, A DISTANCE OF THREE HUNDRED FORTY SIX AND SEVENTEEN HUNDREDTHS (346.17) FEET TO A POINT; THENCE RUN NORTH ZERO (0) DEGREES, TWENTY-FOUR (24) MINUTES, TWENTY-NINE (29) SECONDS EAST, A DISTANCE OF THREE HUNDRED AND EIGHT HUNDREDTHS (300.08) FEET TO A POINT; THENCE RUN NORTH EIGHTY-NINE (89) DEGREES, FIFTY-EIGHT (58) MINUTES, THIRTY (30) SECONDS WEST TO THE EAST RIGHT OF WAY LINE OF FRIDAY ROAD; THENCE RUN SOUTHERLY ALONG THE EAST RIGHT OF WAY LINE OF FRIDAY ROAD, A DISTANCE OF THREE HUNDRED (300) FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

PARCELS 1 AND 2 ALSO DESCRIBED AS:

A TRACT OF LAND AS SITUATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 24 SOUTH, RANGE 35 EAST, IN BREVARD COUNTY, FLORIDA, CONTAINING A PORTION OF OFFICIAL RECORDS BOOK 2550, PAGE 0017, OFFICIAL RECORDS BOOK 3734, PAGE 1959 (PARCEL B), AND ALL OF OFFICIAL RECORDS BOOK 2932, PAGE 1679, OFFICIAL RECORDS BOOK 3364, PAGE 2309, OFFICIAL

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RECORDS BOOK 3671, PAGE 3758, OFFICIAL RECORDS BOOK 4376, PAGE 2788, OFFICIAL RECORDS BOOK 4376, PAGE 2859, ALL OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 520 (RIGHT OF WAY VARIES) WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 26; THENCE S 89°59'56" W, ALONG THE SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 1320.03 FEET, TO THE SOUTHEAST CORNER OF OFFICIAL RECORDS BOOK 2864, PAGE 2503, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE CONTINUE S 89°59'56" W, ALONG SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 600.00 FEET, TO THE POINT OF BEGINNING; THENCE N 00°00'04" W, PERPENDICULAR TO THE SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 591.60 FEET; THENCE S 89°34'43" E, FOR A DISTANCE OF 380.81 FEET; THENCE N 00°25'17" E, FOR A DISTANCE OF 548.59 FEET; THENCE S 89°34'43" E, FOR A DISTANCE OF 176.16 FEET; THENCE N 00°25'17" E, FOR A DISTANCE OF 913.79 FEET, TO THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 2550, PAGE 0017; THENCE N 89°59'48" W, ALONG SAID NORTH LINE, FOR A DISTANCE OF 861.25 FEET, TO THE SOUTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK 3734, PAGE 1959 (PARCEL B); THENCE N 00°41'27" E, ALONG THE EAST LINE FOR A DISTANCE OF 100.04 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL B; THENCE S 89°59'37" W, ALONG THE NORTH LINE OF SAID PARCEL B, FOR A DISTANCE OF 219.92 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL B, SAID POINT LYING ON THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2788; THENCE N 00°54'00" E ALONG THE AFOREMENTIONED LINES, FOR A DISTANCE OF 46.50 FEET, TO THE NORTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2788; THENCE S 89°54'07" W, ALONG THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2788, FOR A DISTANCE OF 150.12 FEET, TO THE NORTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2788, AND THE EAST RIGHT OF WAY LINE OF FRIDAY ROAD (100' RIGHT OF WAY); THENCE S 00°37'22" W, ALONG THE WEST LINES OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2788 AND OFFICIAL RECORDS BOOK 4376, PAGE 2859 AND THE SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 146.23 FEET, TO THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 4376, PAGE 2859 AND THE NORTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 2932, PAGE 1679; THENCE CONTINUE S 00°40'14" W, ALONG THE SAID EAST RIGHT OF WAY LINE AND THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 2932, PAGE 1679 AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 2550, PAGE 0017 FOR A DISTANCE OF 1509.79 FEET TO THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 3364, PAGE 2309; THENCE N 89°59'27" E, ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 3364, PAGE 2309, FOR A DISTANCE OF 286.71 FEET TO THE SOUTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK

3364, PAGE 2309; THENCE S 00°24'32" W, ALONG THE SAID WEST LINE OF SAID OFFICIAL RECORDS BOOK 2550, PAGE 0017, AND THE EAST LINE OF OFFICIAL RECORDS BOOK 4764, PAGE 1719, OFFICIAL RECORDS BOOK 3359, PAGE 0679 AND OFFICIAL RECORDS BOOK 2247, PAGE 2079, ALL OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, FOR A DISTANCE OF 240.08 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 5436, PAGE 0901; THENCE N 89°44'17" W, ALONG THE SAID NORTH LINE FOR A DISTANCE OF 287.77 FEET, TO THE NORTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 5436, PAGE 0901 AND THE EAST RIGHT OF WAY LINE OF FRIDAY ROAD; THENCE S 00°38'37" W, ALONG SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 301.67 FEET TO AN INTERSECTION WITH THE SAID NORTH RIGHT OF WAY LINE OF STATE ROAD 520; THENCE N 89°59'56" E, ALONG THE SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 345.88 FEET TO THE SOUTHEAST CORNER OF SAID OFFICIAL RECORDS BOOK 5436, PAGE 0901; THENCE CONTINUE N89°59'56"E, ALONG SAID NORTH RIGHT OF WAY LINE AND THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 2550, PAGE 0017, FOR A DISTANCE OF 341.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH PARCEL 516 CONSISTING OF ± .53 ACRES (COUNTY TAX PARCEL # 24-35-26-00-00516.0-0000.00):

A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 24 SOUTH, RANG 35 EAST, BREVARD COUNTY, FLORIDA, BEING PART OF THOSE LANDS DESCRIBED IN O.R. BOOK 753, PAGE 1001 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 520 WITH THE EAST RIGHT OF WAY LINE OF FRIDAY ROAD AND RUN N00 DEGREES 40'04"E, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 460.08 FEET, TO THE POINT OF BEGINNING. THENCE CONTINUE N00 DEGREES 40'04"E, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 80.0 FEET; THENCE S89 DEGREES 58'30"E, PARALLEL WITH THE AFORESAID NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 520, A DISTANCE OF 286.36 FEET; THENCE S00 DEGREES 24'29"W, A DISTANCE OF 80.0 FEET; THENCE N89 DEGREES 58'30"W, PARALLEL WITH SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 286.73 FEET TO THE POINT OF BEGINNING. CONTAINING .53 ACRES, MORE OR LESS.

Binding Site Plan

Cocoa Expo Complex

Exhibit B – West of Friday Road

(COUNTY TAX PARCELS # 24-35-27-00-00762.0-0000.00 AND 24-35-27-00-00760.0-0000.00):

A PARCEL OF LAND IN THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 27 AND RUN N00°34'28"E, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 67.55 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 520; THENCE S89°55'47"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 205.27 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5333, PAGE 866, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, S89°55'47"W A DISTANCE OF 457.08 FEET TO THE WEST LINE OF SAID EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 27; THENCE N00°31'22"E, ALONG SAID WEST LINE, A DISTANCE OF 801.997.05 FEET; THENCE N89°49'50"E, A DISTANCE OF 202.8523 FEET TO THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5475, PAGE 2653, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S00°34'28"W, PARALLEL TO AND 461 FEET WEST OF (AS MEASURED PERPENDICULARLY) THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 42238.33 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5475, PAGE 2653, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N89°49'53"E, ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5475, PAGE 2653, A DISTANCE OF 436.04 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5475, PAGE 2653 AND THE WEST RIGHT-OF-WAY LINE OF FRIDAY ROAD, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE S00°34'28"W ALONG SAID RIGHT-OF-WAY LINE, (SAID RIGHT-OF-WAY LINE BEING 25.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 27), A DISTANCE OF 378.20 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5715, PAGE 6135, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S89°49'53"W,



ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5715, PAGE 6135, A DISTANCE OF 195.02 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S00°34'28"W, PARALLEL TO AND 195 FEET WEST OF (AS MEASURED PERPENDICULARLY) SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2459, PAGE 1317, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N89°49'53"E, ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2459, PAGE 1317, A DISTANCE OF 195.02 FEET TO THE SOUTHEAST CORNER THEREOF AND THE WEST RIGHT-OF-WAY LINE OF SAID FRIDAY ROAD; THENCE S00°34'28"W, ALONG SAID RIGHT-OF-WAY LINE, (SAID RIGHT-OF-WAY LINE BEING 25.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 27), A DISTANCE OF 75.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5333, PAGE 866; THENCE S89°49'53"W, ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5333, PAGE 866, A DISTANCE OF 180.28 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S00°34'28"W A DISTANCE OF 156.31 FEET TO THE POINT OF BEGINNING. CONTAINING 9.99 ACRES, MORE OR LESS.

TOGETHER WITH PARCEL 758, CONSISTING OF ± 2.36 ACRES (COUNTY TAX PARCEL # 24-35-27-00-00758.0-0000.00):

PART OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6264, PAGE 385, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA ALSO BEING PART OF THE SOUTH 871.52 FEET OF THE EAST 250.00 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 27 AND RUN N00°34'28"E, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 67.55 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 520; THENCE S89°55'47"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 662.35 FEET TO A POINT ON THE EAST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREBIN DESCRIBED; THENCE CONTINUE S89°55'47"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 250.01 FEET, TO THE WEST LINE OF THE EAST 250.00 FEET OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE N00°31'22"E, ALONG SAID WEST LINE, A DISTANCE OF 521.89 FEET; THENCE N88°50'50"E A DISTANCE OF 127.66 FEET; THENCE S00°57'31"W A DISTANCE OF 221.40 FEET;

THENCE N89°50'49"E A DISTANCE OF 124.04 FEET TO THE EAST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE S00°31'22"W, ALONG SAID EAST LINE, A DISTANCE OF 297.96 FEET TO THE POINT OF BEGINNING, CONTAINING 2.36 ACRES, MORE OR LESS.

TOGETHER WITH PARCEL 817 CONSISTING OF ± 2.24 ACRES (COUNTY TAX PARCEL # 24-35-27-00-00817.0-0000.00):

PART OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6264, PAGE 385, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA ALSO BEING PART OF THE SOUTH 871.52 FEET OF THE EAST 250.00 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 27 AND RUN N00°34'28"E, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 67.55 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 520; THENCE S89°55'47"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 662.35 FEET TO A POINT ON THE EAST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE CONTINUE S89°55'47"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 250.01 FEET, TO THE WEST LINE OF THE EAST 250.00 FEET OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE N00°31'22"E, ALONG SAID WEST LINE, A DISTANCE OF 521.89 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N88°50'50"E A DISTANCE OF 127.66 FEET; THENCE S00°57'31"W A DISTANCE OF 221.40 FEET; THENCE N89°50'49"E A DISTANCE OF 124.04 FEET TO THE EAST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE N00°31'22"E, ALONG SAID EAST LINE, A DISTANCE OF 504.17 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6264, PAGE 385; THENCE S89°45'51"W, ALONG THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6264, PAGE 385, A DISTANCE OF 250.02 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6264, PAGE 385 AND THE WEST LINE OF THE EAST 250.00 FEET OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE S00°31'22"W, ALONG SAID WEST LINE, A DISTANCE OF 279.53 FEET TO THE POINT OF BEGINNING, CONTAINING 2.24 ACRES, MORE OR LESS.

A parcel of land lying in Section 27, Township 24 South, Range 35 East, Brevard County, Florida being more particularly described as follows:

Commence at the Southeast corner of said Section 27, and run North $00^{\circ}26'20''$ East, along the East line of said Section, a distance of 67.40 feet to a point on the North right of way line of State Road No. 520; thence South $89^{\circ}16'26''$ West, along said North right of way line, a distance of 25.0 feet, to a point on the West right of way line of Friday Road; thence North $00^{\circ}06'20''$ East, along said West line, a distance of 230.87 feet to the Point of the Beginning; thence continue North $00^{\circ}06'20''$ East along said West right-of-way line, a distance of 75.0 feet; thence South $89^{\circ}21'41''$ West, parallel with the North line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ a distance of 195.0 feet; thence South $00^{\circ}06'20''$ West, parallel with said West right-of-way line, a distance of 75.0 feet hence North $89^{\circ}21'41''$ East parallel with said North line, a distance of 196.0 feet to the Point of Beginning.



B.S.E. CONSULTANTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901

COCOA EXPO BINDING SITE PLAN - PARKING EVALUATION

May 2016 Update:

Gymnasium Not Yet Constructed;

Offsite West of Friday Road Not Yet Constructed

Revised SEPTEMBER 23, 2014

Revised AUGUST 1, 2012

MAY 30, 2012



PREPARED FOR:

Brevard County Government Center
2725 Judge Fran Jamieson Way
Miera, FL 32940



**Cocoa Expo
Binding Site Plan
Parking Evaluation**

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APPENDIX A

EXHIBIT A-1 Site Plan with Parking - East of Friday Road

EXHIBIT A-2 Site Plan with Parking - West side of Friday Road

EXHIBIT A-3 Stadium Renovation Seating Plan

EXHIBIT A-4 Gymnasium Layout with Bleacher Seating Plan

APPENDIX B

EXHIBIT B-1 Existing Site Plan prior to 1984 Binding Site Plan

EXHIBIT B-2 1984 Binding Site Plan (#Z-6821)

TABLE 1 Uses and Parking prior to 1984

TABLE 2 Uses and Parking per Z-6821 -1984 Binding Site Plan

Cocoa Expo – Binding Site Plan Parking Evaluation

I. INTRODUCTION

The Cocoa Expo Complex has been in existence dating back to the early 1960's. First developed as the Spring Training Facility for the Houston Colt 45's (Houston Astros) in 1964, it evolved to a soccer complex in the 1980's, including a gymnasium, dormitory with kitchen, a stadium, locker room building, concession stands and several miscellaneous sheds and structures. During a period preceding 1994, the facility was converted from soccer fields to softball and baseball fields. Viewing historic aerial photographs from 1994 to 2010, functional softball and baseball fields varied from eleven to seven and supporting practice fields varied from four to five. The site also included 143 paved parking spaces and had up to six entrances to Friday Road.

In late 2011 the complex was purchased by the current applicant and is proposed as a destination youth softball and baseball training facility. Athletic fields are currently being renovated and will consist of fifteen fields sized to accommodate little league, high school and college age training. In addition, the existing gymnasium is being demolished and replaced with a larger, more modern facility; two new concession stands will replace the two existing concession stands; an indoor training center is included, an office, team cool down/recreation area, a new dormitory building, and renovation of the existing dorm and kitchen are proposed. The existing stadium will be renovated to comply with ADA criteria, including upgrades to the restroom facilities and concession stands and improved seating facilities which reduce the bleacher seating capacity from 5,500 bleacher seats to a 3,805 capacity, with the majority being fixed seating instead of the existing bleacher seating. Onsite paved parking spaces have been increased from 143 to a proposed minimum number of 250 paved spaces.

For the normal training and event operations (day-to-day operations), the 250 paved spaces are adequate. However, to meet the needs for the occasional larger events at the stadium and gymnasium, further evaluation of the projected parking demand and the site's ability to meet that demand is presented within this report.

The 250 paved parking spaces would meet the day-to-day parking demand for the facility. Keeping in mind that players, coaches and team personnel would be staying at the facility and arriving by bus or shuttle and based upon these day-to-day operations serving approximately 50 teams, with a conservative estimate of one spectator per player, approximately 500 spectators per day and ± 35 employees would be present over a typical 12 hour operational day. Since all the teams are not playing at the same time, and allowing some overlap, assuming 20 teams are present at any one time would generate an estimate of 200 spectators at one time. Using a conservative vehicle occupancy rate of 2.0 people/vehicle would result in 100 vehicles and corresponding parking space utilization. Separate onsite employee parking is provided at the eastern end of the project and is not included in the 250 paved parking spaces.

Based upon the above, the day-to-day operations will require approximately 100 parking spaces at peak times during the 12 hour operational day and that 250 paved parking spaces would easily accommodate this need with a significant "margin of error" for any deviations to arrival patterns or overlaps in game schedules.

II. ON SITE PARKING

(a) Development Program

Teams arrive and depart by chartered bus. The circular drive fronting the dorms has been designed to accommodate the bus drop-off. Teams generally do not arrive and leave on the same day as the training periods are staggered to maximize and optimize the effectiveness of training personnel.

Local trainees, generally within a reasonable driving distance, may be dropped off and picked up; however, this is not the norm as trainees

typically arrive and depart as teams. Strict compliance to the “no student driving” policy is enforced even if a training student is driving age.

TABLE A

Proposed Development Program	
USE	REQUIRED PARKING
Five (5) Baseball Fields – Full Sized	0 ^{A-5}
Four (4) small softball fields	0 ^{A-5}
Four (4) Baseball Fields – Little League	0 ^{A-5}
South Concession Stand – Building 1	0 ^{A-1}
North Concession Stand – Building 2	0 ^{A-1}
Office (9,600 sf) - Building 8 (1 space per 250 sq. ft.)	39 spaces
Existing Dormitory (38,548 sf) – Building 6	0 ^{A-2}
New Dormitory (17,316 sf) – Building 4	0 ^{A-2}
Training Center (30,000 sf) – Building 5	0 ^{A-3}
Team Cool Down/Recreation Area	0 ^{A-4}
Stadium/Baseball Field – 3,805 Seats (1 space/3 seats)	1,269 spaces
Employees – Baseball Stadium Related – 50 Employees	25 spaces
Gymnasium (92,319 sf) – 1,368 Seats -Building 3 (1 space/3 seats)	456 spaces
Employees –Gymnasium Related - 40 Employees	20 spaces
	Total Required Parking 1,809 spaces

Footnotes:

- A-1 Ancillary use to other facilities and does not generate need for onsite parking.
- A-2 Ancillary use. Dormitory uses do not generate additional parking requirements, since guests at dormitory will be the users of the baseball and gymnasium facilities
- A-3 Ancillary use. The training center is strictly for teams/athletes staying or utilizing the baseball or gymnasium facility and will not be opened to the public. Therefore, this facility does not generate the need for any additional parking.
- A-4 Ancillary use. The Cool Down/Recreation Area is strictly for team/athletes staying or utilizing the baseball or gymnasium facility and will not be opened to the public. Therefore, this facility does not generate the need for any additional parking.
- A-5 Parking for the Stadium is based upon a total seating capacity of 3,805 seats and reflects a reduction of 1,695 seats from current configuration. Providing parking for full stadium capacity also encompasses any required parking for any onsite baseball tournaments or training activities.

(b) Discussion of Parking Needs

Basis for Parking Calculations

In evaluating the improvements depicted upon the proposed Site Plan, the proposed uses can be divided into two separate categories when evaluating parking requirements, Parking Generator and Ancillary Uses. For the purposes of analyzing parking requirements, the proposed uses are separated as described below.

(83)

Parking Generators:

Stadium

The existing stadium complex is being renovated, primarily for ADA compliance, aesthetic improvements and additional restroom and concession facilities. The remodel will include the removal of the current bleacher seating concept, which had a capacity of 5,500 spectators, and the installation of 3,805 fixed seats and a smaller bleacher seating section. The revised seating configuration will result in a total stadium capacity of 3,805. In addition, it is anticipated that up to 50 employees will be utilized during large stadium events.

Gymnasium

The existing gymnasium building (30,000 sf) is being demolished and replaced with a new 92,319 sf gym building.

Parking requirements for the gymnasium building will be calculated based upon Article VIII, Section 62-3206(d)(ee), which requires one parking space for every three seats for theaters, auditoriums, convention halls and other similar public assemblage places.

The gymnasium will include 19 bleacher sections, (27' x 4 rows) which have a capacity of 72 seats per section. The total gym capacity is 1,368 seats/people.

As a conservative measure, allow additional parking for employee's related to the operation of the gymnasium and related activities, with an estimated 40 employees.

Office

A 9,600 sf, two-story office facility is proposed. Parking for the office use will be provided based upon the requirements of Article VIII of the Brevard County Code (1 space per 250 sf).

Ancillary Uses:

The following existing or proposed buildings/facilities are ancillary to the overall project and provide support and/or amenities to users of the primary uses and therefore do not generate a separate need for parking. A brief description of each use is provided.

Concession Stands – The new concession stand buildings are proposed (1,600 sf each) which will provide concession services to visitors already attending events at the facility. No additional parking is required to support this facility.

Dormitory Buildings (Existing) - The existing dormitory buildings is being renovated and the interior courtyard area is being reconstructed to better serve the teams staying at the facility. Teams arriving to use the facility are bussed/dropped-off and no onsite parking is needed for this use.

Dormitory Building (Proposed) - The proposed dormitory building is being constructed to meet the anticipated demands that cannot be met by the existing dormitory facility. Teams arriving to use the facility are bussed/dropped off and no onsite parking is needed for this use.

Training Center - This facility will be used strictly by teams staying/playing at the baseball or gymnasium complex and will not be open to the general public for "drop-in" use. Therefore, it will not generate a need for any additional parking.

Team Cool Down/Recreation Area - This facility is provided solely for the use of teams staying at the dormitory or using the baseball and gymnasium complex as a place to relax, cool down and socialize between and after game events or training sessions. The facility will not be open to the general public and therefore, will not generate a need for additional parking.

(c) Calculation of Minimum Parking Required

Stadium

Per 62-1921, parking shall be as set forth in Article VIII of the Land Development Code, with the following applicable requirements:

1. Parking areas shall be stabilized or hard surfaced
2. Outdoor attractions, with or without grandstands shall provide:
 - a) One parking space for each three fixed seats
 - b) One parking space for each 20 square feet of spectator area with no fixed seats
 - c) One space for each two employees

Stadium required parking is calculated as follows:

- a) Seats – $3,805 \text{ seats} \div 3 = 1,269 \text{ spaces}$
- b) Spectator area with no fixed seats – none provided
- c) Employees = $50 \text{ employees} \div 2 = 25 \text{ spaces}$

Total stadium parking = 1,294 spaces

Gymnasium

Parking for the gymnasium will be calculated based upon Section 62-3206 utilizing one parking space per three seats, plus one space per 2 employees.

Gymnasium parking is calculated as follows:

- a) Seats – $1,368 \div 3 = 456 \text{ spaces}$
- b) Employees = $40 \text{ employees} \div 2 = 20 \text{ spaces}$

Total gymnasium parking = 476 spaces



Office

A 9,600 sf office building is proposed while a majority of the employees are accounted for as part of the employees count for the stadium and gym, parking for the office will be provided based upon a rate of 1 space per 250 sf.

Other uses are ancillary to the above and do not generate a need for parking; therefore, Total Required Minimum Parking is as follows:

Stadium Parking	=	1,294 spaces
Gymnasium Parking	=	476 spaces
Office	=	39 spaces
Subtotal	=	1,809 spaces

Based upon the above, we recommend that the Binding Site Plan include a condition that the project provide for a minimum of 1,809 parking spaces (Parking spaces may be a combination of paved or grassed parking).

(d) Projected Parking Provided

Based upon the current site plan, the project can incorporate a total of 2,636 spaces. A breakdown of the type and location of the spaces is presented in Table B. **It should be noted that these parking counts are preliminary and subject to modification during detailed site planning and permitting. The data presented below is approximate only and the final parking space distribution shall be determined during site planning and permitting.**

TABLE B

Provided Parking	
Onsite Paved Parking Area	250 (Minimum) ^{B-1}
Onsite South Field Area	373 spaces
Onsite Central Field Area (West of Gym)	197 spaces
Onsite North Field Area	1,124 spaces
Onsite Employee Parking	28 spaces
<i>Subtotal Onsite Parking</i>	<i>1,972 spaces</i> ^{B-2, B-3}
Offsite West of Friday Road	644 spaces ^{B-3}
^{B-3} Total Parking	2,616 spaces ^{B-3}

- B-1 Handicapped parking spaces shall be provided in accordance with the applicable regulatory codes.
- B-2 Total parking is reduced by approximately six (6) spaces to account for paved parking spaces used for access to stabilized parking areas for large events.
- B-3 Approximate number only – final counts to be established during site plan review; minimum of 1,809 spaces to be provided onsite, east of Friday Road.





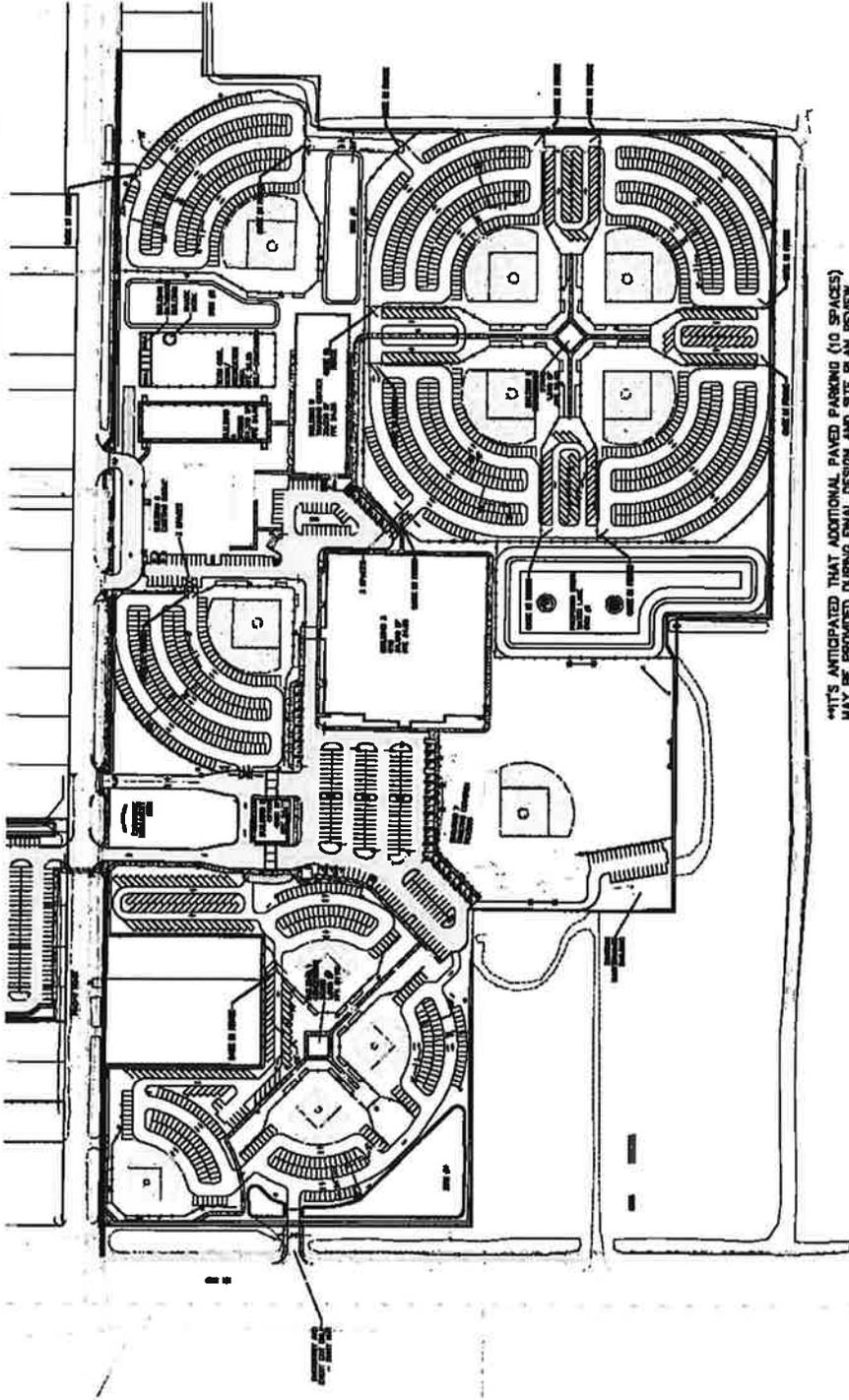
APPENDIX A

- Exhibit A-1 Site Plan with Parking – East of Friday Road
- Exhibit A-2* Site Plan with Parking – West Side of Friday Road
- Exhibit A-3 Stadium Renovation Seating Plan
- Exhibit A-4 Gymnasium Layout with Bleacher Seating Plan

* May 2016 – Not Yet Constructed

PARKING SUMMARY

- **ONSITE PAVED PARKING AREA (MINIMUM) = 250
- ONSITE SOUTH FIELD AREA = 373
- ONSITE CENTRAL FIELD AREA = 197 SPACES
- ONSITE NORTH FIELD AREA = 1124 SPACES
- ONSITE EMPLOYEE PARKING = 28 SPACES
- TOTAL PARKING = 1,972 SPACES (1,986 SPACES IF ALL GRASSED FIELDS ARE UTILIZED)



NOTE: PARKING SHOWN IS PRELIMINARY ONLY AND PROVIDED ONLY FOR THE PURPOSE OF ANALYZING TOTAL PARKING DEMAND AND POTENTIAL PARKING SPACES. FINAL PARKING COUNT, INCLUDING LOCATION AND HANDICAPPED SPACES SHALL BE DETERMINED DURING SITE PLAN DESIGN AND REVIEW AND WILL BE IN COMPLIANCE WITH APPLICABLE BREWARD COUNTY AND OTHER REGULATORY REQUIREMENTS.

**IT'S ANTICIPATED THAT ADDITIONAL PAVED PARKING (10 SPACES) MAY BE PROVIDED DURING FINAL DESIGN AND SITE PLAN REVIEW.

B.S.E. CONSULTANTS, INC.
 CONSULTING - ENGINEERING - LAND SURVEYING
 211 SOUTH UNIVERSITY CITY, PALM BEACH, FLORIDA 33480
 PHONE: (561) 832-1111 FAX: (561) 832-1118

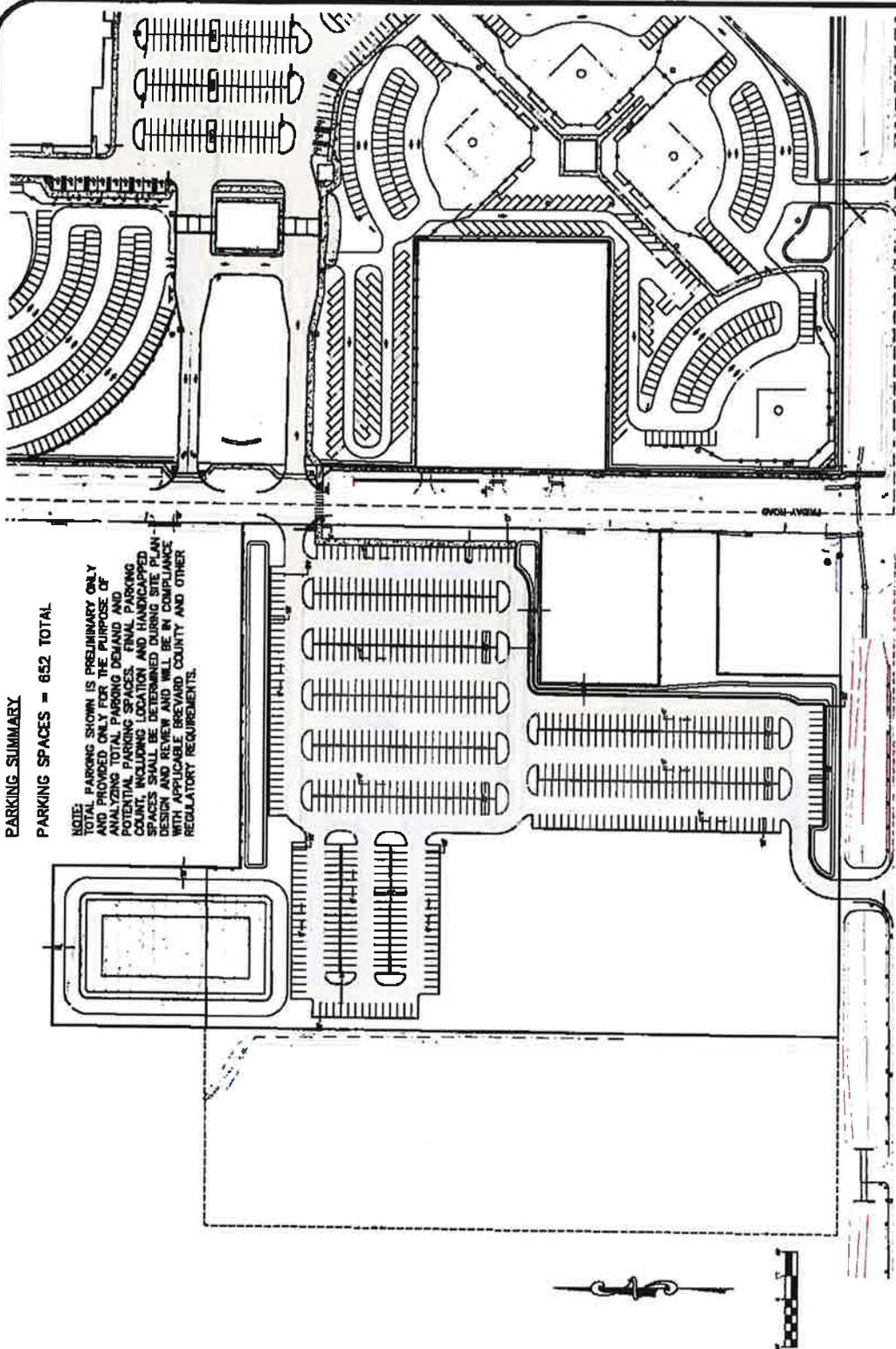


COCOA EXPO

EXHIBIT A-1
PARKING CONCEPT PLAN
(EAST OF FRIDAY ROAD)

DATE: 04.11.11
 DRAWN BY: JAC
 PROJECT NO.: 11103

88



PARKING SUMMARY
PARKING SPACES = 652 TOTAL

NOTE: TOTAL PARKING SHOWN IS PRELIMINARY ONLY AND PROVIDED ONLY FOR THE PURPOSE OF ANALYZING TOTAL PARKING DEMAND AND POTENTIAL PARKING SPACES. FINAL PARKING COUNT, INCLUDING LOCATION AND HANDICAPPED SPACES, SHALL BE DETERMINED DURING SITE PLAN DESIGN AND SHALL BE IN COMPLIANCE WITH APPLICABLE RESERVATION COUNTY AND OTHER REGULATORY REQUIREMENTS.

DATE	11/11/2011
PROJECT NO.	11103

EXHIBIT A-2
PARKING LOT CONCEPT
(WEST OF FRIDAY ROAD)



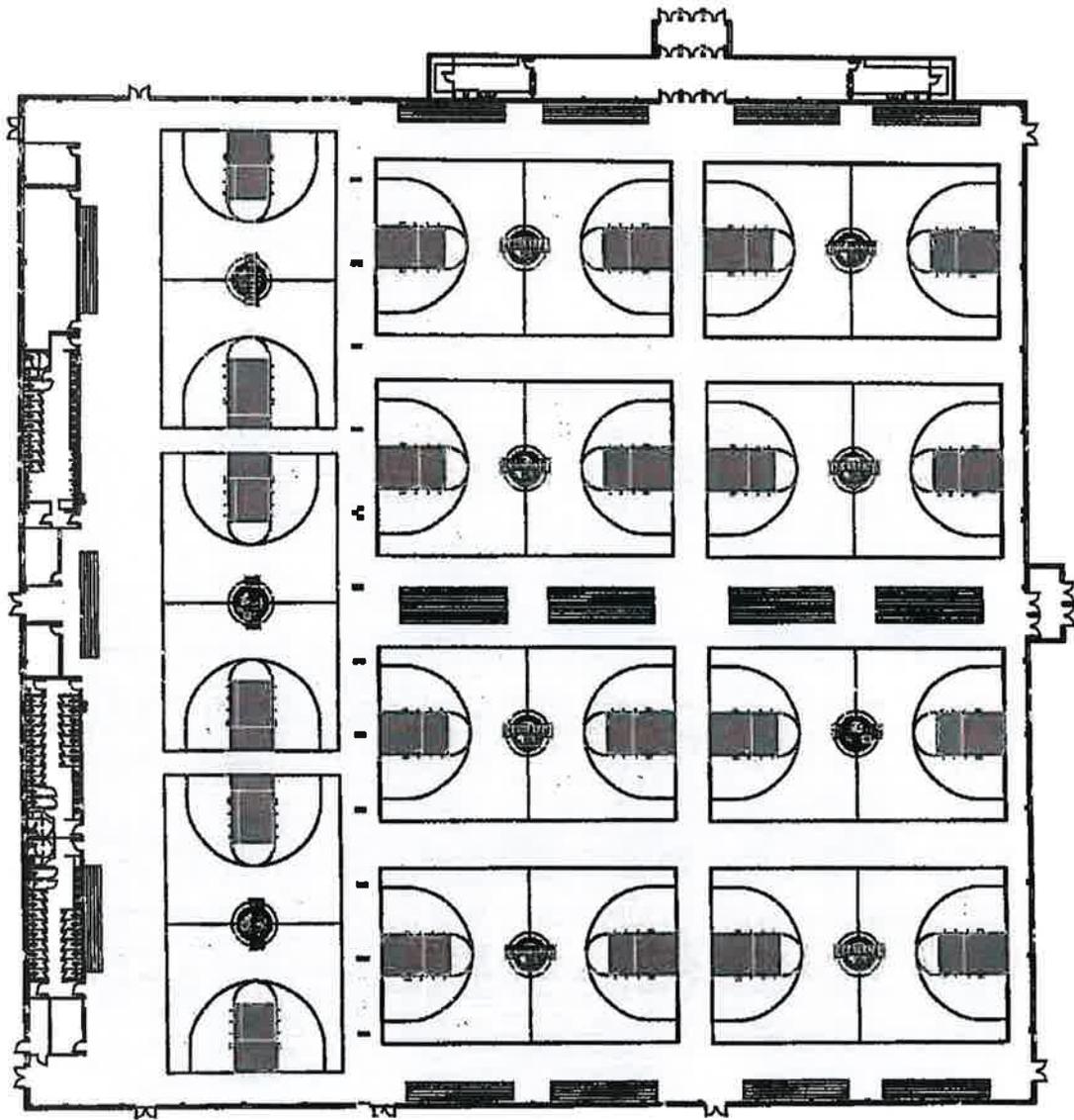
B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
REGISTERED PROFESSIONAL ENGINEERS AND SURVEYORS
 STATE OF FLORIDA LICENSE NO. 1252-1108



COCOA EXPO

DATE	11/11/2011
PROJECT NO.	11103

3



FLOOR PLAN

COCOA EXPO SPORTS CENTER GYMNASIUM

Basketball and Volleyball courts combined

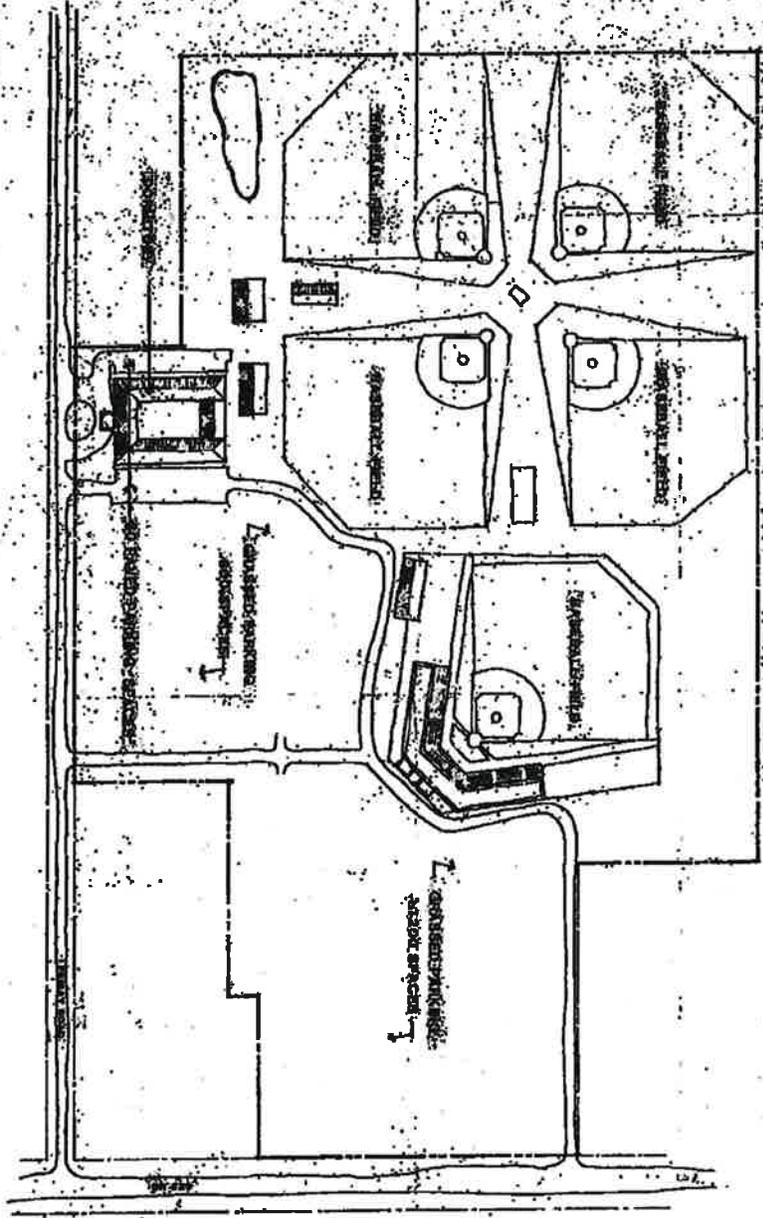
Exhibit A-4

91



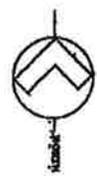
APPENDIX B

Exhibit B-1	Existing Site Plan prior to 1984 Binding Site Plan
Exhibit B-2	1984 Site Plan (#Z-6821)
Table 1	Uses and Parking prior to 1984
Table 2	Uses and Parking per Z-6821 – 1984 Binding Site Plan



2-6-82
A105

Exhibit B-1



<p>DATE: 2-6-82 SCALE: AS SHOWN DRAWN BY: [Signature] CHECKED BY: [Signature]</p>	<p>PROJECT: COCOA STADIUM LOCATION: COCOA, FLORIDA</p>	<p>EXISTING SITE PLAN COCO STADIUM COCO, FLORIDA</p>	<p>DESIGNED BY: [Signature] CHECKED BY: [Signature] DATE: 2-6-82</p>	<p>stottler stagg & associates architects engineers planners inc.</p>
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23

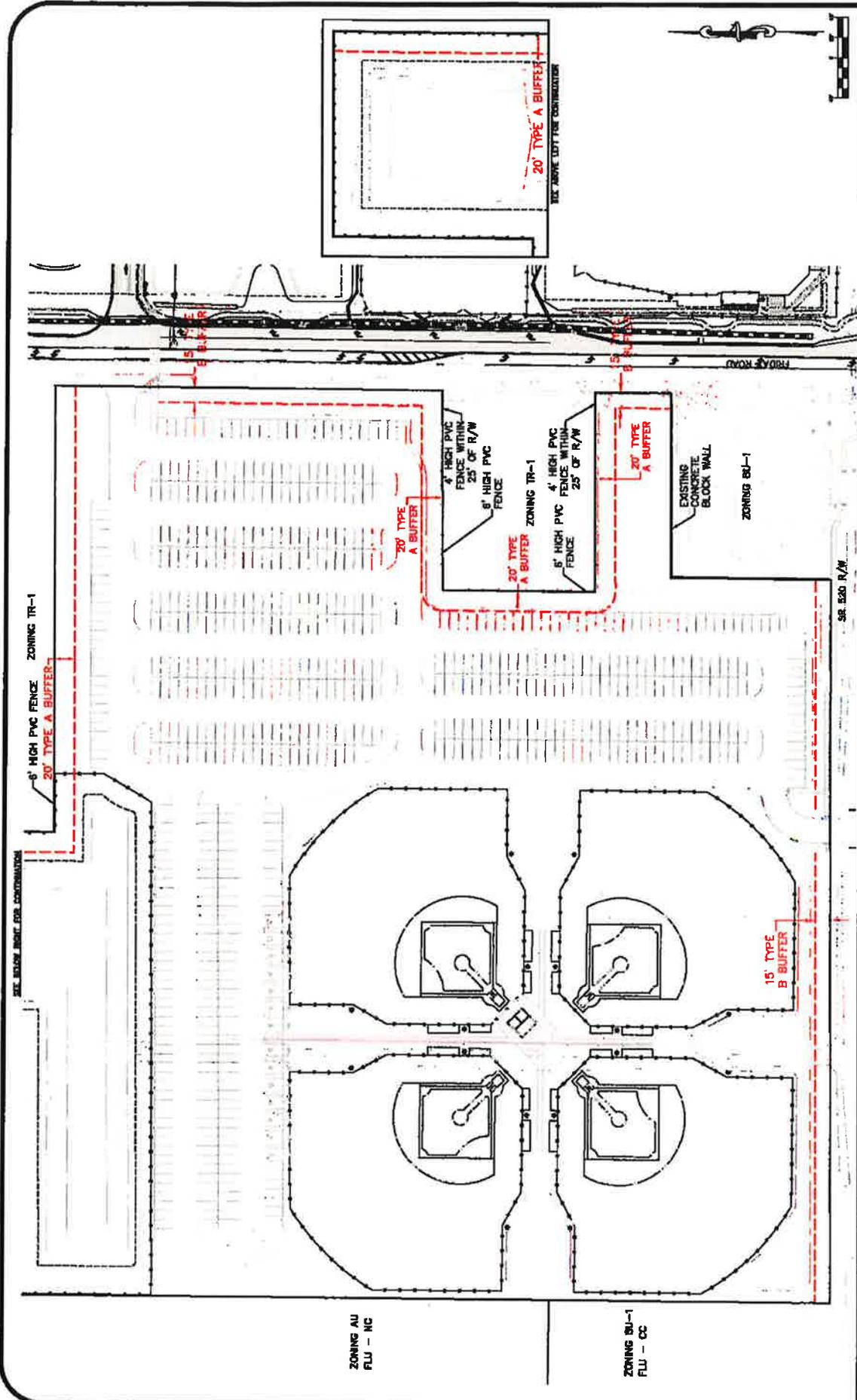
Appendix B - TABLE 1

Existing Site Plan prior to Z-6821 Approval (Exhibit A)	
USES	PARKING SUMMARY
Dormitory	
Four (4) Baseball Fields	South Grassed Parking – 1,200 spaces
One (1) Stadium/Baseball Field	Central Grassed Parking – 800 spaces
Misc. Ancillary Support Structures	Paved Parking – 60 spaces
	Total Parking Depicted – 2,060 spaces

Appendix B -TABLE 2

Approved Site Plan per Z-6821 (Exhibit B)	
USES	PARKING SUMMARY
Two (2) Soccer/Football/Baseball Fields	
Two (2) Soccer/Baseball Fields	South Grassed Parking – 1,200 spaces
Three (3) Tennis Courts	Central Grassed Parking – 300 spaces
Six (6) Racquetball Courts	East Overflow Parking – 300 spaces
1,800 sf Pool	Paved Parking Spaces – 385 spaces
26 Meter Pool	
Dormitory	
Multi-Purpose Building (50,000 sf)	
One (1) Stadium/Baseball Field (w/ 5,500 seating capacity)	
Berm Seating	
Fair/Midway	
	Total Parking Depicted – 2,185 spaces





PHASE 2 PROPOSED BUFFERS -
WEST SIDE EXHIBIT F



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
1000 N. W. 10TH AVENUE, SUITE 100
MELBOURNE, FLORIDA 32901-1000
TEL: 321.255.1100 FAX: 321.255.1108
LICENSE # 10000000000000000000000000000000



COCOA EXPO SPORTS CENTER, LLC

DATE	10/15/2010
BY	J. W. [Signature]
CHECKED	[Signature]
SCALE	AS SHOWN
TITLE	PHASE 2 PROPOSED BUFFERS - WEST SIDE EXHIBIT F
PROJECT NO.	10000000000000000000000000000000
DATE PLOTTED	10/15/2010

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 3 day of March, 2016, by and between Brevard County, Florida ("Brevard County"), a political subdivision of the State of Florida, and Cocoa Expo Sports Center, LLC ("Cocoa Expo"), a Florida limited liability company doing business in the State of Florida, with its principal address at 500 Friday Road, Cocoa, Florida, 32926.

WHEREAS, Cocoa Expo is the owner of the property and improvements commonly known as the Cocoa Expo Sports Center (hereinafter referred to as the "Property") in Brevard County, Florida, and Brevard County is authorized to regulate development of the Property;

WHEREAS, Cocoa Expo made applications to the Brevard County Board of County Commissioners (the "Board") for Small Scale Plan Amendments to change the Future Land Use Map Designation of the Property, changes in the zoning classifications of the Property, and for Conditional Use Permits (CUPs) for an Outdoor Entertainment and Amusement Enterprise and for On Premises Consumption of Alcoholic Beverages;

WHEREAS, the Board granted the applications in part, subject to Cocoa Expo's entry into an agreed upon binding development plan and a number of stipulations made by Cocoa Expo, as set forth in Brevard County Board of County Commissioners Resolution No. 12PZ-0044(A) and (B), as modified by 14PZ-



00021 (the "Zoning Resolutions"), in order to mitigate negative impacts on abutting land owners and affected facilities and services;

WHEREAS, Cocoa Expo entered into a binding development plan with Brevard County on November 13, 2012, which was recorded in Official Records book 6738 at page 2370 of the Public Records of Brevard County, Florida, is incorporated herein by reference, and which, as amended, shall be referred to as the "BDP";

WHEREAS, the parties entered into an amendment to the BDP on or about December 16, 2014, which amendment was recorded in Official Records book 7270 at page 218 of the Public Records of Brevard County, Florida, and is incorporated herein by reference;

WHEREAS, on or about March 31, 2015, Cocoa Expo requested that the Board allow it to use four (4) ball fields in the northeast portion of the Property and the ball field at the stadium, even though such use would then constitute a violation of the BDP, CUP, and various Brevard County codes, including but not limited to Sec. 62-1901(d)(5), Brevard County Code of Ordinances;

WHEREAS, on or about March 31, 2015, the Board suspended enforcement of the BDP, CUP, Zoning Resolutions and specified code requirements for a period of forty-five (45) days;

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WHEREAS, on or about May 12, 2015, the Board granted Cocoa Expo's request to extend the suspension of enforcement of the BDP, CUP, Zoning Resolutions and specified code requirements;

WHEREAS, on or about September 1, 2015, the Board granted Cocoa Expo's request to extend the suspension of enforcement of the BDP, CUP, Zoning Resolutions and specified code requirements;

WHEREAS, on or about October 6, 2015, the Board granted Cocoa Expo's request to extend the suspension of enforcement of the BDP, CUP, Zoning Resolutions and specified code requirements, subject to the terms and conditions set forth in the May 12, 2015 MOU through December 5, 2015;

WHEREAS, as Cocoa Expo plans to amend its BDP and CUP, on or about March 9, 2016, the Board granted Cocoa Expo's request to extend the suspension of enforcement of the BDP, CUP, Zoning Resolutions and specified code requirements, subject to the terms and conditions set forth herein;

WHEREAS, the Property has, under various ownerships and not continuously, operated as a recreational and exposition complex in Brevard County, Florida in excess of fifty (50) years, including serving from 1964-1984 as a major league baseball spring training facility for the Houston Astros; and

WHEREAS, Cocoa Expo desires to operate the facility as an amateur youth sports facility while ongoing site development is completed.

NOW, THEREFORE, in consideration of the premises and mutual promises contained herein, constituting good and valuable consideration, the parties hereto agree as follows:

1. The Board's suspension of enforcement of BDP, CUP, Zoning Resolution and specified code requirements is hereby extended until September 9, 2016, subject to the terms and conditions set forth herein. No regulation relating to life safety or health matters is suspended. The Board's temporary suspension of enforcement shall not be deemed a waiver of any condition, requirement or provision of the BDP, CUP, Zoning Regulations, approved site plan or code, and shall not be construed to be an amendment or modification of any of the foregoing.

2. Cocoa Expo understands that it must work expeditiously in order to obtain an amendment to its BDP prior to September 9, 2016.

3. On or before the September 9, 2016, Cocoa Expo shall:

a. post bonds covering all outstanding deficiencies and remaining work for Phase 1a (12SP-00320), including required landscaping and buffers, to guarantee such work is completed within an eighteen (18) month time period, unless such requirements are amended or deleted through an approved revised Binding Development Plan; or

b. in lieu of posting the bonds referenced in subsection a. above, construct, install, complete and maintain all improvements required by the approved site plan for Phase 1a (12SP-00320), as may be amended by the parties;

c. request and pass all necessary inspections; however additional inspections shall not be required for approvals granted prior to entry of this Amended Memorandum of Understanding. Additional inspections may be required upon a change of designation or use.

d. request and obtain a certificate of completion for Phase 1a (12SP-00320), which shall not be withheld in violation of a clear legal duty; and

e. request and obtain final certificates of occupancy on all structures within Phase 1a (12SP-00320), which shall not be withheld in violation of a clear legal duty. No final certificate of occupancy shall be issued until Cocoa Expo has provided to Brevard County the Performance Bond required by Paragraph 11 of the BDP, unless such condition is removed pursuant to an approved amendment to the BDP.

f. all inspections and approvals obtained prior to the Memorandum of Understanding shall stay in effect and Cocoa Expo need not seek reapproval or reinspection of these previously obtained approvals to obtain final certificates of occupancies. Additional inspections may be required upon a change of designation or use.

4. On or before April 9, 2016, Cocoa Expo shall:
 - a. replace the sidewalk within the ROW (two panels) at Pond 5;
 - b. properly install the drop inlets within the Friday road right-of-way. These inlets must be chained and have lifting loops;
 - c. install all signs on a 2 inch square post and utilize appropriate hardware, including, but not limited to, metal fender washers;
 - d. properly finish the interior of all drainage structures, both off site and surrounding the Young's property.

5. Prior to Cocoa Expo's receipt of a certificate of occupancy for the stadium building, Cocoa Expo may occupy the outside seating area and outdoor portion of the stadium only, subject to the following conditions:

- a. In order to comply with NFPA 72:7.4.2 (2007 Edition) and provide stadium occupants (including spectators on the field) with a safe environment, Cocoa Expo management shall provide the Fire Marshal with written notice of any events, other than baseball or softball, being held in the stadium. The written notice shall be provided at least twenty-one (21) days prior to the event. The Fire Marshal shall determine if one or more Brevard County fire inspectors are required to prepare for the event and/or to be at the event in order to ensure the ambient sound levels can be manually reduced to acceptable levels in the event of an emergency. Any cost for the fire inspectors shall be paid in advance by Cocoa

Expo in accordance with the BCFR fee resolution, which is currently Fifty Dollars (\$50.00) per hour for each fire inspector with a three (3) hour minimum per inspector.

6. While this Memorandum of Understanding is in effect, Cocoa Expo may request and obtain a temporary certificate of occupancy, or a final certificate of occupancy in accordance with any approved revised BDP, for any building in Phase 1a (12SP-00320) which has passed final building and fire inspections. Any temporary certificate of occupancy issued for any building shall expire no later than midnight of September 9, 2016. Any temporary certificate of occupancy that has been issued prior to this Memorandum of Understanding will continue to stay in effect until midnight of September 9, 2016. No buildings or structures may be used or occupied unless a certificate of occupancy, temporary or permanent, has been issued in writing by the Brevard County Building Official.

7. The County Commission imposed prohibition against baseball games after daylight hours shall be lifted. The landscape buffering adjacent to residential properties is in place and complete. Cocoa Expo shall ensure that such buffering remains in place. Any nighttime games and lighting shall be subject to applicable performance standards. If at any time said buffers are found to be deficient by Brevard County Natural Resources Department, the use of the ball fields shall be strictly prohibited.

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8. Until such time as the final Certificate of Completion has been approved for Phase 1a (12SP-00320), in accordance with any approved revised BDP, no more than Fifteen Hundred (1,500) people may be present on the Property at any one time, inclusive of all guests, attendees, players, patrons, employees, staff, contractors, invitees, etc. (any natural person), provided that at no time shall the number of spectators, inclusive of all guests, attendees, patrons, invitees, etc., on the property exceed the constructed available parking. The available parking shall be derived by using a formula of one (1) parking space per three (3) spectators. Upon approval of the Certificate of Completion for Phase 1a (12SP-00320), the number of attendees shall be in accordance with the terms and conditions of the Binding Development Plan, as may be amended.

9. Cocoa Expo may use the south ball fields provided that the currently installed and completed landscape buffers adjacent to the Young Property remain in place in compliance with landscape requirements of the BDP, unless amended. If at any time said buffers are found to be deficient by Brevard County Natural Resources Department, the use of those ball fields shall be strictly prohibited.

10. Phase 2 (14SP-00170) is not currently approved. Phase 2 (14SP-00170) parking, parking on the west side of Friday Rd., and parking along Friday Rd. by guests, attendees, players, patrons, employees, staff, contractors, invitees, etc. (any natural person), shall not be used unless authorized in an approved revised BDP, or

otherwise authorized in writing in advance by the Brevard County Board of County Commissioners.

11. Cocoa Expo shall indemnify and hold harmless Brevard County and its agents, employees, and elected officials from and against any and all claims, damages, losses and expenses, including attorney's fees, arising out of or resulting from the act or omission of Cocoa Expo, or anyone directly or indirectly employed by Cocoa Expo, or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. The parties acknowledge that specific consideration has been exchanged for this provision.

12. Cocoa Expo shall, at its own expense, keep in force and at all times maintain during the term of this Memorandum of Understanding, General Liability Insurance issued by responsible insurance companies and in a form acceptable to Brevard County, with combined single limits of not less than One Million Dollars (\$1,000,000) for Bodily Injury and Property Damage per occurrence, Automobile Liability Insurance in the minimum amount of One Million Dollars (\$1,000,000) combined single limits for Bodily Injury and Property Damage per accident, and full and complete Workers' Compensation Coverage, as required by Florida law, shall be provided. Cocoa Expo shall provide Brevard County with Certificate(s) of Insurance on all the policies of insurance and renewals thereof in a form(s) acceptable to Brevard County. Said Liability Policies shall provide that Brevard County be an additional insured, and proof of such shall be provided to Brevard

1000

County on or before March 9, 2016. Brevard County shall be notified in writing of any reduction, cancellation or change of policy or policies at least thirty (30) days prior to the effective date of said action. All insurance policies shall be issued by responsible companies who are acceptable to Brevard County and licensed and authorized under the laws of the State of Florida.

13. Time is of the essence and material to this agreement. No extensions of any deadlines herein shall be granted for any reason.

14. Brevard County staff may enter the Property and conduct inspections at any time during games, events, construction activity, or when the Property is otherwise open to members of the public.

15. Active construction, construction equipment, and construction materials are to be isolated from guests, attendees, players, spectators, and any member of the public.

16. In the event that Cocoa Expo fails to strictly and timely comply with and adhere to any condition set forth herein above, this suspension of enforcement of BDP, CUP, Zoning Resolutions, specified code requirements, and the existing Stipulated Injunction shall terminate immediately. At such time, any use or occupancy of the Property, any portion thereof, or structure thereon by Cocoa Expo, except in full compliance with all requirements of the BDP, CUP, Zoning Resolutions, and all applicable codes and laws, shall constitute a violation of the Stipulated Injunction enforceable by the contempt powers of the Court. Brevard

County reserves the right to seek any and all remedies, legal, equitable or otherwise, which may be available.

17. Both parties agree that they will cooperate with one another in good faith in implementing the terms and conditions of this Agreement. Cocoa Expo shall use its best good faith and reasonable efforts to make timely and reasonable requests for inspections or approvals. Brevard County will use its best good faith and reasonable efforts to respond to such requests.

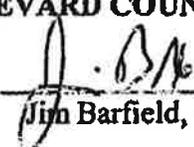
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first above written.

ATTEST:



Scott Ellis, Clerk

**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

By: 

Jim Barfield, Chairman

As approved by the Board on March 3, 2016

ATTEST:

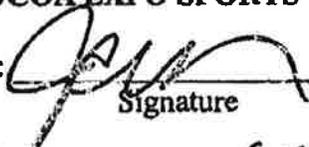


Signature

Jodie Kussack-Cradock

Name & Title (Typed/Printed)

COCOA EXPO SPORTS CENTER, LLC

By: 

Signature

J.C. Underhill, MD

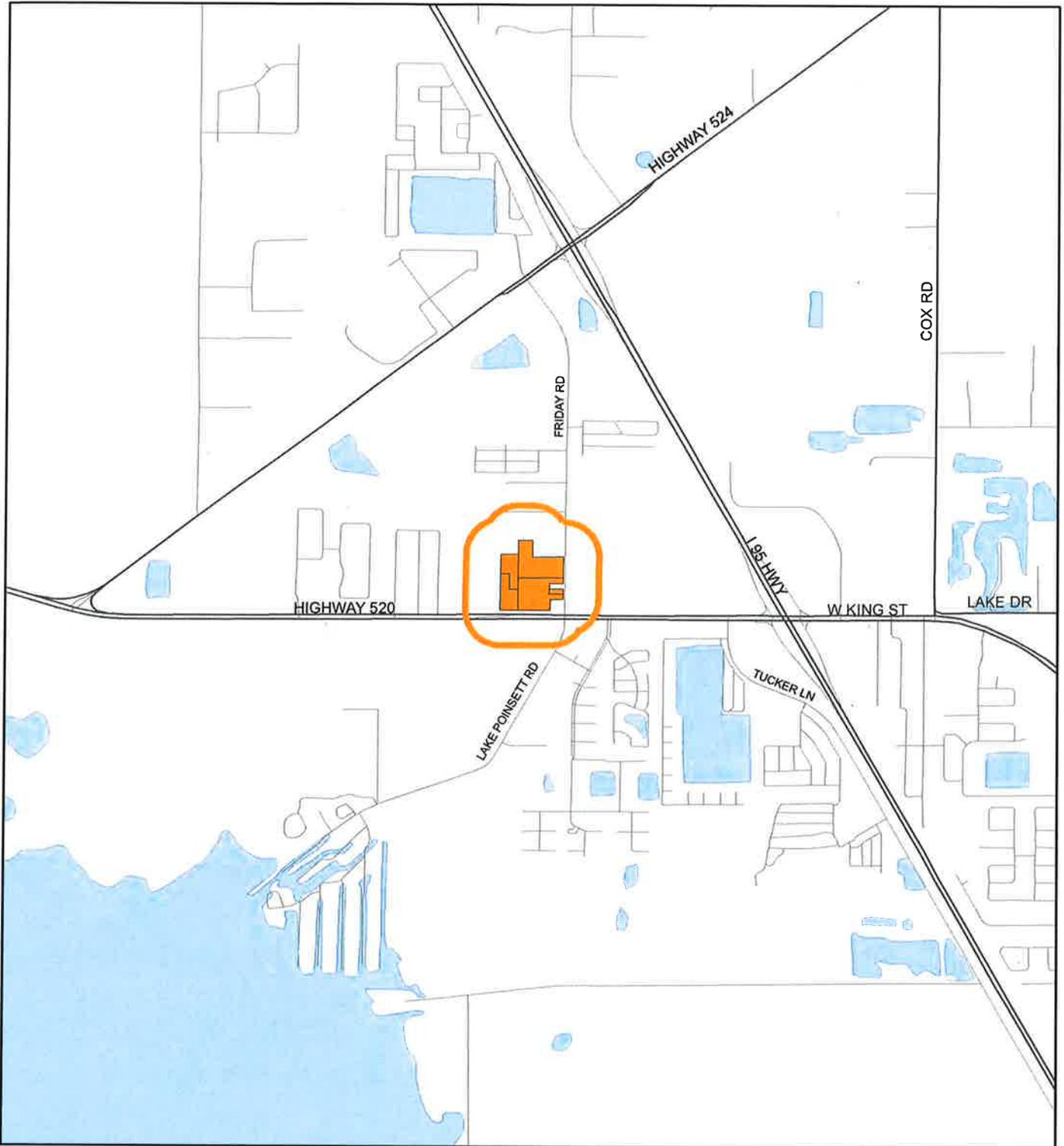
Name & Title (Typed or Printed)

3-11-16

Date



LOCATION MAP
COCOA EXPO SPORTS CENTER LLC
16PZ00062 and Small Scale Amendment 16S.07



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

Buffer Distance: 500 feet

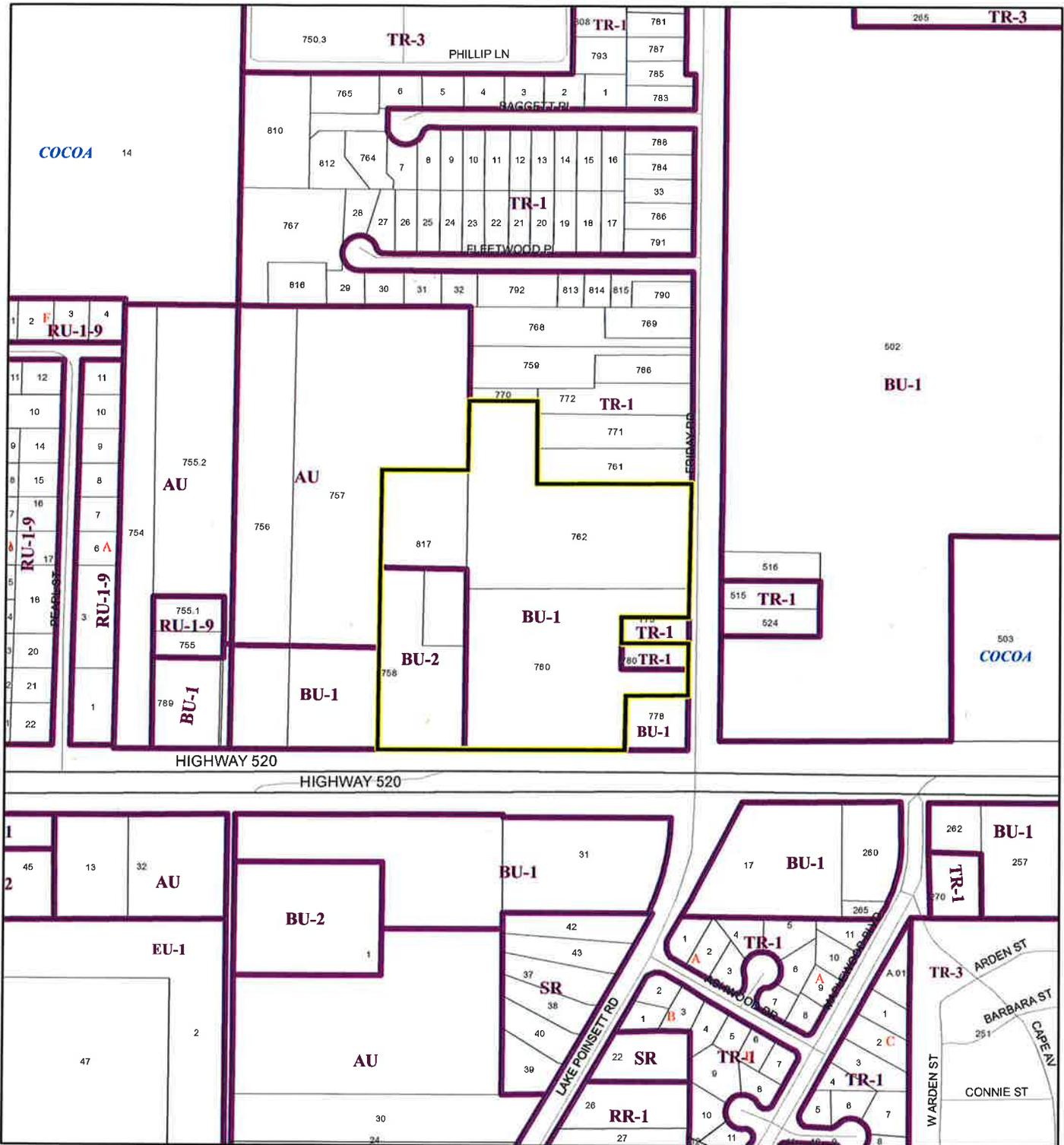
-  Buffer
-  Subject Property

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 5/27/2016

ZONING MAP

COCOA EXPO SPORTS CENTER LLC
16PZ00062 and Small Scale Amendment 16S.07



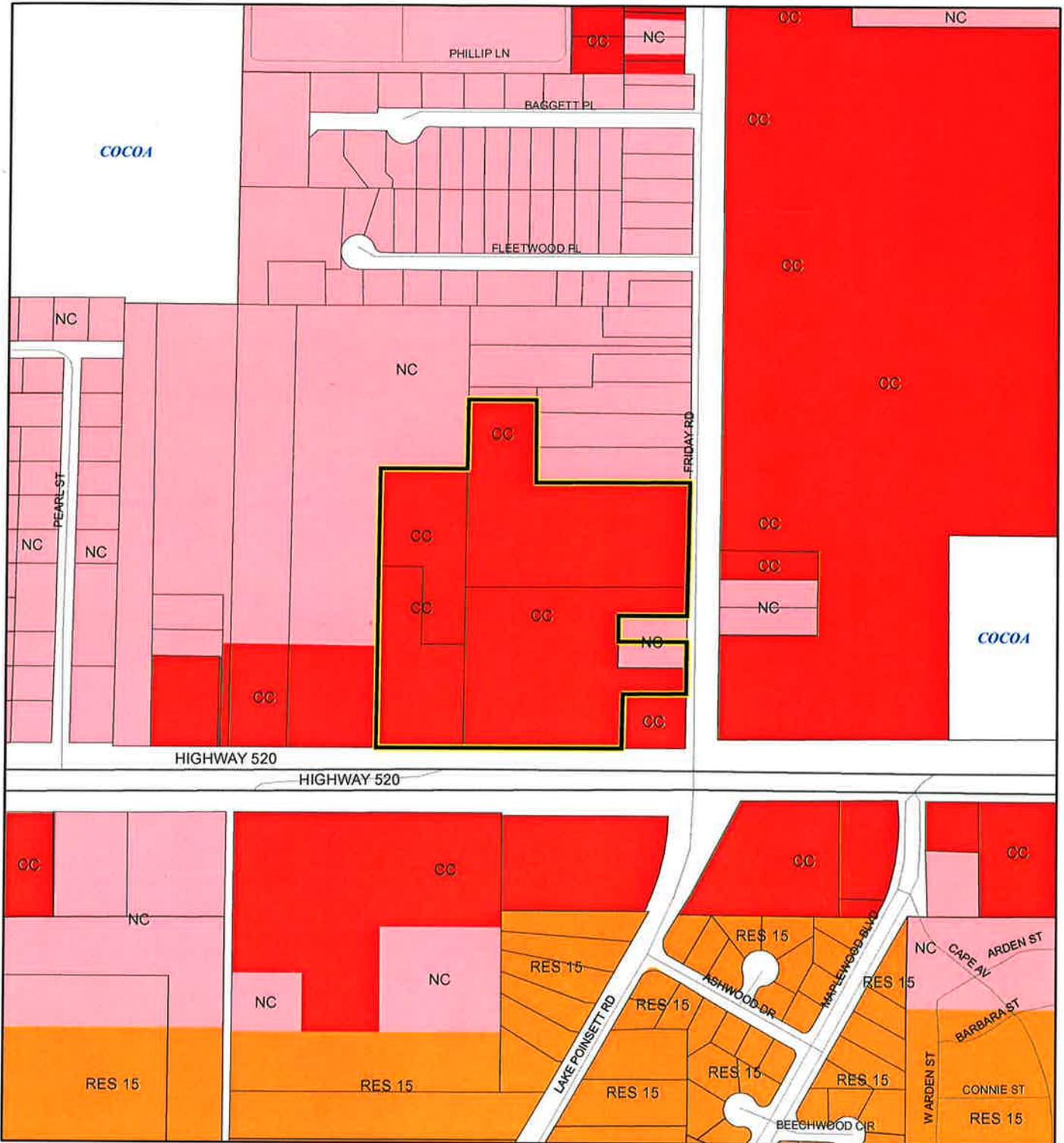
1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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

FUTURE LAND USE MAP

COCOA EXPO SPORTS CENTER LLC
 16PZ00062 and Small Scale Amendment 16S.07



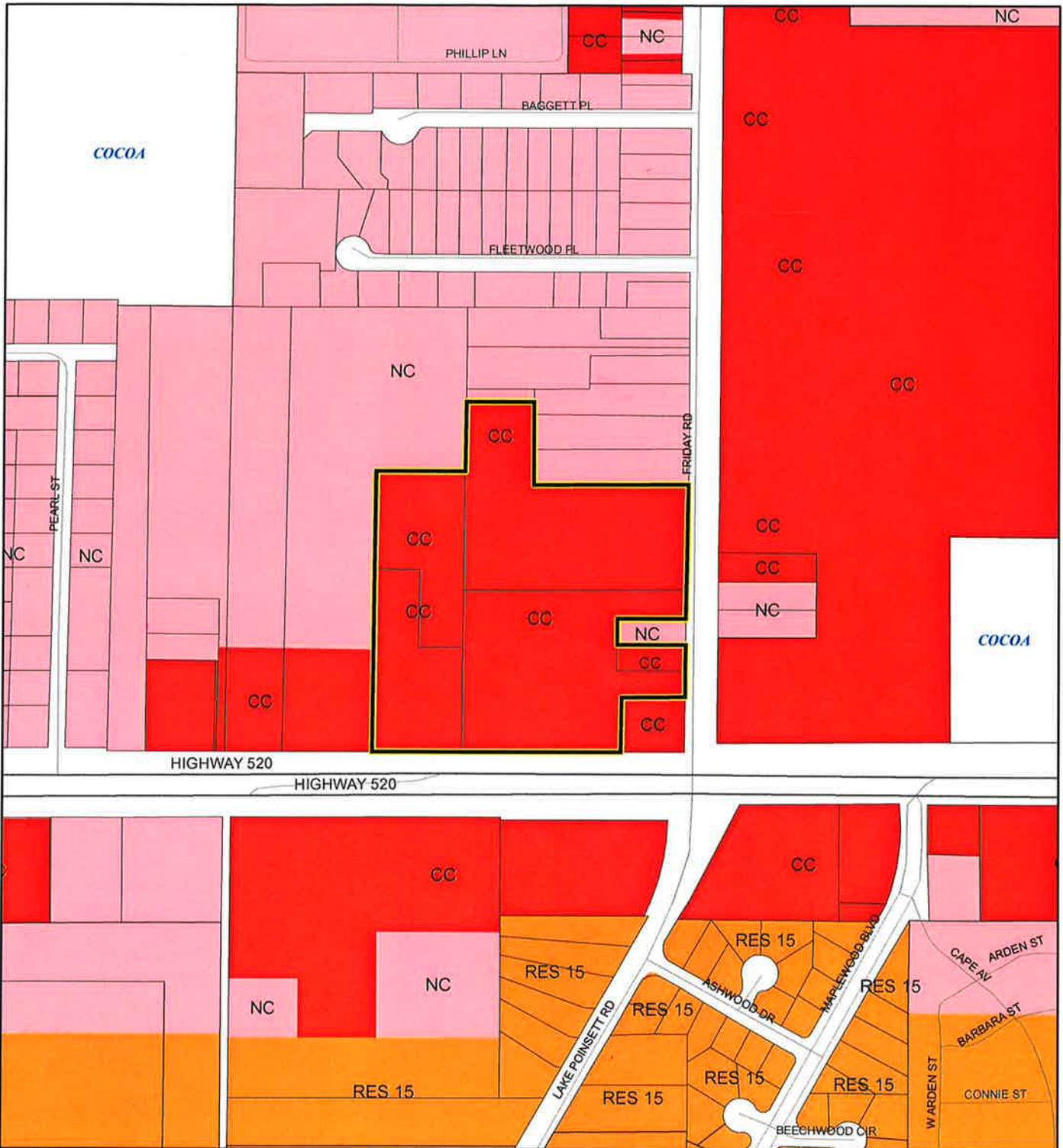
1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

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

PROPOSED FUTURE LAND USE MAP

COCOA EXPO SPORTS CENTER LLC
 16PZ00062 and Small Scale Amendment 16S.07



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 5/27/2016

AERIAL MAP

COCOA EXPO SPORTS CENTER LLC
16PZ00062 and Small Scale Amendment 16S.07



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2016

 Subject Property

 Parcels

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 5/27/2016

Old

IV.F
10/1

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:



Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940



Jim Barfield, Chairman
As approved by the Board on 8-23-2016

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

WITNESSES:

DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

(Witness Name typed or printed)

(President)
(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this ____ day of
, 20__, by _____, President of _____, who is personally
known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)

