





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

Telephone: (321) 637-2001  
Fax: (321) 264-6972

May 15, 2015

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item VI.F.2., Citizen Request by Geoff Smith and Jason Steele, Smith and Associates of Cocoa Expo Agreement Modification Request

The Board of County Commissioners, in regular session on May 12, 2015, took action on citizen request by Geoff Smith and Jason Steel, Smith and Associates, to be documented in a Memorandum of Understanding between Cocoa Expo and Brevard County prepared by the County Attorney, as follows:

- 1) The Board's suspension of enforcement of Binding Development Plan, CUP, Zoning Resolution and specified Code requirements is extended until September 9, 2015
- 2) On or before September 9, 2015: a) all improvements and actions required to obtain a certificate of completion for Phase 1a; b) request and pass all necessary inspections; and c) request and obtain final certificates of occupancy on all structures within Phase 1a
- 3) On or before June 26, 2015: a) satisfy all building and fire codes applicable to the stadium and complete permitting and construction; b) request and pass final inspections, including fire; and c) request a temporary certificate of occupancy for the stadium building
- 4) Prior to receipt of a certificate of occupancy for the stadium building, Cocoa Expo may occupy the outside seating area and outdoor portion of stadium subject: a) at all times at least two (2) fire watchmen must be on duty and continuously patrolling the entire stadium on separate routes; and b) no more than 299 people total, may occupy the outside seating area and outdoor portion of the stadium at any time
- 5) Cocoa Expo may request and obtain a temporary certificate of occupancy for any building in Phase 1a only which has passed final building and fire inspections
- 6) The prohibition against baseball games after daylight hours shall be lifted upon completion, inspection, and approval of the landscape buffering adjacent to residential properties; any nighttime games and lighting shall be subject to applicable performance standards; and existing Code violations regarding lighting must be cured prior to nighttime play and use of ball field lighting

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 12 day of May, 2015, by and between 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 the County is authorized to regulate development of the Property;

WHEREAS, Cocoa Expo Sports Center, LLC ("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 the 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 March 31, 2015, Cocoa Expo requested that the Board allow it to use four 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 County codes, including but not limited to Sec. 62-1901(d)(5), Brevard County Code of Ordinances;

WHEREAS, on March 31, 2015, the Board suspended enforcement of the BDP, CUP, Zoning Resolutions and specified code requirements for a period of 45 days;

WHEREAS, on 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, subject to the terms and conditions set forth herein;

WHEREAS the Cocoa Expo Property has, under various ownerships and not continuously, operated as a recreational and exposition complex in Brevard County in excess of 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 entered on March 31, 2015, is hereby extended until September 9, 2015, subject to the terms and conditions set forth herein. With regard to any requirement herein which provides that it must be performed prior to September 9, 2015, the earlier date shall control. 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. On or before September 9, 2015, Cocoa Expo shall:

a. resolve deficiencies in, and obtain County approval of, Engineering Revision #3 (14ER-00168), which added Parcel 516 to the Property pursuant to Zoning Resolution 14PZ-00021 (which parcel has already been utilized for site improvements);

b. 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;

d. request and obtain a certificate of completion for Phase 1a, 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, 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 the County the Performance Bond required by Paragraph 11 of the BDP.

3. On or before June 26, 2015, Cocoa Expo shall:

- a. satisfy all building and fire codes applicable to the stadium and complete permitting and construction thereof;
- b. request and pass final inspections, including fire; and
- c. request a temporary certificate of occupancy for the stadium building.

4. 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. At all times while the stadium is in use, at least two (2) fire watchmen must be on duty and continuously patrolling the entire stadium on separate routes, whose exclusive duties shall be fire monitoring and public alert, and who shall follow the fire watch procedures provided by Brevard County Fire Rescue;

- b. No more than 299 people, inclusive of all guests, attendees, players, patrons, employees, staff, contractors, invitees, etc. (any natural person) may occupy the outside seating area, including all walkways and vomitories that provide access or egress for the seating area, at any time.

5. While this Memorandum of Understanding is in effect, Cocoa Expo may request and obtain a temporary certificate of occupancy for any building in

Phase 1a, and the Training Center building in Phase 1b, which has passed final building and fire inspections. On or before September 9, 2015, Cocoa Expo shall submit and obtain approval of a re-phasing that moves the Training Center, along with any infrastructure necessary to support it, into Phase 1a, approval of which re-phasing shall not be withheld in violation of a clear legal duty. Any such re-phasing application shall not operate to extend any deadlines or compliance dates set forth herein. Any temporary certificate of occupancy issued for any building shall expire no later than midnight of September 9, 2015. However, Cocoa Expo may apply for a final Certificate of Occupancy for continued use of such buildings, subject to all applicable prerequisites such as obtaining a certificate of completion for Phase 1a, which Certificate of Occupancy shall not be withheld in violation of a clear legal duty. No buildings or structures may be used or occupied unless a certificate of occupancy, temporary or permanent, has been issued in writing by the County Building Official.

6. The County Commission imposed prohibition against baseball games after daylight hours shall be lifted upon completion, inspection and approval of the landscape buffering adjacent to residential properties pursuant to paragraph 8 herein. Any nighttime games and lighting shall be subject to applicable performance standards. Existing code violations (Case No. 15CE-00355) must be cured prior to nighttime play and use of ball field lighting.

7. Until such time as the final Certificate of Completion has been approved for Phase 1a, no more than 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). Upon approval of the Certificate of Completion for Phase 1a, the number of attendees shall be in accordance with the terms and conditions of the Binding Development Plan.

8. On or before June 26, 2015, Cocoa Expo shall provide, complete, install and maintain all landscape buffers in Phases 1a and 1c, as specified in the approved Alternative Landscape Enhancement Plan (ALEP) as may be amended, which are adjacent to residential property, including inspection and approval thereof. On or before September 9, 2015, Cocoa Expo shall provide, complete, install and maintain all other landscape in Phases 1a and 1c, as specified in the approved ALEP as may be amended, including inspection and approval thereof. Where tree removal in these areas has occurred, replacement trees shall be provided in accordance with all applicable requirements of County Code, and must be approved by the County prior to installation, which approval shall not be withheld in violation of a clear legal duty.

9. Cocoa Expo may use the south ball fields only after all landscape buffers adjacent to the Young Property, irrespective of phase, have been completed

and approved. Until such time, the use of those ball fields at any time is strictly prohibited.

10. The County has notified Cocoa Expo that it will require Cocoa Expo to submit to the County Natural Resources Management Department a revised ALEP meeting all of the requirements of the County Code, the BDP, and the Board direction set forth in paragraphs 8 and 9 herein, along with any applicable fees, and obtain final approval of the revised ALEP prior to the issuance of a certificate of completion or any final certificate of occupancy. Approval of the revised ALEP shall not be withheld in violation of a clear legal duty.<sup>1</sup> Performance bonding may be considered and posted, in lieu of installation, pursuant to Sec. 62-4341(17), Brevard County Code of Ordinances, except where landscaping is adjacent to residential property; any such performance bonding allowed by the County must be posted on or before September 9, 2015.

11. Cocoa Expo shall indemnify and hold harmless the 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

---

<sup>1</sup> It is Cocoa Expo's position that revision of the ALEP may not be necessary, and that it may seek waivers or take alternative actions that it believes would avoid the need for revisions to the ALEP. The County has notified Cocoa Expo that a revised ALEP will be required due to changed conditions including, without limitation, Cocoa Expo's addition of land to the Property and Cocoa Expo's removal of trees depicted in the existing ALEP. Any effort by Cocoa Expo to obtain additional waivers or otherwise avoid submission of a revised ALEP shall not extend any deadline or time period set forth herein.

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 the 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 the County with Certificate(s) of Insurance on all the policies of insurance and renewals thereof in a form(s) acceptable to the County. Said Liability Policies shall provide that the County be an additional insured, and proof of such shall be provided to the County on or before May 19, 2015. The 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 the 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. 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. The 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. The 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, Vice Chairman

As approved by the Board on May 12, 2015

ATTEST:

  
\_\_\_\_\_  
Signature

Bridgit Land  
Name & Title (Typed/Printed)

**COCOA EXPO SPORTS CENTER, LLC**

By:   
\_\_\_\_\_  
Signature

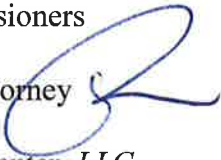
Jeffrey Unnerstall, Managing Member  
Name & Title (Typed or Printed)

5.26.15  
\_\_\_\_\_  
Date



**County Attorney's Office**  
2725 Judge Fran Jamieson Way  
Building C, Room 308  
Viera, Florida 32940

**BOARD OF COUNTY COMMISSIONERS**

DATE : May 28, 2015  
TO : Kelly Fulton, Clerk to Board of Commissioners  
FROM : Morris Richardson, Assistant County Attorney   
SUBJ : *Brevard County v. Cocoa Expo Sports Center, LLC*  
Case No. 05-2015-CA-018169-XXXX-XX  
Item VI.F.2, Citizen Request by Geoff smith and Jason Steele, Smith and Associates of Cocoa Expo Agreement Modification Request, 05/12/15

---

Please find enclosed the original Memorandum of Understanding signed by Jeffrey Unnerstall, Managing Member, Cocoa Expo Sports Center, LLC, on May 26, 2015, in the above-referenced matter. Upon execution by Vice Chair Barfield and Mr. Ellis on the signature page, please provide our office with a copy of same. Please call or email with any questions. Thank you.

## Kelly Fulton

---

**From:** Richardson, Morris <Morris.Richardson@brevardcounty.us>  
**Sent:** Thursday, May 14, 2015 11:16 AM  
**To:** Kelly Fulton  
**Cc:** Tammy Etheridge  
**Subject:** RE: Cocoa Expo - Memorandum of Understanding

Kelly,

Let's wait until I hear back from Expo's attorney.

Thanks,

Morris Richardson  
Assistant County Attorney  
2725 Judge Fran Jamieson Way  
Building C  
Viera, Florida 32940  
321.633.2090

---

**From:** Kelly Fulton [<mailto:Kelly.Fulton@brevardclerk.us>]  
**Sent:** Thursday, May 14, 2015 11:15 AM  
**To:** Richardson, Morris  
**Cc:** Tammy Etheridge  
**Subject:** RE: Cocoa Expo - Memorandum of Understanding

Hi Morris,

Would you like me to get the Chairman's and the Clerk's signature before we get Cocoa Expo signature? Or wait until it is signed by Cocoa Expo?

Kelly Greene Fulton  
Clerk to the Board/VAB Clerk  
321-637-2001  
[kelly.fulton@brevardclerk.us](mailto:kelly.fulton@brevardclerk.us)

---

**From:** Tammy Etheridge  
**Sent:** Thursday, May 14, 2015 11:05 AM  
**To:** Kelly Fulton  
**Subject:** FW: Cocoa Expo - Memorandum of Understanding

---

**From:** Richardson, Morris [<mailto:Morris.Richardson@brevardcounty.us>]  
**Sent:** Thursday, May 14, 2015 10:50 AM  
**To:** [geoff@smithlawtlh.com](mailto:geoff@smithlawtlh.com)  
**Subject:** Cocoa Expo - Memorandum of Understanding



# Cocoa Expo Deficiencies



W.S.

- In 2012, land clearing and land alteration violations at Cocoa Expo site (both east and west sides of Friday Rd), required creative remedies to allow the project to continue moving forward.
- Per code, active development orders are not to be issued when a property is in violation.
- An after-the-fact land alteration permit and subsequent modification were issued to address the unpermitted site disturbance and land clearing.
- An Alternative Landscaping Enhancement Plan (ALEP) was developed by the owner and adopted as part of the Binding Development Plan.
- Bonding for tree replacement allowed site work to continue and a site plan to be approved. The bonds have lapsed, have not been reinstated, and tree replacement has not yet occurred.
- Landscaping buffers were negotiated as a substitute to the 300' buffer typically required to protect adjacent residential properties from the impacts of the proposed entertainment use.
- Recently, large trees that were supposed to be protected in the negotiated buffers and ALEP were removed.



# Cocoa Expo Deficiencies

Large preserved oak trees and palms in the buffer area along the north property line have been removed. This buffer is required as part of the BDP and Alternative Landscape Enhancement Plan to offset noise and glare to adjacent residents.

Looking East along North Property Line





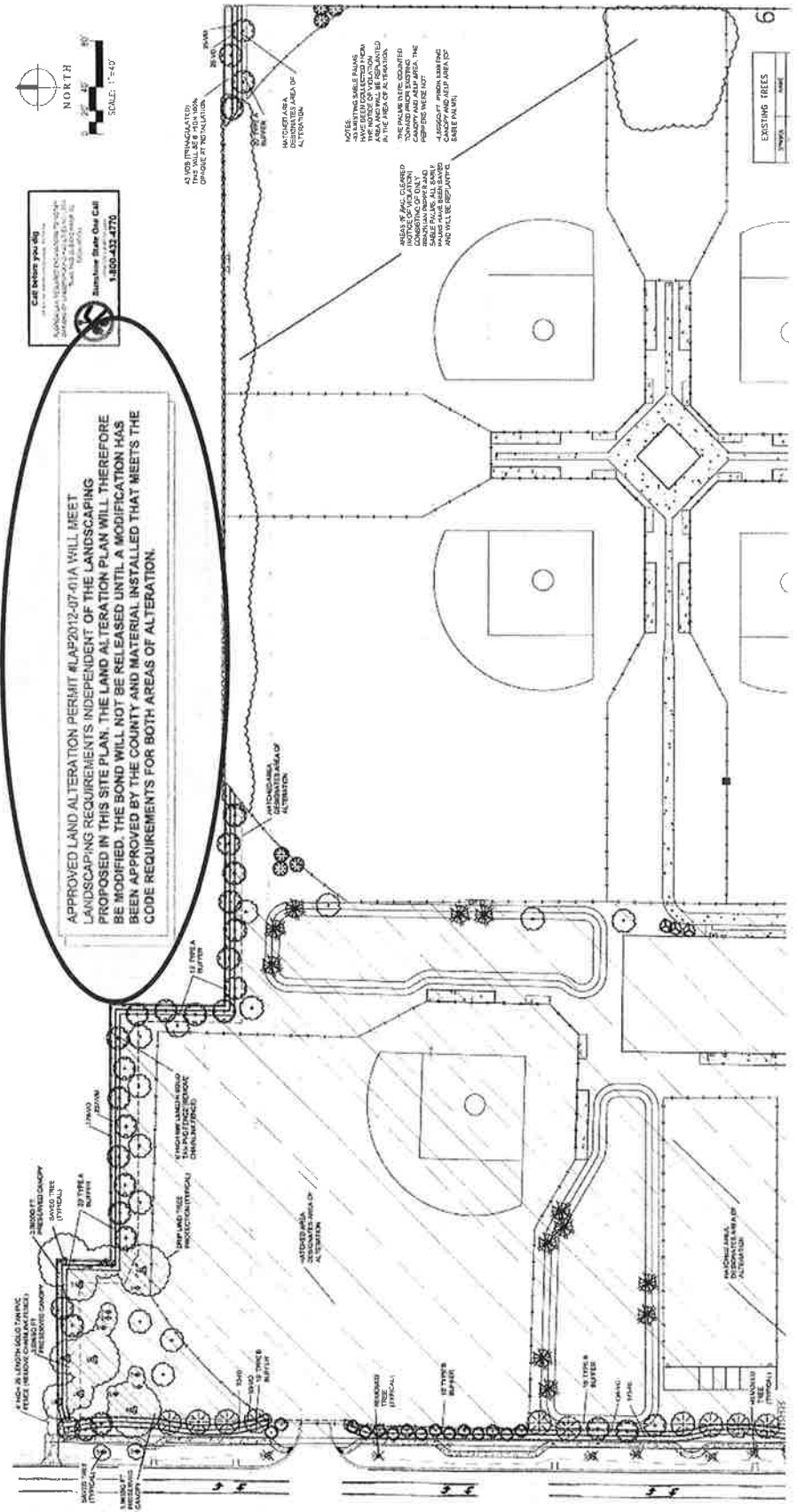
# Cocoa Expo Deficiencies

This buffer was required as part of the BDP and Alternative Landscape Enhancement Plan to offset noise and glare for adjacent residents. This landscaping has not been installed.

Looking East along Young Property Line



Phase 1A landscaping is permitted by both land alteration permit (LAP2012-07-01A) and site plan 12SP-00320. The landscaping in LAP2012-07-01A was bonded and those bonds have lapsed. Bonds need to be reinstated or restoration/landscaping installed prior to release of C.O.





# Cocoa Expo Deficiencies



Plantings/restoration required under the LAP would need to be installed or the bonds specific to that activity reinstated.

- Bond #41257694 (\$11,606) east side restoration
- Bond #41257696 (\$18,004) for littoral shelf plantings
- Bond #41257714 (\$64,648) for 21 acres of disturbance restoration associated with ball field construction prior to site plan approval.



# Brevard COUNTY Cocoa Expo Deficiencies



Summary and path to permanent C.O.

- Developer and staff to work together to address tree removal in north property line buffer area through plan modification and restoration.
- Bonds to be reinstated or plantings installed per approved land alteration and site plans (alternative landscape enhancement plan).

Request to Commission: Listed below in red-lined format are the changes to the prior suspension of enforcement of CUP requirements adopted by the Board of County Commissioners. Cocoa Expo is seeking a 45 day extension with revisions to allow for buildings that pass final building and fire inspections to be issued temporary CO for use prior to completion of the entire site plan phase one.

- Suspension of enforcement of the CUP requirements for an additional period of 45 days
  - ~~(after 45 days, the owner may appear before the Board to seek an extension).~~
- Allow the use of the 4 completed ball fields ~~in the northeast portion of~~ on the property and the ball field at the stadium.
- ~~Allow for a maximum attendance of 99 persons~~
- Allow for buildings that pass final building and fire inspection to be issued temporary CO to allow for use during the suspension of enforcement period. Life/safety requirements of Building and Fire Codes must be met.
- ~~Submit a~~ Follow approved plan to segregate visitors from the remainder of the property. ~~that is approved by County staff.~~
- Plan for protecting teams/visitors from inclement weather since buildings are not CO'd. Buses must stay on premises to provide shelter.
- ~~Limited to daylight use only.~~
- ~~No use of restrooms in buildings, need to use portable toilets~~
- Construction activities and heavy equipment must be kept separate, away from ball fields. Only lawn care equipment is allowed in the area of the ball fields.
- Grant open on-site inspection policy to County personnel
- Eligible to seek a TCO for the use of stadium including restrooms and concessions outside seating areas only (not the restrooms or other enclosed areas of the stadium), provided that structure passes required life/safety inspections. TCO previously must be granted in order to allow stadium seating ~~to be used shall remain in effect.~~
- Provide a fire watchman at the stadium.

- Required supporting documentation must be furnished to County staff for review in a timely manner (within 24 hours) to allow reasonable review/inspection time.
- ~~If issues arise precluding use of the property as discussed, the Commission requests an update at the 4/2 BCC zoning meeting.~~
- Stipulated order of injunction remains in place for life safety issues and violation of terms of this suspension.

## Whitten, Stockton E

---

**From:** Mccaughin, Michael K  
**Sent:** Monday, May 11, 2015 8:01 AM  
**To:** Whitten, Stockton E; Geoff Smith; Richardson, Morris  
**Cc:** Jason Steele ([jason@smithlawtlh.com](mailto:jason@smithlawtlh.com)); Sobrino, Robin M; Susan Smith ([Susan@smithlawtlh.com](mailto:Susan@smithlawtlh.com)); Barrett, Pamela A  
**Subject:** RE: Request to Commission.docx

Stockton,

There is one update, we issued a TCO last Friday for the North Concession Stand as discussed in the meeting. This TCO will expire May 18<sup>th</sup>.

Thanks,  
Mike

---

**From:** Whitten, Stockton E  
**Sent:** Monday, May 11, 2015 7:58 AM  
**To:** Geoff Smith; Richardson, Morris  
**Cc:** Jason Steele ([jason@smithlawtlh.com](mailto:jason@smithlawtlh.com)); Sobrino, Robin M; Mccaughin, Michael K; Susan Smith ([Susan@smithlawtlh.com](mailto:Susan@smithlawtlh.com)); Barrett, Pamela A  
**Subject:** RE: Request to Commission.docx

Mr. Smith,

The intent of the meeting was to present and understand what were the remaining issues for both buildings and the site. In that regard please find attached a matrix outlining those issues. To my knowledge the issues are substantially as we discussed. I am assuming, as we discussed, your client will call for final TCO inspections this morning. Upon request County staff will expedite reviews and site visits.

I noticed that your revised document had a couple of deviations from our conversation on Thursday; it did not limit the number of people on site and ask for the use of all "completed" fields. My recollection is that an unlimited or significantly large number of people on site would trigger some additional and/or incomplete parking and emergency coordination requirements and that all fields could not be utilized because of other uncompleted requirements.

Again, it appears to me that the question the Board will ask is what happens after 45 days in terms of completing the requirement of Phase 1 of the site plan.

Please advise.

*Stockton Whitten*

County Manager  
2725 Judge Fran Jamieson Way, Suite 301  
Viera, Florida 32940  
321-633-2001 (Phone)  
321-633-2115 (Fax)



Please note: Florida has a very broad public records law. Most written communications to or from county employees regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

---

**From:** Geoff Smith [<mailto:geoff@smithlawtlh.com>]

**Sent:** Friday, May 08, 2015 12:31 PM

**To:** Richardson, Morris; Whitten, Stockton E

**Subject:** Request to Commission.docx

Per our discussion yesterday, please find enclosed the red-lined version of our request for extension of the Commission's current 45 day suspension of enforcement of CUP requirements. The changes from the current agreement are in red-line format. We are open to your suggestions and comments on how to structure an agreement. I believe that substantial progress has been made and continues to be made at the site every day. It would be great if we could reach an agreement to present to the Commission as a consensus document. I think it would be in the best interests of all concerned to move forward together in a positive manner to bring this project to completion.

**GEOFFREY D. SMITH**  
**SMITH & ASSOCIATES**

1499 S. Harbor City Blvd., Suite 202  
Melbourne, Florida 32901  
Telephone: 321-676-5555  
Facsimile: 321-676-5558

3301 Thomasville Road, Suite 201  
Tallahassee, Florida 32308  
Telephone: 850-297-2006  
Facsimile: 850-297-2009  
Cellular: 850-559-5935  
[geoff@smithlawtlh.com](mailto:geoff@smithlawtlh.com)

The information contained in this transmission may contain Attorney-Client and other privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. To reply to our email administrator directly, please send an email to [Katherine@smithlawtlh.com](mailto:Katherine@smithlawtlh.com).

Application No.	Description of Work	Site Plan Phase	C.O. Required	Building Permits		CUP/BDP/Site Plan				
				Building Code Status	Fire Prevention Status	Planning & Zoning Status	Public Works/Engineering Status	Natural Resources Status	Utilities Status	
				Stadium #4						
12BC02338	Stadium Alterations	1a	Yes	TCO issued for seating area only expires May 18, 2015; New TCO request for additional 180 days including concession and bathrooms received 5/1/2015, under review; Pre power approved 4/02/2015; Waiting for Building final inspection request	Fire alarm permit must be approved and issued, then Fire alarm testing/inspection; Additional seating plans do not agree with life safety plan; Fire final inspections must be requested once all issues have been resolved	BDP parking study and site plan must be amended to reflect added stadium seating	Site work incomplete, public safety issues, ADA non compliant issues (see attached), Asbuilts incomplete (see attached), No Final inspection	Landscaping, including buffers required as part of the BDP exhibit, must be installed or bonded consistent with Land Alteration Permit (LAP2012-07-01A) and site plan (12SP-00320) prior to site plan C.O. In lieu of installation, landscaping may be bonded pursuant to Sec. 62-4341 (17) of the Landscaping, Land Clearing and Tree Protection ordinance.		
14FP11834	Stadium fire alarm	1a	n/a	Permit not issued, review deficiency comments sent 12/6/2014, no written response to date, recent conversations with Fire Alarm contractor	n/a	n/a	n/a	n/a	n/a	
12BC05218	Stadium Façade	n/a	n/a	100% complete	n/a	n/a	n/a	n/a	n/a	
12BC05219	Stadium Interior/exterior Demo work	n/a	n/a	100% complete	n/a	n/a	n/a	n/a	n/a	
13BC12299	Stadium Scoreboard	1a	n/a	100% complete	n/a	n/a	n/a	n/a	n/a	

Existing Dorm Building #8									
128C02337	Existing Dorm Bldg alterations	1a	Yes	Pre power approved 4/24/2015; Waiting for Building final inspection request	Fire exhaust hood inspection passed 4/15/2015; Waiting for Fire final inspections request		Site work incomplete, public safety issues, ADA non compliant issues (see attached), Asbuilts incomplete (see attached), No Final Inspection		
13FP05583	Existing Dorm Fire Sprinkler	1a	n/a		Permit issued 6/21/2013; Amended plans submitted 9/25/2013, not approved deficiency comments sent 9/26/2013, no response; Fire inspection failed 2/19/2015		n/a		
14FP00808	Existing dorm Bldg Fire Alarm	1a	n/a		Permit issued; Fire inspection failed 3/20/2015 alarm installed but not working		n/a		
14FP00808	Interior demo work in existing dorm bldg.	n/a	n/a	100% complete	n/a		n/a	n/a	n/a
138C00223	Replace gas line in existing Dorm Bldg.	1a	n/a	Permit voided gas line work incorporated and inspected through primary permit.	n/a		n/a	n/a	n/a

New Office Building #1									
12BC04313	New Office Building	1a	Yes	Pre power approved 4/24/2015; Waiting for Building final inspection request	Waiting for Fire final inspection request	Site work incomplete, public safety issues, ADA non compliant issues (see attached), Asbuilts incomplete (see attached), No Final inspection	Landscaping, including buffers required as part of the BDP exhibit, must be installed or bonded consistent with Land Alteration Permit (LAP2012-07-01A) and site plan (12SP-00320) prior to site plan C.O. In lieu of installation, landscaping may be bonded pursuant to Sec. 62-4341 (17) of the Landscaping, Land Clearing and Tree Protection ordinance.		
14FP11833	Office bldg fire alarm	1a	n/a		Permit issued; Fire final inspection failed 5/5/2015, n/a alarm system not to plan.	n/a	n/a	n/a	
New Concession Stand Building #6 (North)									
12BC04309	New Concession Stand (North)	1a	Yes	Building final inspection approved 5/1/2015	Fire final inspection approved				
Miscellaneous Phase 1a Improvements									
12BC09211	20 dugouts and 10 backstops	1a, 1b, 1c	n/a	Waiting for building final inspection request					
13BC02991	Field and site lighting	1a, 1b, 1c, 1d	n/a	Pre-power approved 1/30/2015; Waiting for final inspection request	Code enforcement spill over lighting complaint verified, need follow up since owner has made adjustments	n/a	n/a	n/a	
14BC09547	Lift Station	1a	n/a	100% complete	n/a	n/a	n/a	n/a	Accepted 4/17/2015

Cocoa Expo - DRAFT Status Matrix

Updated: 5/6/2015

14FP10978	Underground fire line	1a, 1b, 1c, 1d	n/a	100% complete	Fire final approved 3/13/2015, permit finalized.	n/a	n/a	n/a	n/a
<b>New Training Center Building #7</b>									
12BC04298	New Training Center Bldg	1b	Yes	Pre power approved 4/08/2015; Building final inspection failed 5/5/2015, duct detectors needed in a/c units.	Waiting Fire final inspection request		Site work incomplete, public safety issues, ADA non compliant issues (see attached), Asbuilts incomplete (see attached), No Final Inspection	Landscaping, including buffers required as part of the BDP exhibit, must be installed or bonded consistent with Land Alteration Permit (LAP2012-07-01A) and site plan (12SP-00320) prior to site plan C.O. In lieu of installation, landscaping may be bonded pursuant to Sec. 62-4341 (17) of the Landscaping, Land Clearing and Tree Protection ordinance.	n/a
14FP12707	Training Center Bldg fire alarm	1b	n/a		Permit issued; Fire final inspection failed 5/5/2015, missing duct smoke detectors	n/a			n/a
<b>New Dorm Building #9</b>									
12BC04312	New Dorm Bldg	1b	Yes	Application expired/void	n/a	n/a	n/a	n/a	n/a
<b>Phase 1c Improvements</b>									

Cocoa Expo - DRAFT Status Matrix

Updated: 5/6/2015

12BC02222	Concession Stand Building #2 (South)	1c	Yes	Above ceiling inspection passed 8/27/2014; Waiting for building final inspection request	Waiting for Fire final inspection request	Impact Fees due prior to scheduling final or pre power inspections	Site work incomplete, ADA public safety issues, ADA non compliant issues (see attached), Asbuilts incomplete (see attached), No Final Inspection	Landscaping, including buffers required as part of the BDP exhibit, must be installed or bonded consistent with Land Alteration Permit (LAP2012-07-01A) and site plan (12SP-00320) prior to site plan C.O. In lieu of installation, landscaping may be bonded pursuant to Sec. 62-4341 (17) of the Landscaping, Land Clearing and Tree Protection ordinance.	
13BC08880	Landscape monument structure (sign)	1c	n/a	100% complete					n/a
12BC04306	New Gymnasium Bldg	1c	Yes	permit application expired/void/abandoned	n/a	n/a	n/a	n/a	n/a
12BC02414	Demo of existing gymnasium	1c	n/a	100% complete	n/a	n/a	n/a	n/a	n/a
14BC06181	Water Park	1c	Yes	Application under review; deficiency letter sent 12/13/2014, no response to date.	n/a	n/a	n/a	n/a	n/a
<b>Miscellaneous Permits</b>									
12BC06544	Demo of 4 mobile homes and septic	n/a	n/a	100% completed	n/a	n/a	n/a	n/a	n/a
12BC06774	Demo Mobile homes	n/a	n/a	100% completed	n/a	n/a	n/a	n/a	n/a
12BC06775	Demo Mobile homes	n/a	n/a	100% complete	n/a	n/a	n/a	n/a	n/a
	Demo batting cages, wood training structure, ticket booth, clubhouse, coaches dorm	n/a	n/a	100% completed	n/a	n/a	n/a	n/a	n/a

13BC02224	Temp. construction electric service for site	n/a	n/a	Active to supply power for construction work	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
13BC04414	Temp. construction electric service for stadium	n/a	n/a	Active to supply power for construction work	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Site Plan</b>												
<b>Application No.</b>	<b>Site Plan</b>	<b>Description</b>		<b>Status</b>	<b>Planning &amp; Zoning Status</b>	<b>Public Works/Engineering Status</b>	<b>Natural Resources Status</b>	<b>Utilities Status</b>				
12SP-00320	Cocoa Expo Sports Center	Original site plan		Development permit issued 3/22/2013								
13ER-00431	Engineering Revision #1	Revise dugout slabs sizes; update site lighting photometrics, omitted on site plan		Completed 6/20/2013								
13ER-00890	Engineering Revision #2	Submittal of drainage report		Deficiency comments sent 8/27/2014, no response to date								
14ER-00168	Engineering Revision #3	Add additional parcel and revise plan		Deficiency comments sent 3/10/2014, no response to date								
14ER-01078	Engineering Revision #4	Addition of 10 inch dedicated fire water line along Friday Road, relocate scoreboard		Completed 12/22/2014								

Susan Young Rear to East of 400 + 410 Friday Road

II.F.2



**Richardson, Morris**

*JL.F.2*

**From:** Geoff Smith <geoff@smithlawtlh.com>  
**Sent:** Monday, May 11, 2015 5:21 PM  
**To:** Whitten, Stockton E; Richardson, Morris  
**Cc:** Jason Steele; Sobrino, Robin M; Mccaughin, Michael K; Susan Smith; Barrett, Pamela A  
**Subject:** RE: Request to Commission.docx

In the Excel Spreadsheet there is reference by Public Works/Engineering to a "see attached" document. Can you please forward that to me for tomorrow's meeting.

I did not see the Cocoa Expo item listed on Agenda, although I do see the materials in the Agenda Packet. Can you please advise under what Agenda Item will we be heard.

Also, we did not get the response yet on our Public Records Request. We were hoping that we might have that info for tomorrow's meeting.

I wanted to let you know that we will make the following comments and requests at tomorrow's Commission meeting per my prior email today.

We would represent that all of the buildings on site are virtually complete, and ready for final inspections. The client tried had requested final inspections that were refused today, but I believe that these issues will be resolved in a matter of a couple of weeks or with good cooperation on both sides, a matter of days. This would mean that all buildings will have passed final inspection as to Code Compliance and Fire Safety in short order.

We will therefore request an extension of the current agreement with the modifications I have previously provided to you through the date of the next scheduled Commission meeting. (Which I believe is July 7) At that time, we are hoping that we will be able to report that the following buildings will have Temporary COs (North Concession, Training Center, Office Dormitories, and Stadium) I think that requesting this shorter time frame should alleviate any concerns of "foot dragging" on my client's part. Cocoa Expo is anxious to complete this project.

At the July 7<sup>th</sup> meeting we will provide an update and, assuming all buildings are complete, we may request an additional extension to allow for an application to "re-phase" or modify the BDP and/or CUP to be completed.

**GEOFFREY D. SMITH  
SMITH & ASSOCIATES**

1499 S. Harbor City Blvd., Suite 202  
Melbourne, Florida 32901  
Telephone: 321-676-5555  
Facsimile: 321-676-5558

3301 Thomasville Road, Suite 201  
Tallahassee, Florida 32308  
Telephone: 850-297-2006  
Facsimile: 850-297-2009  
Cellular: 850-559-5935  
[geoff@smithlawtlh.com](mailto:geoff@smithlawtlh.com)

The information contained in this transmission may contain Attorney-Client and other privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. To reply to our email administrator directly, please send an email to [Katherine@smithlawtlh.com](mailto:Katherine@smithlawtlh.com).

**From:** Whitten, Stockton E [mailto:Stockton.Whitten@brevardcounty.us]  
**Sent:** Monday, May 11, 2015 7:58 AM  
**To:** Geoff Smith; Richardson, Morris  
**Cc:** Jason Steele; Sobrino, Robin M; Mccaughin, Michael K; Susan Smith; Barrett, Pamela A  
**Subject:** RE: Request to Commission.docx

Mr. Smith,

The intent of the meeting was to present and understand what were the remaining issues for both buildings and the site. In that regard please find attached a matrix outlining those issues. To my knowledge the issues are substantially as we discussed. I am assuming, as we discussed, your client will call for final TCO inspections this morning. Upon request County staff will expedite reviews and site visits.

I noticed that your revised document had a couple of deviations from our conversation on Thursday; it did not limit the number of people on site and ask for the use of all "completed" fields. My recollection is that an unlimited or significantly large number of people on site would trigger some additional and/or incomplete parking and emergency coordination requirements and that all fields could not be utilized because of other uncompleted requirements.

Again, it appears to me that the question the Board will ask is what happens after 45 days in terms of completing the requirement of Phase 1 of the site plan.

Please advise.

*Stockton Whitten*

County Manager  
2725 Judge Fran Jamieson Way, Suite 301  
Viera, Florida 32940  
321-633-2001 (Phone)  
321-633-2115 (Fax)



Please note: Florida has a very broad public records law. Most written communications to or from county employees regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

---

**From:** Geoff Smith [mailto:geoff@smithlawtlh.com]  
**Sent:** Friday, May 08, 2015 12:31 PM  
**To:** Richardson, Morris; Whitten, Stockton E  
**Subject:** Request to Commission.docx

VJ.F.2




BOARD OF COUNTY COMMISSIONERS

**Brevard County Fire Rescue**  
1040 S. Florida Ave.  
Rockledge FL 32955

**Inter-Office Memo**

Date May 5, 2015

TO: Mark Schollmeyer, Fire Chief; Robin Sobrino, Planning and Development Director;  
Morris Richardson, Assistant County Attorney

FROM: Doug Carter, Assistant Fire Marshal 

SUBJECT: Cocoa Expo Tournament Actions and Observations

On Friday, May 1<sup>st</sup>, I went to the Cocoa Expo to meet with Jeff Unnerstall to discuss the weekend's upcoming tournament. He was not on site but would be back later in the day, so I met the construction superintendent John. John said he would be on site for most of the tournament so I told him what I had intended for Mr. Unnerstall. I informed him that I would be coming to the site over the weekend and that I would be reporting my observations on Monday. I told him that I wanted to report that the Cocoa Expo had honored the agreement that they had made with the County, so please, adhere to the agreement. There was some discussion of the use of the north concession stand. We had passed the Fire Final but John was told they would need to check with the Building Department prior to using the building.

I returned to the site at approximately 3:00 to try to speak with Mr. Unnerstall again. He was not on site so his secretary Bridgette gave me his mobile number. On my third attempt, I reached Mr. Unnerstall and told him the same thing I told John earlier in the day.

A few minutes after we hung up, I received a call from Mr. Unnerstall asking if they could use the north concession stand because Fire and Building had passed the final inspections. I told him I did not know but I would call the Building Official and find out. I did reach the Building Official, Mike McCaughin, and asked the question. He indicated they would need a TCO or CO to occupy the building. I called Mr. Unnerstall back, he did not answer so I left a message telling him he could not use the building with out the TCO or CO. I went on to say it was 4:35 and that I did not think he could get it done today but he could call the Building Department and they may be able to help him.

Weekend Observations

Saturday 5/2 at 11:00

1. Approximately 220 people and 120 vehicles on site (not including Expo staff).
2. Bathrooms to stadium and south concession stand were locked.
3. South concession stand not in use.
4. Stadium field and stands in use.

5. Stadium fire watch in place.
6. Three south fields in use.
7. North fields and north concession stand not in use.

Saturday 5/2 at 3:00

1. North concession stand in use, hot dogs, hamburgers, snacks and drinks being sold.
2. North concession stand bathrooms in use.
3. Approximately 300 people on site.
4. Two north fields in use.
5. Stadium field and stands in use.
6. Two south fields in use.
7. Dormitory and Training Facility not use.

Sunday 5/3 at 12:00

1. North concession stand in use, hot dogs, hamburgers, snacks and drinks being sold.
2. North concession stand bathrooms in use.
3. Approximately 400 people and 190 vehicles on site.
4. Three north fields in use.
5. Stadium field and stands in use. Bathrooms locked.
6. Stadium concession open. Hamburgers, hotdogs, snacks and drinks being sold. Expo staff had set up a bbq grill on the grass adjacent to the stadium. They also set up tables for serving and selling on the sidewalk under the stadium seating area. The permanent concession stand was open and used for storage of supplies. The public did not have access to the permanent concession.
7. Three south fields in use. Bathrooms and concession locked.
8. Vehicles parked in area with heavy equipment and construction materials (pipe).



South fields in use. South concession closed.

May 2, 2015



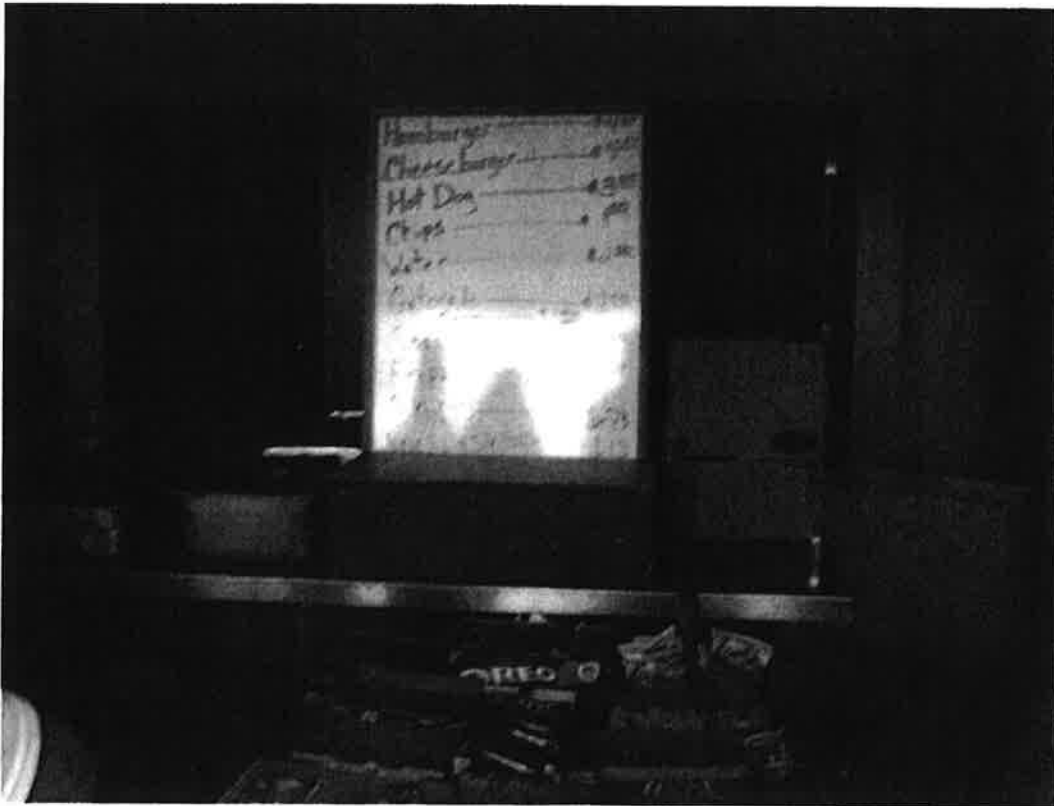
Parking lot near south fields looking north toward dormitory.

May 2, 2015



North concession open for business. North field in use.

May 2, 2015



North concession menu board with items for sale.

May 2, 2015



North concession bathrooms open to public.

May 2, 2015



Stadium concession on main walkway.

May 3, 2015



Concession sign adjacent to south fields.

May 3, 2015



North concession open on day two.

May 3, 2015



Public parking and heavy equipment.

May 3, 2015



Construction materials and public parking.

May 3, 2015

Meeting Date
5-12-15



AGENDA	
Section	New Business
Item No.	VI F 2

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

SUBJECT:	<b>Cocoa Expo Agreement Modification Request</b>		
DEPT/OFFICE:	Citizen Request / Geoff Smith & Jason Steele, Smith & Associates		
Requested Action:	<p>We will be asking for a modification of the agreement between Cocoa Expo and Brevard County to temporarily CO the facilities at the Cocoa Expo.</p>		
Summary Explanation & Background:	<p>We will be requesting a modification of the agreement between the Cocoa Expo and Brevard County to temporarily CO the facilities for a term of six months until some minor issues are resolved on Friday Road. On May 2nd there will be 120 baseball teams and their families coming to Brevard County to participate in the first of many baseball tournaments. This particular tournament will be bringing tens of thousands of dollars directly into our local economy through our hotels, restaurants, and other local businesses. We will be requesting a modification of the current agreement between the Cocoa Expo and Brevard County to accomodate the participants and spectators of this tournament. We greatly appreciate your assistance with this matter.</p>		
Contact (Name / Phone / email) –	Jason Steele, 321-258-8993, jason@smithlawtlh.com		
Clerk to the Board instruction:			
Exhibits Attached:			
Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
County Manager's Office	Department	PR <input type="checkbox"/>	
Stockton Whitten, County Manager	County Manager's Office		

Cocoa Expo - Status Matrix

Updated: 5/12/2015

112

Application No.	Description of Work	Site Plan Phase	C.O. Required	Building Permits		CUP/BDP/Site Plan				
				Building Code Status	Fire Prevention Status	Planning & Zoning Status	Public Works/Engineering Status	Natural Resources Status	Utilities Status	
<b>Stadium #4</b>										
12BC02338	Stadium Alterations	1a	Yes	TCO issued for seating area only expires May 18, 2015; New TCO request for additional 180 days including concession and bathrooms received 5/1/2015, under review; Pre power approved 4/02/2015; Waiting for Building final inspection request	Fire alarm permit must be approved and issued, then Fire alarm testing/inspection; Additional seating plans do not agree with life safety plan; Fire final inspections must be requested once all issues have been resolved	BDP parking study and site plan must be amended to reflect added stadium seating	Site work incomplete, public safety issues, ADA non compliant issues (see attached), Asbuilts incomplete (see attached), No Final Inspection	Landscaping, including buffers required as part of the BDP exhibit, must be installed or bonded consistent with Land Alteration Permit (LAP2012-07-01A) and site plan (12SP-00320) prior to site plan C.O. In lieu of installation, landscaping may be bonded pursuant to Sec. 62-4341 (17) of the Landscaping, Land Clearing and Tree Protection ordinance.		
14FP11834	Stadium fire alarm	1a	n/a		Permit not issued, review deficiency comments sent 12/6/2014, no written response to date, recent conversations with Fire Alarm contractor	n/a	n/a	n/a	n/a	n/a
12BC05218	Stadium Façade	n/a	n/a	100% complete	n/a	n/a	n/a	n/a	n/a	n/a
12BC05219	Stadium Interior/exterior Demo work	n/a	n/a	100% complete	n/a	n/a	n/a	n/a	n/a	n/a
13BC12299	Stadium Scoreboard	1a	n/a	100% complete	n/a	n/a	n/a	n/a	n/a	n/a

Cocoa Expo - Status Matrix

Updated: 5/12/2015

Existing Dorm Building #8									
12BC02337	Existing Dorm Bldg alterations	1a	Yes	Pre power approved 4/24/2015; Waiting for Building final inspection request	Fire exhaust hood inspection passed 4/15/2015; Waiting for Fire final inspections request		Site work incomplete, public safety issues, ADA non compliant issues (see attached), Asbuilts incomplete (see attached), No Final Inspection		
13FP05583	Existing Dorm Fire Sprinkler	1a	n/a		Permit issued 6/21/2013; Amended plans submitted 9/25/2013, not approved deficiency coments sent 9/26/2013, no response; Fire inspection failed 2/19/2015		n/a		
14FP00808	Existing dorm Bldg Fire Alarm	1a	n/a		Permit issued; Fire inspection failed 3/20/2015 alarm installed but not working		n/a		
14FP00808	Interior demo work in existing dorm bldg.	n/a	n/a	100% complete	n/a	n/a	n/a	n/a	n/a
13BC00223	Replace gas line in existing Dorm Bldg.	1a	n/a	Permit voided gas line work incorporated and inspected through primary permit.	n/a	n/a	n/a	n/a	n/a

New Office Building #1							
12BC04313	New Office Building	1a	Yes	Building final inspection failed 5/11/2015- missing duct detectors, a/c condensate overflow shut down/alarms, exit & emergency lights not working, door closers not working, exterior lights not to plan, state elevator inspection/certification required.	Waiting for Fire final inspection request	Site work incomplete, public safety issues, ADA non compliant issues (see attached), Asbuilts incomplete (see attached), No Final Inspection	Landscaping, including buffers required as part of the BDP exhibit, must be installed or bonded consistent with Land Alteration Permit (LAP2012-07-01A) and site plan (12SP-00320) prior to site plan C.O. In lieu of installation, landscaping may be bonded pursuant to Sec. 62-4341 (17) of the Landscaping, Land Clearing and Tree Protection ordinance.
14FP11833	Office bldg fire alarm	1a	n/a		Permit issued; Fire final inspection failed 5/5/2015, alarm system not to plan.	n/a	n/a
New Concession Stand Building #6 (North)							
12BC04309	New Concession Stand (North)	1a	Yes	Building final inspection approved 5/1/2015: TCO issued 5/8/2015 expires May 18th.	Fire final inspection approved		
Miscellaneous Phase 1a Improvements							
12BC09211	20 dugouts and 10 backstops	1a, 1b, 1c	n/a	Waiting for building final inspection request			
13BC02991	Field and site lighting	1a, 1b, 1c, 1d	n/a	Pre-power approved 1/30/2015; Waiting for final inspection request	Code enforcement spill over lighting complaint verified, need follow up since owner has made adjustments	n/a	n/a

Cocoa Expo - Status Matrix

Updated: 5/12/2015

14BC09547	Lift Station	1a	n/a	100% complete	n/a	n/a	n/a	Accepted 4/17/2015
14FP10978	Underground fire line	1a, 1b, 1c, 1d	n/a	100% complete	Fire final approved 3/13/2015, permit finalized.	n/a	n/a	n/a
<b>New Training Center Building #7</b>								
12BC04298	New Training Center Bldg	1b	Yes	Pre power approved 4/08/2015; Building final inspection failed 5/5/2015, duct detectors needed in a/c units.	Waiting Fire final inspection request	Site work incomplete, public safety issues, ADA non compliant issues (see attached), Asbuilts incomplete (see attached), No Final Inspection	Landscaping, including buffers required as part of the BDP exhibit, must be installed or bonded consistent with Land Alteration Permit (LAP2012-07-01A) and site plan (12SP-00320) prior to site plan C.O. In lieu of installation, landscaping may be bonded pursuant to Sec. 62-4341 (17) of the Landscaping, Land Clearing and Tree Protection ordinance.	
14FP12707	Training Center Bldg fire alarm	1b	n/a		Permit issued; Fire final inspection failed 5/5/2015, missing duct smoke detectors	n/a	n/a	n/a
<b>New Dorm Building #9</b>								
12BC04312	New Dorm Bldg	1b	Yes	Application expired/void	n/a	n/a	n/a	n/a

Phase 1c Improvements										
12BC02222	Concession Stand Building #2 (South)	1c	Yes	Above ceiling inspection passed 8/27/2014; Waiting for building final inspection request	Waiting for Fire final inspection request	Impact Fees due prior to scheduling final or pre power inspections	Site work incomplete, public safety issues, ADA non compliant issues (see attached), Asbuilts incomplete (see attached), No Final Inspection	Landscaping, including buffers required as part of the BDP exhibit, must be installed or bonded consistent with Land Alteration Permit (LAP2012-07-01A) and site plan (12SP-00320) prior to site plan C.O. In lieu of installation, landscaping may be bonded pursuant to Sec. 62-4341 (17) of the Landscaping, Land Clearing and Tree Protection ordinance.		
13BC08880	Landscape monument structure (sign)	1c	n/a	100% complete					n/a	
12BC04306	New Gymnasium Bldg	1c	Yes	permit application expired/void/abandoned	n/a	n/a	n/a	n/a	n/a	
12BC02414	Demo of existing gymnasium	1c	n/a	100% complete	n/a	n/a	n/a	n/a	n/a	
14BC06181	Water Park	1c	Yes	Application under review; deficiency letter sent 12/13/2014, no response to date.	n/a	n/a	n/a	n/a	n/a	
Miscellaneous Permits										
12BC06544	Demo of 4 mobile homes and septic	n/a	n/a	100% completed	n/a	n/a	n/a	n/a	n/a	
12BC06774	Demo Mobile homes	n/a	n/a	100% completed	n/a	n/a	n/a	n/a	n/a	
12BC06775	Demo Mobile homes	n/a	n/a	100% complete	n/a	n/a	n/a	n/a	n/a	





Cocoa Expo Phase 1A Site Plan Construction Status - Site related items of major concern May 12, 2015:

1. Numerous ADA noncompliant issues exist on the site. This is especially the case with truncated domes for the visually impaired. There is no such thing as a waiver for these requirements. **This is a safety hazard as well as a violation of Federal, State and Local Law.**
2. The site is still under construction with construction activities, tractors, debris etc. lying about. **This is a safety hazard.**
3. Drainage structures have been constructed in locations not shown on the approved plans (particularly on new parcel acquired). No engineering modification has been submitted for approval. **This could be a threat to result in flooding or cause a safety hazard.**
4. Serious drop-offs along the Friday Road sidewalk have been temporarily corrected but permanent and durable construction has not been completed. At least one major location will require reconstruction of either a drainage inlet or the sidewalk or both **(this is a safety hazard).**
5. Berms intended to protect adjacent properties from flooding are poorly built or don't exist and would not be effective. These berms are not shown on the as built drawings and must be restored or reconstructed or an engineering modification plan is needed but has not been submitted. **This is a threat to the adjacent property.**
6. Several drainage structures are high and require engineering modification. No modification submittal has been made. Neighboring property may be subject to flooding as a result. Also see item 2 above. **This is a threat to the adjacent property.**
7. Numerous parking spaces are not configured in compliance with the approved Phase 1A site plan and are not the correct width. These deficiencies will require restriping and possibly engineering modifications. As an example, parallel spaces are striped on the site but none are shown on the approved plans. Some spaces are over 10 feet wide and others are about 8 feet wide (the approved width is the standard space which is 9 feet wide). This results in reduce parking spaces which will reduce the effectiveness of the entire site parking capability.
8. Ball field C and the employee parking lot are not constructed but are included in the Phase 1A site plan. This may be resolved by modifying the site plan phasing but no modification has been submitted.
9. Inlet grates are still missing chains to secure them **(this is a safety hazard).**
10. The work in Friday Road has not been completed and the roadway has not been restored. Drainage features remain incomplete and disturbed areas require final grading and placement of sod to stabilize the area (erosion and road side safety concerns). **This is a safety hazard.**
11. Traffic control striping is incorrect in numerous areas of the site (stop bars and cross walks). **This is a safety hazard.**
12. The previously submitted site "As Built" was rejected as being incomplete and deficient. There were sixty comments including many of the above listed items. No final inspection can be performed until the corrected and complete as built is provided. Since some structures are not shown in the plans and others have not been built at all. It is clear that a final inspection would likely **not** yield a certificate of completion. Without the as built a final inspection can't be completed and numerous deficiencies could exist without being identified.

13. A certificate of completion cannot be issued for the site until all the above items are resolved including; approvals of all needed engineering modifications, approval of the as built, approval of the improvements as shown on the approved Phase 1A site plans as modified.
14. Not all known deficiencies have been listed herein. This is intended to be a sample listing only. Many of these deficiencies have been communicated to the site owner and or his engineer.
15. The developer/owner has not provided the required performance bonds for the improvements needed off site (on Friday Road, etc.) as required by the Binding Development Plan. He is required to start this work within 18 months of receiving a C.O. and complete the work within 24 months of that date.



May 12, 2015 8:19:59 AM





May 12, 2015 8:10:59 AM



May 12, 2015 8:12:00 AM

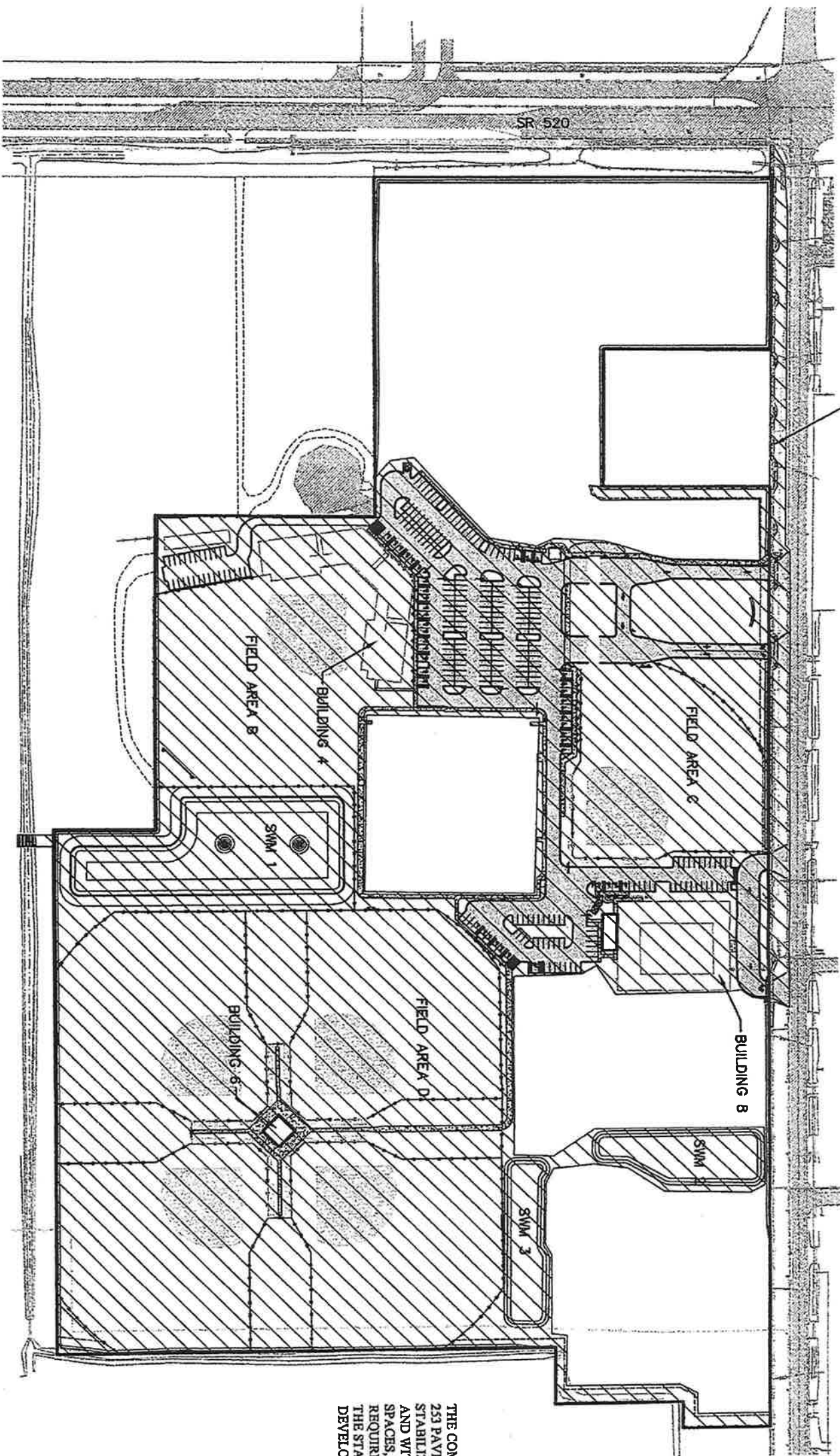








PHASE 1a -  
SIDEWALK FROM  
SR520 TO COCOA  
EXPO BUS LOOP

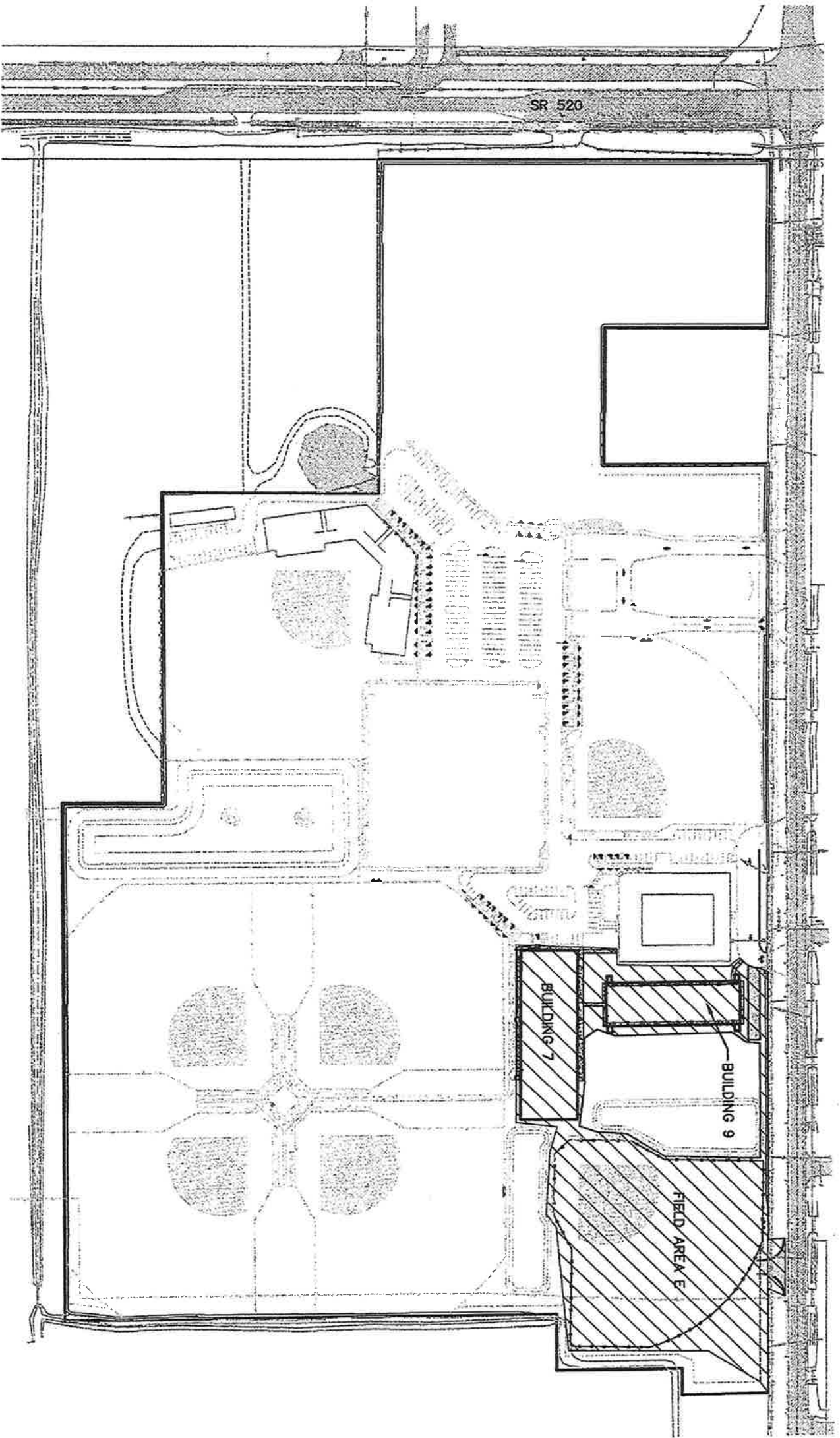


# PHASE 1a

THE COMPLETION OF PHASE 1a WILL PROVIDE A TOTAL OF 253 PAVED, 20 STABILIZED EMPLOYEE AND 1,119 STABILIZED PARKING SPACES IN THE PHASE BOUNDARY AND WITHIN FIELD AREAS C AND D, FOR A TOTAL OF 1,392 SPACES, WHICH EXCEEDS THE MINIMUM PARKING SPACE REQUIREMENT (1,294) FOR THE ISSUANCE OF A CO FOR THE STADIUM (BUILDING 4) AS OUTLINED IN THE BINDING DEVELOPMENT AGREEMENT.

## PHASE 1a

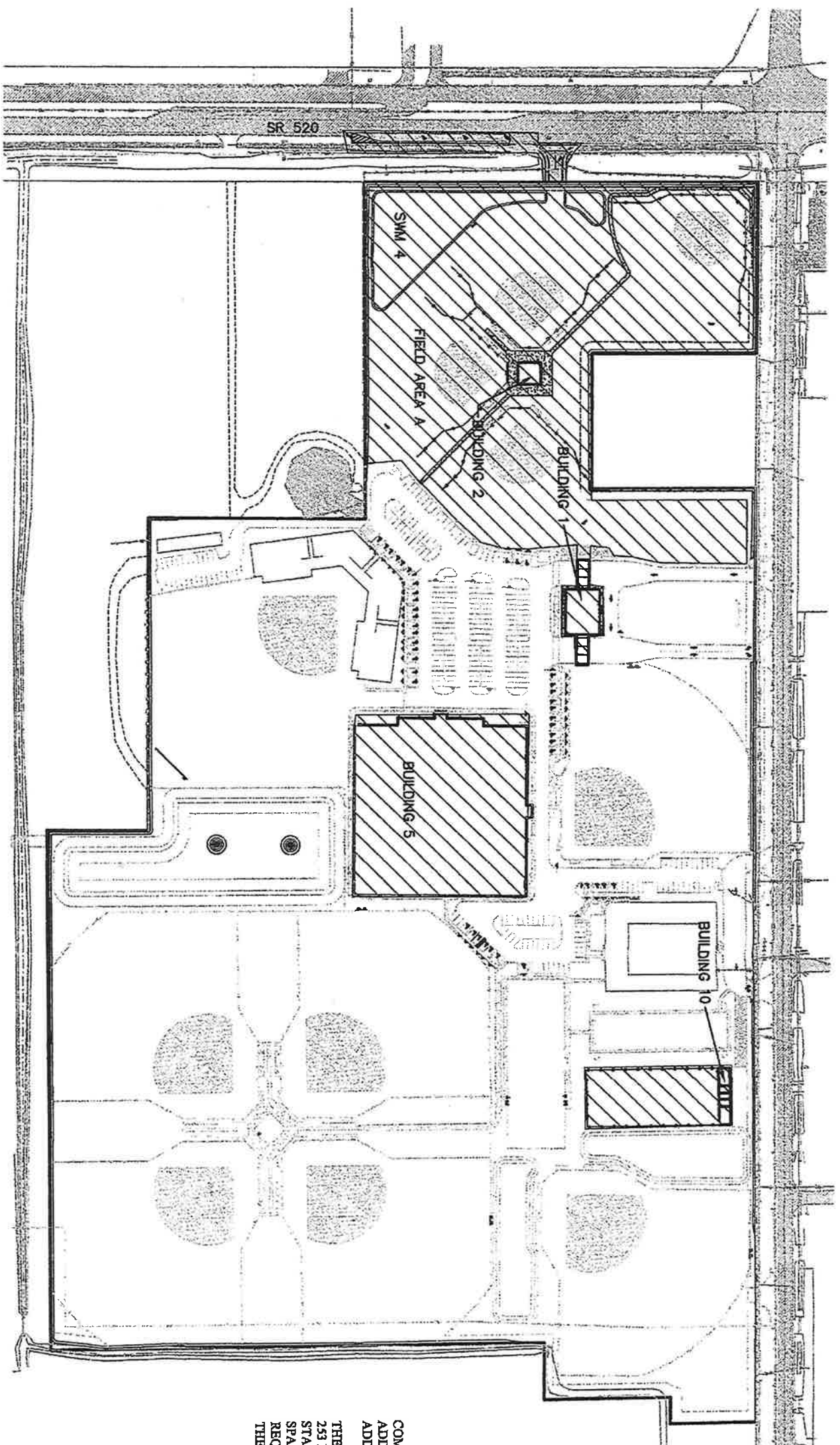
- COMPLETION OF THE RENOVATION OF THE 4-PLEX FIELDS (FIELD AREA D) IN NORTHEAST CORNER OF SITE AND FIELD AREA C, INCLUDING DRAINAGE, FENCING, REGRADE, LIGHTING AND ASSOCIATED IMPROVEMENTS PER THE PLAN.
- RENOVATION/REMODEL OF EXISTING STADIUM, INCLUDING RENOVATION OF FIELD AREA B WITHIN THE STADIUM.
- RENOVATION/REMODEL OF EXISTING DORMITORY BUILDING (BUILDING #8)
- CONSTRUCTION OF STORMWATER MANAGEMENT AREAS #1, 2 AND 3, OUTFALL CONTROL STRUCTURE AND ASSOCIATED PIPING AND EROSION CONTROL FACILITIES.
- NORTHERN CONCESSION STAND (BUILDING #6) AND ASSOCIATED WALKWAYS AND ACCESS PATHS TO PARKING LOT.
- MAIN ENTRANCE DRIVEWAYS, BUS LOOP DRIVEWAYS AND ALL PAVED PARKING AND INTERNAL DRIVEWAYS, INCLUDING ALL DRAINAGE, SIDEWALKS, DUMPSTER ENCLOSURES, SIGNAGE, STRIPING, CURBING AND SITE LIGHTING AS SHOWN ON THE PLANS.
- SIDEWALK FROM PARKING LOT TO 4-PLEX FIELD AREA AS SHOWN ON THE PLANS.
- ALL POTABLE WATER, SANITARY SEWER AND FIRE PROTECTION FACILITIES AS NEEDED TO SUPPORT THE ABOVE USES.
- FRIDAY ROAD DRAINAGE IMPROVEMENTS - PIPING DITCH FROM SR 520 TO BUS LOOP AS SHOWN ON THE PHASE 1 FRIDAY ROAD IMPROVEMENT PLANS.
- FRIDAY ROAD SIDEWALK IMPROVEMENT - FROM SR520 TO BUS LOOP DRIVEWAY AS SHOWN ON THE PHASE 1 FRIDAY ROAD IMPROVEMENT PLANS.
- INSTALLATION OF ALL REQUIRED LANDSCAPING WITHIN THE TYPE "A" LANDSCAPE BUFFER ALONG THE NORTH PROPERTY LINE AND WITHIN THE LIMITS OF PHASE 1a AS DELINEATED WITHIN THIS PHASING PLAN.
- INSTALLATION OF ALL REQUIRED LANDSCAPING AND IRRIGATION IMPROVEMENTS WITHIN THE PAVED PARKING AND DRIVEWAY AREAS AS SHOWN ON THE PLANS.
- INSTALLATION OF THE TYPE "B" LANDSCAPE BUFFER PLANTING ALONG FRIDAY ROAD FROM THE NORTH BOUNDARY OF THE RESIDENTIAL PROPERTY ON THE EAST SIDE OF FRIDAY ROAD TO THE NORTHERN BUS LOOP DRIVEWAY.
- INSTALLATION OF THE REQUIRED FENCING AND TYPE "A" BUFFER PLANTING ALONG THE NORTH BOUNDARY OF THE TR-1 RESIDENTIAL PROPERTY ON THE EAST SIDE OF FRIDAY ROAD.
- DUGOUT BUILDINGS D1-D8 AND C1 AND C2 AND ASSOCIATED BACKSTOPS.



**PHASE  
1b**

**PHASE 1B**

- TRAINING CENTER (BUILDING # 7)
- NEW DORMITORY FACILITY (BUILDING # 9)
- STABILIZED ACCESS ROAD WEST OF BUILDING #9
- COMPLETION OF THE RENOVATION OF THE NORTHWEST FIELD (FIELD AREA E), INCLUDING DRAINAGE, FENCING, REGRADING, LIGHTING AND ASSOCIATED IMPROVEMENTS PER THE PLAN.
- DRIVEWAY ACCESS TO FRIDAY ROAD.
- INSTALLATION OF THE TYPE "B" LANDSCAPE BUFFER PLANTING ALONG FRIDAY ROAD FROM THE NORTHERN BUS LOOP DRIVEWAY TO THE NORTH BOUNDARY OF THE PROJECT.
- DUGOUT BUILDINGS E1-E2 AND ASSOCIATED BACKSTOPS
- THE COMPLETION OF FIELD AREA E WILL PROVIDE AN ADDITIONAL 194 STABILIZED PARKING SPACES. THE TOTAL PHASE 1a AND 1b PARKING PROVIDED SHALL BE AS FOLLOWS: 253 PAVED, 20 STABILIZED EMPLOYEE AND 1,313 STABILIZED PARKING WITHIN FIELD AREAS C, D AND E.



PHASE  
1c

COMPLETION OF FIELD AREA A WILL PROVIDE AN ADDITIONAL 323 STABILIZED PARKING SPACES IN ADDITION TO THOSE COMPLETED IN PHASES 1a AND 1b.

THE COMPLETION OF PHASE 1c WILL PROVIDE A TOTAL OF 253 PAVED, 20 STABILIZED EMPLOYEE AND 1,636 STABILIZED PARKING SPACES, FOR A TOTAL OF 1,909 SPACES, WHICH EXCEEDS THE MINIMUM PARKING SPACE REQUIREMENT (1,809) FOR THE ISSUANCE OF A CO FOR THE GYMNASIUM (BUILDING 5).

PHASE 1C

- GYMNASIUM (BUILDING #5)
- OFFICE (BUILDING #1) AND COVERED ENTRANCE GATE STRUCTURE
- TEAM COOL DOWN AREA AND BUILDING #10
- COMPLETION OF RENOVATION OF ALL REMAINING FIELDS (FIELD AREAS A), INCLUDING DRAINAGE, FENCING, REGRAIDING, LIGHTING AND ASSOCIATED IMPROVEMENTS PER THE PLAN.
- SOUTH CONCESSION STAND (BUILDING #2)
- INSTALLATION OF THE REQUIRED FENCING AND TYPE "A" BUFFER PLANTING ALONG THE EAST AND SOUTH BOUNDARY OF THE TR-1 RESIDENTIAL PROPERTY ON THE EAST SIDE OF FRIDAY ROAD.
- INSTALLATION OF THE REMAINING TYPE "B" LANDSCAPE BUFFER PLANTING ALONG FRIDAY ROAD AND SR 520
- SR 520 TURN LANE EXTENSION AND DRIVEWAY ACCESS TO FIELD AREA A
- DUGOUT BUILDINGS A1-A8 AND ASSOCIATED BACKSTOPS

1 LIFE SAFETY COMMENTS 2-28-13  
 VTY COMMENTS 2-18-13

VTY COMMENTS	7-25-12
VTY COMMENTS	7-3-12
WMD COMMENTS	6-28-12
VTY COMMENTS	6-15-12
SMG	DATE 4/4/12
N DEH	DATE 4/4/12
CKED	DATE

COCOA EXPO SPORTS CENTER, LLC



B.S.E. CONSULTING - ENGINEERING

312 SOUTH HARBOR CITY BOULEVARD  
 MELBOURNE, FLORIDA 32901  
 PHONE: (321) 331-1111  
 CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS A  
 CERTIFICATE OF LAND SURVEYING BUSINESS A