

*MOVED to later meeting
Nov. 25th 17*

Meeting Date
October 21, 2014



ADD ON	
AGENDA	
Section	New Business
Item No.	V F 4

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	City of Cocoa – Diamond Square Community Redevelopment Agency Plan Update.
DEPT/OFFICE:	Citizen Request/City of Cocoa City Council and the Diamond Square Community Redevelopment Agency

Requested Action:
Approve the Diamond Square Community Redevelopment Agency Plan Update and extend the life of the Agency an additional twenty-five (25) years until 2047.

Summary Explanation & Background:

On August 19, 1997 the Brevard County Board of County Commissioners adopted Resolution No. 97-161, which delegated to the City of Cocoa the authority to create the Diamond Square Community Redevelopment Agency (then called Census Tract 626 Community Redevelopment Agency). Subsequently, the Cocoa City Council adopted Resolution No. 98-19 on March 24, 1998 which created the Agency. On June 22, 1999 the City of Cocoa adopted Ordinance No 8-99 which codified the Diamond Square Redevelopment Agency Redevelopment Plan as authored by Hoyt DSW.

While several Goals and Objectives of the Diamond Square Redevelopment Plan have been addressed since its adoption, including the construction of affordable homes, the preparation of the Diamond Square Drainage Study and subsequent drainage construction, as well as the establishment of the Community Policing initiative and the purchase, by the Agency, of vacant land for redevelopment, it was determined by the Agency Board that an update to the plan was needed that reflects current conditions and identifies new challenges and opportunities.

At the Diamond Square Community Redevelopment Agency (CRA) meeting held on December 19, 2011, the Board approved the issuance of a Request for Qualifications (RFQ) in order to solicit a Consultant for planning services to assist in the preparation of an update to the Diamond Square Redevelopment Agency Plan and any associated engineering-related tasks. Subsequently, on August 29, 2012 the Agency selected the firm of Real Estate Research Consultants, Inc. (RERC).

The consulting team for the community assessment and plan update was composed of RERC, AECOM and Planning Design Group. Through a series of public workshops with community members and steering committee members, the consulting team received valuable input that was essential in drafting the Plan Update.

Continued on Page 2

Clerk to the Board Instructions:

Exhibits Attached: City of Cocoa Resolution No. 2014-042; Diamond Square Community Development Agency Plan Update

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager, Mel Scott	Department Director / Extension
Stockton Whitten	Assistant County Manager, Venetta Valdengo	

Under the guidance of the Diamond Square Plan Update Steering Committee and City staff, the consulting team developed six (6) transformational initiatives:

- Enhance Streetscapes and Pedestrian Connectivity
- Increase Partnerships with Housing Developers
- Create Neighborhood Gateways
- Explore the feasibility of creating new community-based activity centers
- Enhance support for Community-Based Organizations and Educational Institutions
- Establish a Community-based Committee composed of representatives of a diverse cross section of the community in order to coordinate activities within the community and assist in building non-profit organization capacity

These main transformational initiatives form the pillars of the Plan Update and are buttressed by a series of incremental initiatives. All initiatives fit into one or more of five strategic framework categories:

- Community Living
- Community Places
- Community Connections
- Community Identity
- Community Opportunity

At a joint meeting of the Diamond Square CRA Board and the Diamond Square CRA Plan Update Steering Committee on March 17, 2014, the Board and Committee unanimously approved the adoption of the Plan Update and authorized Staff to present the Plan Update to the City Council for approval. At its meeting on May 13, 2014, City Council, by Resolution No. 2014-042, approved the Diamond Square Community Redevelopment Agency Plan Update, extended the life of the Agency for twenty-five (25) years to 2047 and referred the Plan Update to the Brevard County Board of County Commissioners for approval and the requesting of a twenty-five (25) year extension to 2047.

With the Plan Update as prepared, the Diamond Square Community Redevelopment Agency will be equipped to persist in their efforts at reducing slum and blight and positioned to continue their mission through 2047.

A copy of Plan Update is provided as an attachment.

John A. Titkanich, Jr., AICP
City Manager, City of Cocoa
(321) 433-8660
jtitkanich@cocoaf1.org



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

October 22, 2014

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item V.F.4., Citizen Request by John A. Titkanich, Jr., AICP, City Manager, City of Cocoa, Diamond Square Community Redevelopment Agency Plan Update

The Board of County Commissioners, in regular session on October 21, 2014, removed consideration of Citizen Request by John A. Titkanich, Jr., AICP, City Manager, City of Cocoa, regarding Diamond Square Community Redevelopment Agency Plan Update, from the Agenda.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Etheridge, Deputy Clerk

RESOLUTION NO. 2014-042

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, APPROVING A NEW DIAMOND SQUARE REDEVELOPMENT AGENCY – COMMUNITY REDEVELOPMENT PLAN ATTACHED HERETO AS “EXHIBIT A;” PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, in 1998, the City Council created the Diamond Square Redevelopment Agency (“Agency”) pursuant to Resolution 98-19; and

WHEREAS, the Agency reviewed the proposed amendment to the Diamond Square Redevelopment Agency – Community Redevelopment Plan (“Plan”) and recommended approval of the amendment to the Plan to the City Council; and

WHEREAS, consistent with the intent and purpose of the Plan, the City Council desires to petition Brevard County to extend the term of the Agency in order to attempt the redevelopment goals and objectives of the Plan; and

WHEREAS, if Brevard County does not agree to extend the term of the Agency, the City Council recognizes that the goals and objectives set forth in the Plan would likely not be accomplished by the Agency and that additional modifications to the Plan may need to be made; and

WHEREAS, the City Council of the City of Cocoa, Florida hereby finds this Resolution to be in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as findings of the City Council of Cocoa.

Section 2. Amendment to Agency Plan. The City Council of the City of Cocoa, pursuant to section 163.361, Florida Statutes, hereby amends the Diamond Square Redevelopment Agency – Community Redevelopment Plan by adopting the Plan prepared by Real Estate Research Consultants, dated March, 2014, attached hereto as “Exhibit A” and expressly incorporated herein by this reference.

Section 3. Repeal of Prior Inconsistent Resolutions. All prior, inconsistent resolutions adopted by the City Council are hereby repealed.


Section 4. Severability. If any section, clause, phrase, word, or provision is for any

reason held invalid or unconstitutional by a court of competent jurisdiction, whether for substantive or procedural reasons, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

Section 5. Effective Date. This resolution shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED at a Regular Meeting of the City Council of the City of Cocoa, Florida, assembled this 13th day of May, 2014.


Henry U. Parrish III, Mayor

ATTEST: 
Joan Clark, MMC, City Clerk

ADD ON

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City Manager, City of Cocoa
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ADOPTED at a Regular Meeting of the City Council of the City of Cocoa, Florida, assembled this 13th day of May, 2014.


Henry U. Parrish III, Mayor

ATTEST: 
Joan Clark, MMC, City Clerk

CONCERN

October 14, 2014

III J Attachment (7 pgs)

Robin M. Sobrino, Dir.
Planning & Development Dpt.
Brevard County

Re: Requested Change in Proposed Lot Grading/Drainage Legislation

Dear Ms. Sobrino:

I request that a safeguard requirement be added to the referenced legislation. This provision would require a certified Test of Water Infiltration or Permeability Rate, of soils used as "fill" in future **Subdivisions**. The recommended rate of water infiltration is one centimeter-per-hour; of in a soil sample compacted to 95%, as specified for house lots.

The vital intent of this change is to reduce the possibility of wet, soggy house lots. The requested absorption rate would serve to minimize standing water on relatively flat lots, resulting from typical rainy season precipitation. It is specifically required for engineered **Compact Subdivisions**, where crowded lot design limits efficient lot drainage resulting in wet, soggy lots even in normal rainy seasons.

The requested testing will be relatively inexpensive and should be performed as part of the initial Geotechnical Analysis of the Subdivision Site. Costs would be borne by the Developer.

Tests should occur well- prior to permitting and construction. County oversight would ensure that adequately absorbing soils are available and will be used exclusively.

The presently proposed Legislation requires only that "Type B soils with no more than 10% fines" be used for lot-fill. This requirement is Not Sufficient. Only tests of the actual soils, compacted as prescribed by the Ordinance, will provide the reliable indication of water absorption rates. This was clear from testimony to the BCAC on August 8, 2014.

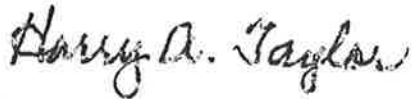
County Officials have agreed that the County must act to avoid a "repeat" of the flawed lot construction in Heritage Isle. Crowded lots were built over swampy land, and filled-in with similarly poor soils which trap water near the surface. These fill-soils were typical of poorly draining soils which prevail west of I-95. It fully documented that these fill-soils did NOT provide adequate moisture absorption. Consequently hundreds of swampy lots were constructed and are now being repaired, at a MAJOR WASTE of resources and cost.

As far back as 2009, Developers sitting on the BCAC have testified that "most of the good soil available for development in Brevard County is gone." It is inevitable that future construction west of I-95 will mostly involve 'poor soils' and will require substantial fill. There is abundant evidence from government surveys that land suitable for fill of self-draining house lots is not readily available. Thus scrupulous precautions are mandatory.

For these reasons, I submit that the requirement for specific testing and certification of infiltration/permeability of soils intended for lot-fill in Compact Subdivisions is paramount. Legislative insufficiency essential to prevent another wrongful Development such as Heritage Isle would be a major failure of County Responsibility. Please, do not allow this to happen!

I request your written response as to whether this test provision or equivalent will or will not be included in the final legislative proposal, as submitted to the BOCC on October 21. I am happy to speak in support of this request at any time. Please advise me appropriately.

Respectfully,

A handwritten signature in cursive script that reads "Harry A. Taylor".

Harry A. Taylor, Heritage Isle

Cc: T. Calkins, M. McCaughin, J. Denninghoff, R. Szpyrka, M. Bolin, C. Nelson, M. Scott

Oct 8, 2014

What infiltration rate is expected to result from the required fill-soil composition?

Is the infiltration rate sufficient to ensure dry lots shortly following nominal rains?

In a complex Subdivision how will individual lot soil-fill requirements be assured?

How specifically will the County act to enforce this ordinance?

Does the County believe this ordinance will ensure dry lots under normal climate conditions?

CONCERN

October 16, 2014

Henry Minneboo, Chair
Local Planning Board (LPA)
Brevard County, FL

Dear Mr. Minneboo:

The LPA meets October 16 to consider endorsement of the proposed Legislative Initiative for improving County Ordinances regulating house-lot elevation, soils, drainage and grading.

I hope to speak at your Meeting. My objective is to request your support for my request to the Planning and Development Dept. to add a requirement for specific testing of the water absorbing capability of soils to be used as lot-fill, in future high-density Subdivisions. A copy of that detailed request is attached.

The purpose of this testing is to ensure that house-lots will absorb typical irrigation and normal rainy season precipitation, sufficiently to prevent "standing water" and soggy conditions on closely-spaced, high-density house lots.

Future BREVARD housing construction is expected to involve high density Subdivisions, many of which will be developed west of I-95. This development corridor is well documented to have extensive low-lying, poorly drained soils. These soils typically have poor water absorption capability, and thus will present challenges to achieving even relatively dry, well drained house lots.

The legislative initiative you consider today results from the very costly mistakes made in the engineering and construction of lots in Brevard's largest Subdivision, Heritage Isle, Viera. The H.I. Site, west of I-95 has, in effect, been a "Prototype", or "test ground" for development of "crowded lots" on poor soils. The H.I. problems "testify" to the need for protective Ordinance.

Heritage Isle has suffered for years from wet, soggy lots, often resulting in standing water on hundreds of lots, and water intrusion into lanai's of numerous homes. The fill-soils are so poorly absorptive of irrigation and rainfall that soggy conditions are common.

Formal Demands to the Developer of H.I. have prompted a massive multi-year program of re-grading and drainage installation on hundreds of homes. Only at very great and wasteful expense, is this major problem being partially resolved. Had adequate Ordinances been in place, and had construction precautions been assured, this terrible situation would have not occurred. This has had a very negative and unjustified effect upon the Community.

Your support, and the support of the BOCC, is essential to ensure that the Legislation will have adequate discipline to protect future Subdivisions from experiencing the failed experience of wet, soggy house lots.

As presently proposed, the Legislation wording does not specifically ensure that lot fill-soils will have a water absorption capability adequate to prevent standing water and soggy lots. The stated requirement for "Type B soils with no more than 10% fines" cannot simply by itself assure the absorption rate of the fill-soil. An infiltration rate test of dedicated fill-soils is needed for assurance of adequate performance.

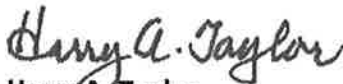
A proper test of the actual soil to be used for fill, compacted as prescribed by the Ordinance, will give the best indication of how the lot will-or will not adequately absorb water from nominal irrigation and precipitation. Because of limited grading possible in narrow tightly spaced lots grading necessary to shed water from the lot is quite restricted. Thus, for such lots, good soil permeability is a fundamental requirement if soggy lots are to be avoided.

Testing of WIR is not complicated and should not be a significant cost item. These tests would be provided by the Developer and would involve only brief review by the County.

These tests should be performed on sample(s) of the body of soils to be used for fill, and positively confirmed prior to the Permitting of the Development of any Subdivision Site proposed for high-density, crowded lots. No repeat of the terrible experience with Heritage Isle should be tolerated by the County.

I Appeal to you, Mr. Chairman, and to the members of the LPA Board, to endorse this request for amending the proposed legislation. I further ask you to extend this support to the BOCC, for their meeting, on October 21, 2014.

Respectfully,



Harry A. Taylor

7145 Mendell Way, H.I.

Cc: LPA members, R.Sobrino, M. Bolin, C. Nelson, M. Scott, T. Calkins, M. McCaughin

CONCERN

October 16, 2014

Mary Bolin-Lewis, Chair
Board of County Commissioners (BOCC)
Brevard County, FL

Re: Appeal for Amendment of proposed Legislation for house-lot elevation, drainage and Grading, as part of the County Land Development Code, and Code of Ordinances

Dear Ms. Bolin-Lewis:

I Appeal to you and members of the BOCC to endorse my request for an amendment to the referenced Legislative Initiative. I plan to speak in favor of this at the LPA meeting of October 20, and the BOCC meeting on October 21.

This amendment would provide more substantive assurance that lots in engineered, high-density Subdivisions would not suffer from standing water and poor drainage as a consequence of installation of poor fill-soils with low water infiltration rates (WIR). This request is detailed in my attached letter of October 14, to the Director of Planning and Development. It is also detailed in my attached letter of October 16 to the Chairman of the LPA.

This amendment is simple but essential. It simply requires that soils selected for lot-fill be confirmed as having efficient water absorption quality. Specific tests of WIR of designated "fill-soils" are neither complex nor costly, and moreover, would be provided by the Developers. Impact upon County operations should be minimal.

The wrongful experience of wet, soggy lots in Heritage Isle must not be repeated. It has been a consequence of installation of inferior fill-soils on hundreds of lots. Partial repairs of soggy lots has proceeded painfully over several years, and due to lot crowding, repairs cannot be fully successful. This mistake must not be repeated.

I must emphasize that this Request does not help Heritage Isle in any way. Instead this Request is on behalf of countless unknown homeowners who will purchase homes in future high-density Subdivisions in our County.

I am confident that overall, the County Government does not want to preside over repeated Subdivision Development problems like those experienced in H.I. Given the widespread poor soil conditions west of I-95, it is only prudent that reasonable precautionary measures be ensured by County Ordinance.

The referenced legislation is will intended but lacks the needed precautionary specificity. I do not believe that it should be necessary to seriously delay or postpone the legislation, in order make this simple modification. Surely the requested test-provision can be included under the authority of the BOCC.

Please, act to assure protection of the rights of future taxpaying homeowners in our County.

Respectfully,



Harry A. Taylor

7145 Mendell Way, Heritage Isle

Cc: BOCC Members, M.Scott, R.Sobrino,

Attachments: H.Taylor Appeal to R. Sobrino; H.Taylor Appeal to LPA