



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.6.

5/19/2020

Subject:

Waiver of Subdivision Perimeter Buffer, Re: Harbor Island Beach Club (20WV00007) (District 3)
Developer: Phoenix Park Fund V, LP

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

The applicant is seeking a waiver to Section 62-2883(d) of the subdivision requirements to allow private drainage, public utility easements, and fencing in the northern and southern buffer tracts. Along the western boundary is an existing 10' conservation buffer, the 50' surface water protection buffer, and a dock access.

Summary Explanation and Background:

Section 62-2883(d) requires that subdivisions provide a minimum 15' buffer, undisturbed along all property boundaries, platted as a common tract separate from individual lots. The buffer tract is intended to provide screening between the boundaries of residential developments. Landscape improvements may be constructed within the buffer subject to review and approval. Although they are providing buffer tracts, the developer of Harbor Island Beach Club is requesting a waiver of the requirement that the 15' perimeter buffers remain undisturbed. Along with landscape improvements and fencing, there will also be drainage and utilities within the northern and southern buffers. The western boundary of the project abuts the Indian River and is buffered by existing 10' conservation buffer, the 50' surface water protection buffer.

Harbor Island Beach Club is a new subdivision proposed south of Melbourne Beach at the intersection Strand Drive (previously known as Versailles Drive) and Highway A1A. The project redevelops a site that was previously an apartment complex destroyed by hurricanes in 2004. The proposed subdivision contains 54 single family units and 88 condominium units on approximately 20.71 acres. North of the proposed subdivision is Ocean Ridge Subdivision, with eleven existing homes along this boundary of the project site. It was platted in 1996 without the benefit of a buffer tract. Along the southern boundary is The Landings of Melbourne Beach, an eight-unit condominium; Dewie Acres, platted in 1952 with 17 lots and a 10' easement for a private road; and Melbourne Beach Ocean View Townhomes, a four-unit condominium.

Staff has not granted approval of waiver request # 20WV00007, and pursuant to Section 62-3207 of the Code, requests that it be evaluated by the Board of County Commissioners. The Board may wish to consider whether the inclusion of the stormwater and utility improvements along with the proposed landscaping in the natural buffer tract affects the intent of the code.

Reference: 20WV00007, 20SD00006, 18SP00007

Contact: Tad Calkins, Director, Extension 58299



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

May 20, 2020

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

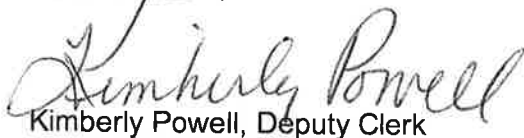
RE: Item F.6, Waiver of Subdivision Perimeter Buffer for Harbor Island Beach Club
(20WV00007)

The Board of County Commissioners, in regular session on May 19, 2020, waived Section 62-2883(d) of the subdivision requirements to allow private drainage, public utility easements, and fencing in the northern and southern buffer tracts.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Deputy Clerk

/cw

BREVARD COUNTY LAND DEVELOPMENT WAIVER APPLICATION

This form should be used for all waiver requests or appeals associated with the Code of Ordinances, Section 62 as it relates specifically to Unpaved Roads, Subdivisions, Minor Subdivisions, and Site Plans.

PLEASE COPY ENGINEER ON ALL CORRESPONDENCE AT: jeffrey.lucas@atkinglobal.com

APPLICATION TYPE

- SUBDIVISION WAIVER
- UNPAVED ROAD WAIVER
- SITE PLAN WAIVER
- OTHER

Land Development Use Only

Request Date: _____ Fees \$ _____ Board Date: _____
Original Project # _____ Waiver # _____
Coordinator Initials: _____ Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: SEE TAX ACCOUNT #'s _____ (List all parcels)

Tax Account # ('s): 2849283, 2849284, _____ (List all account numbers)

Project Name: Harbor Island Beach Club **Property Owner:** Phoenix Park Fund V, LP

Site Address: 110 Versailles Drive

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Dan Winkler **Company:** Phoenix Park Fund V, LP

Address: 119 Signature Drive **E-Mail:** dan@buildwithphoenixpark.com

City: Melbourne Beach **State:** FL **Zip:** 32951

Phone: 321 302-1047 **Fax:** _____ **Cell:** _____


ENGINEER/CONTRACTOR (if different from applicant):

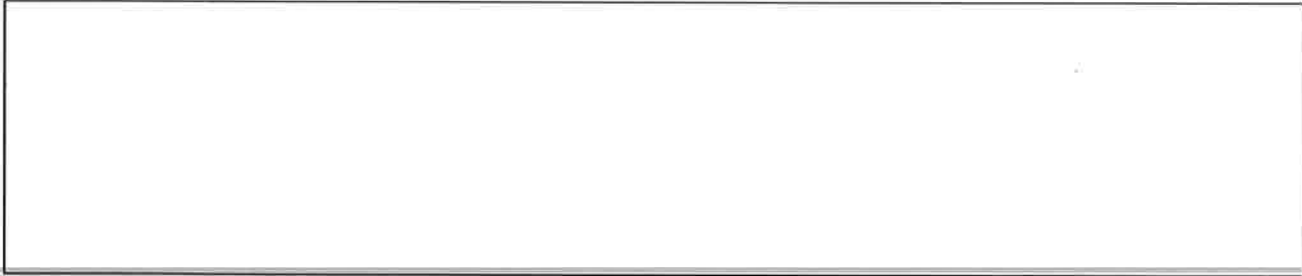
Company Name: ATKINS **Eng. or Proj. Mgr.:** Jeffrey Lucas

Address: 7175 Murrell Road Melbourne, FL 32940 **Ph #:** (321) 775-6647 **Fax:** () _____

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Section 62-2883(d) - Request Waiver for disturbances of 15 foot perimeter residential subdivision buffer

Owner/Applicant Signature:  **Print Name:** Dan Winkler Dan Winkler Managing F
Phoenix Park LLC



If you wish to appeal any decision made by the county staff on the waiver, you may request the Board of County Commissioners to make a determination. Their decision approving or disapproving the waiver or interpretation is final.

Fees for Waivers are \$775.

APPLICATION FEES: A schedule of fees and charges for review is established and adopted by the Board of County Commissioners of Brevard County, Florida, and may, from time to time, be amended.

PLEASE MAKE CHECKS PAYABLE TO: THE BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT APPLICATIONS – DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Waiver Criteria below	Alternative Plan Design				8 1/2 x 11 vicinity map		Fees
Waiver - Site Plan	1	Y	-		-	-	1	-	Y
Waiver - Subdivision	1	Y	-				1		Y

WAIVER CRITERIA (SUBDIVISION, UNPAVED ROADS & SITE PLANS)

For a waiver to be considered and approved by staff, your request must comply with all of the following criteria. Please explain, in detail, how your request meets the following conditions:

1. The particular physical conditions, shape or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out.

The Code required 15 foot perimeter for undisturbed vegetation (Excerpt 62-2883(d) - "a minimum 15-foot perimeter buffer shall be required. Such buffer shall remain undisturbed along all property boundaries") is not applicable, and thus an undue hardship to comply with, for this property since it is a redevelopment of an existing 256 unit apartment complex that has, and still does, rely upon utility easements/connections through the property to adjoining properties and existing swales that will need to be maintained to ensure their proper function. Further, being a redeveloped property, the vegetation is unremarkable and/or invasive.

2. The granting of the waiver will not be injurious to the other adjacent property.

The waiver request is self-contained to within the property limits allowing for constructed landscaping and swales within the north and south buffer areas. The adjacent property owners to the north and south are also separated by a 6 foot fence. The western boundary is the Indian River Lagoon and the eastern boundary is SR A1A.

3. The conditions, upon which a request for waiver are based, are particular to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant.
Yes, SEE ATTACHED EXPLANATION.

4. The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan of the county and the requirements of this article.

The waiver is consistent with the intent and the purpose of the County zoning regulations, County land use plan and requirements of this article as the redeveloped site will improve the function of the buffer, improve stormwater treatment and ensure the proper function and maintenance of utilities that are located within it.

5. Delays attributed to state or federal permits.

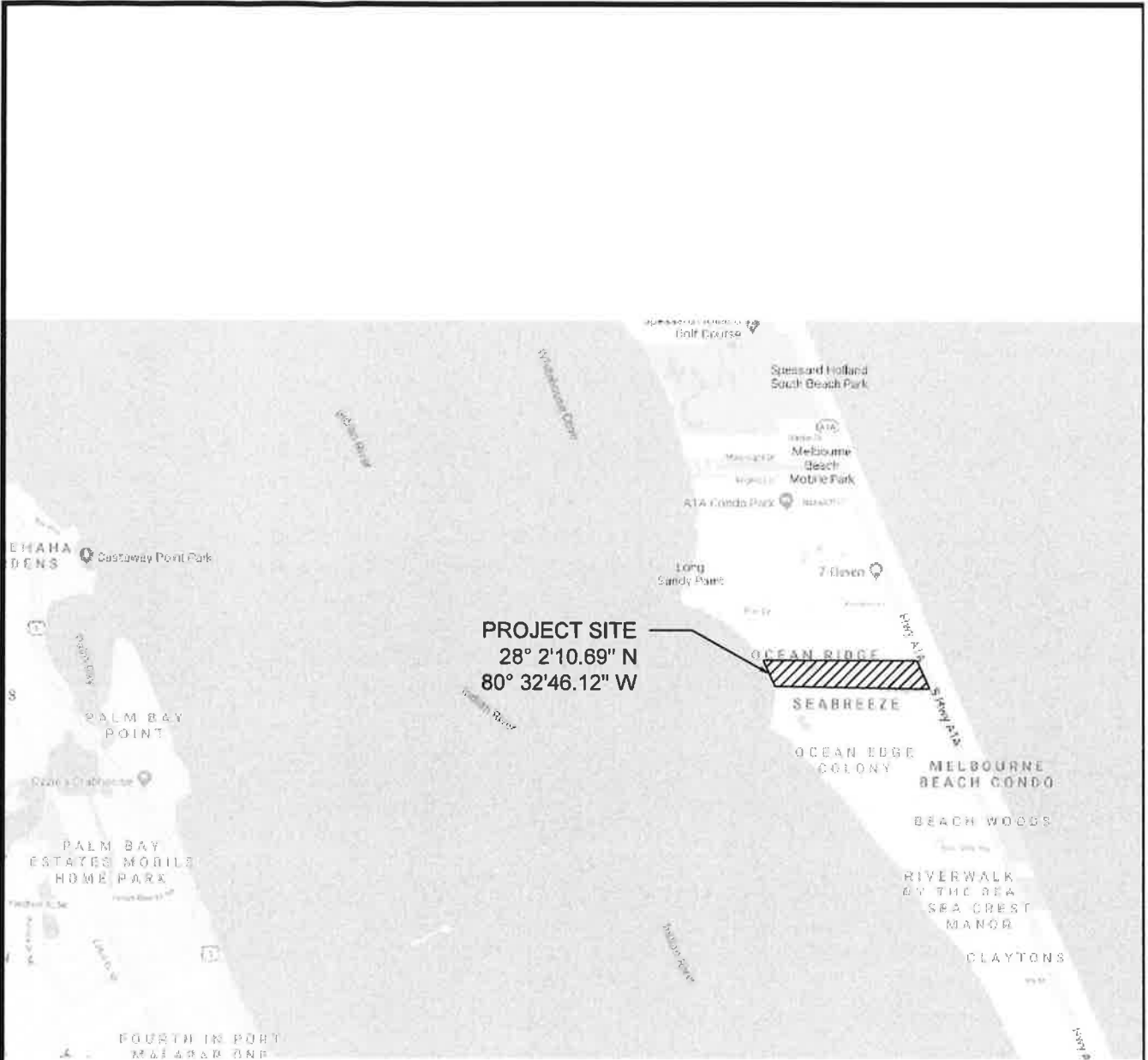
Project Certification with the Water Management District will not be possible should the waiver request be denied as perimeter swales are already constructed - approved during the site plan process.

6. Natural disasters.

The property in question was severely affected by the 2004 hurricane season rendering the buildings on it uninhabitable. This subdivision waiver is a function of redevelopment of said property.

7. County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)

PLOT DATE: Mar 27, 2018 - 9:32am
 FILE NAME: G:\PROJECTS\100056195 - Hampton Apt. Redevelopment\10 CAD\09- EXHIBITS\2018-03-23 Drainage Report Exhibits\Harbor Island Beach Club-EXHIBITS.dwg



PROJECT SITE
 28° 2'10.69" N
 80° 32'46.12" W

Map data ©2018 Google 1000 ft

PARCEL IDs:
 28-38-20-00-5
 28-38-20-00-6



<h1>ATKINS</h1> <p>CORPORATE OFFICE: 4030 W. BOY SCOUT BOULEVARD TAMPA, FLORIDA 33607 FBPR CERTIFICATE OF AUTHORIZATION NO.24</p> <p>LOCAL OFFICE: 7175 MURRELL ROAD MELBOURNE, FL 32940 TEL. 321.242.4942 FAX. 321.242.6101 www.atkinsglobal.com</p>	<p>LOCATION MAP EXHIBIT</p>	Job nos. 100056195		Refer to Sheet No. N/A			
		Sketch Date 03/23/2018		Add./ Rev. RFI		N/A	
		Scale NTS		<p>LOCATION MAP</p>			
		Dr JTF	Ck JAL				

April 13, 2020

Jeffrey Lucas, P.E.
Atkins
7175 Murrell Road
Melbourne, FL 32940

Telephone: (321) 775-6647
E-mail: jeffrey.lucas@atkinsglobal.com

Application # 20SD00006
Application Name: Harbor Island Beach Club
Submitted via email to: inspectmail@brevardfl.gov

RE: FINAL PLAT (SUBDIVISION) WAIVER REQUEST – Question 3 Explanation

The conditions are particular to the project given the project is a redevelopment of an old apartment complex that was destroyed by a past hurricane. Construction, per the approved site plan #18SP00007 for this project, commenced in August 2019 and is ongoing and nearing final completion. Overall the buffer(s) contain existing utilities, previously demolished apartment building pad area periphery extents, past pond area graded backslopes, and existing fences which were original buffer disturbances and not generally applicable to other properties and did not exist due to actions of the applicant.

Landscaping is proposed at the north and south boundary buffers, which by their virtue, will mature and increase the buffers effectiveness in shielding project view by its neighboring properties. To effectively install the approved landscaping, in conjunction with policies that exist, the removal of nuisance and exotic vegetation (Brazilian pepper, Australian pine, etc) was conducted to prepare the buffer(s).

Similarly, the existing water / sewer/ electrical utilities that traverse the south buffer serves multiple residents on Landings Road and the County's regional liftstation. These utilities will require maintenance will be counter to the creation of a 15' undisturbed buffer envisioned by this Code provision. The approved presence of swales within the north and south buffers are complimentary functions that allow treatment of stormwater to occur for the benefit of the IRL. These code compliant drainage functions occur within the 15' buffer.

Additionally, 6-foot tall white vinyl opaque fencing was approved for placement by Engineering Revision #20ER00003 to provide additional buffering & screening within the north and south buffer areas in January 2020.

Given all these factors of consideration that were previously approved during the Site Plan or

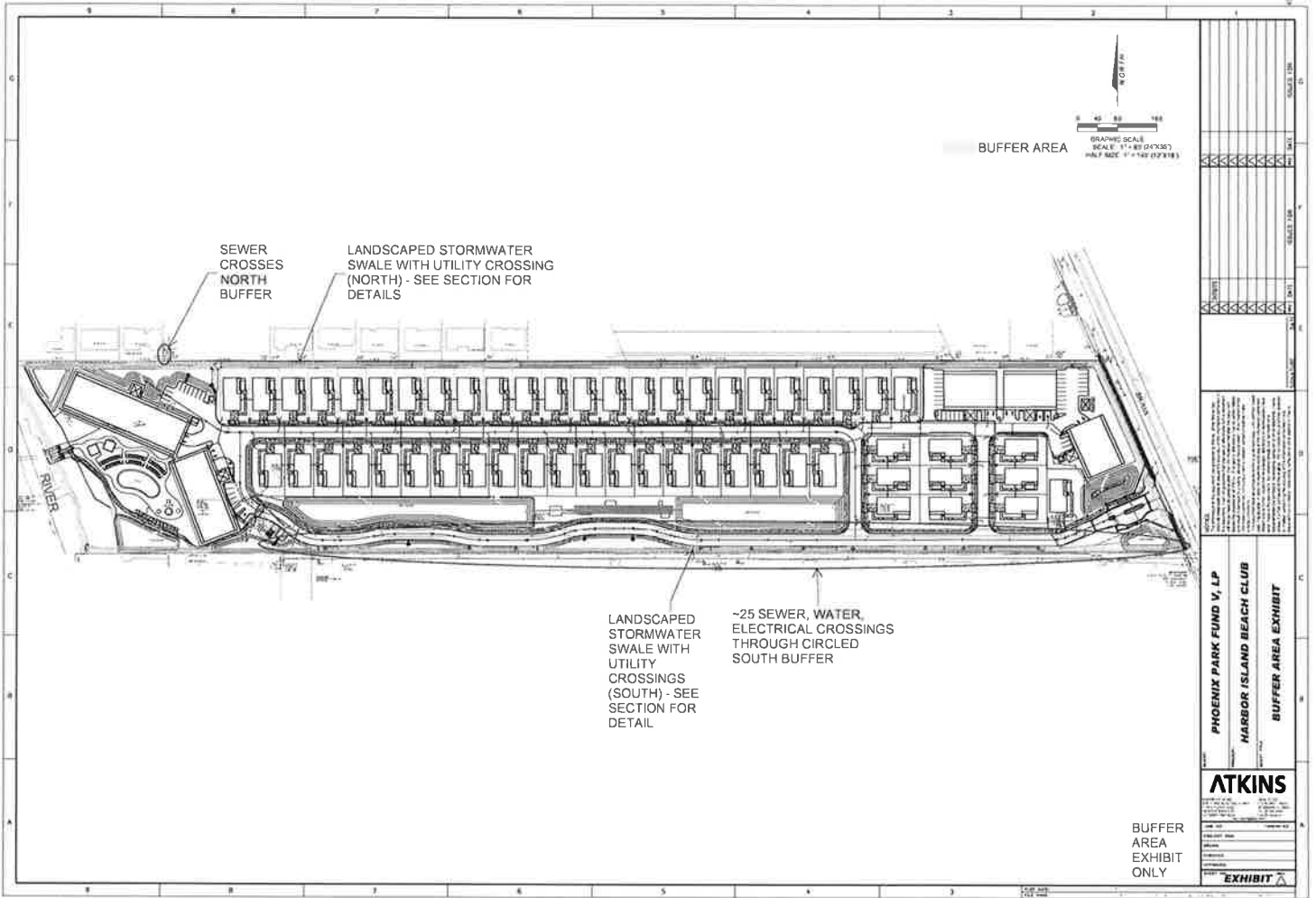
Engineering Revision process(es), it is requested the subdivision waiver be approved since the intent of providing an undisturbed buffer did not exist on this redevelopment site.

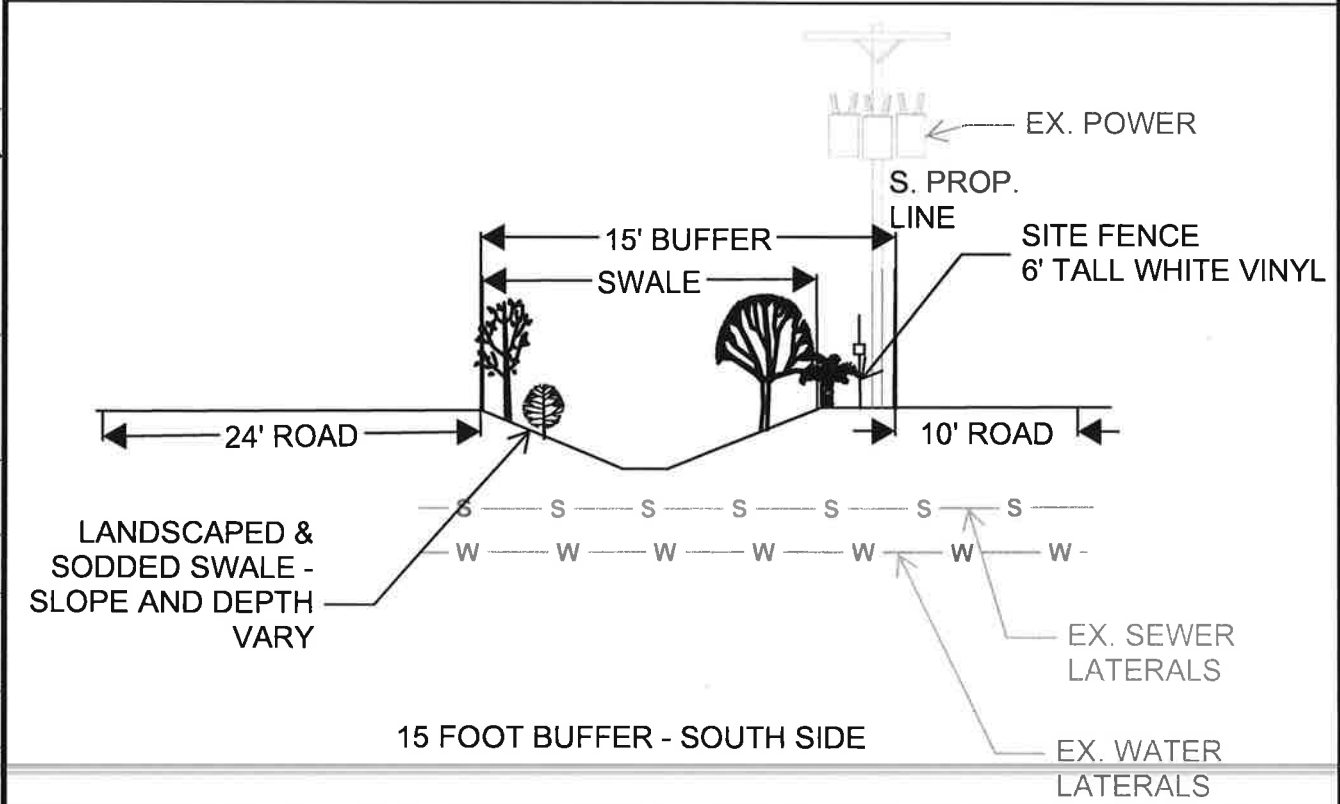
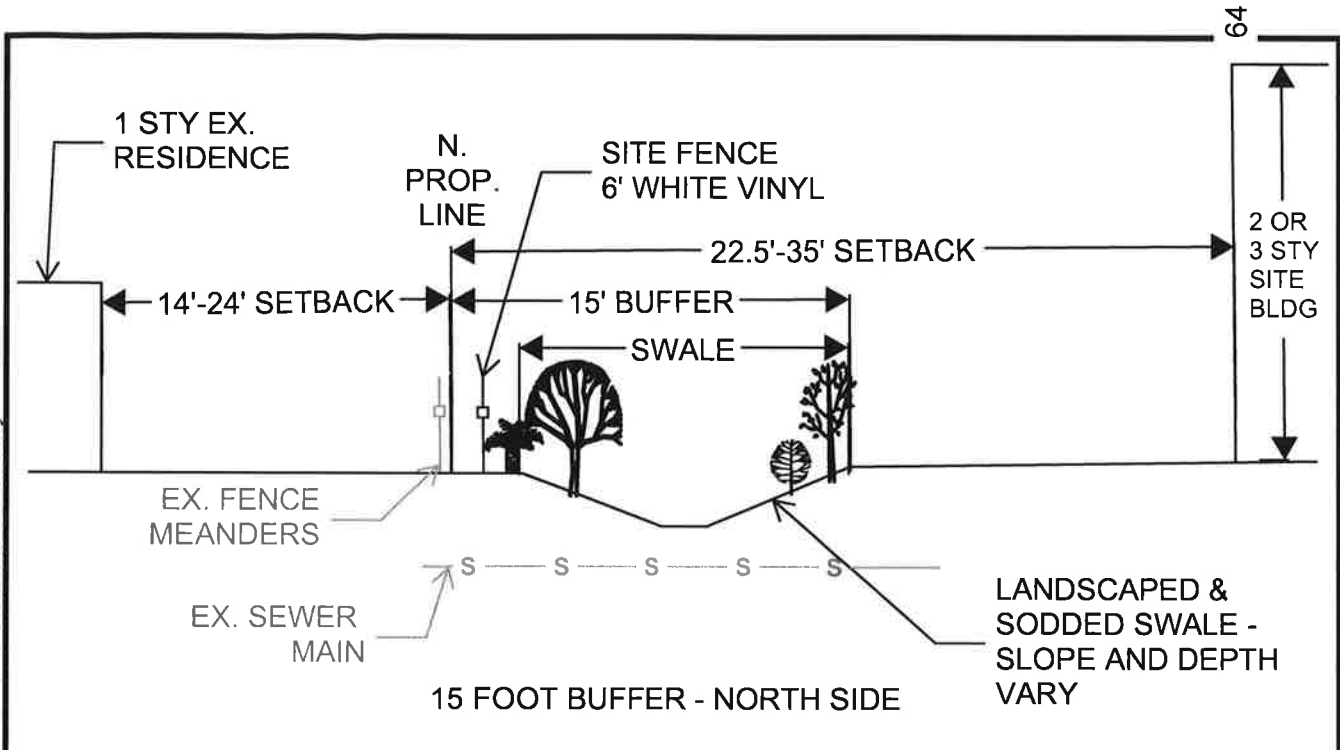
If you require any additional information or have any questions, please contact me at (321)775-6647 or Jeffrey.Lucas@atkinsglobal.com.

Sincerely,



Jeffrey Lucas, P.E.
Senior Engineer/Project Manager, Civil



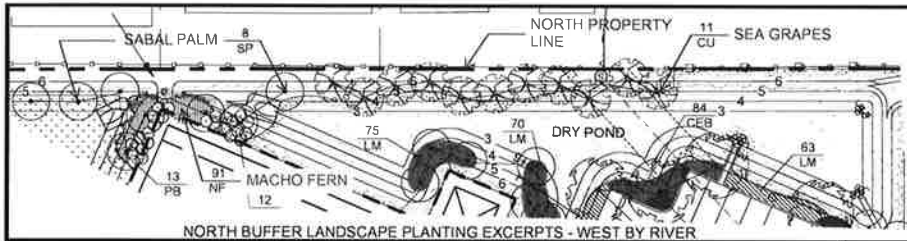


ABBREVIATIONS: EX. - EXISTING; PROP. - PROPERTY; BLDG. - BUILDING
 S. - SOUTH; N. - NORTH; TYP. - TYPICAL; STY - STORY

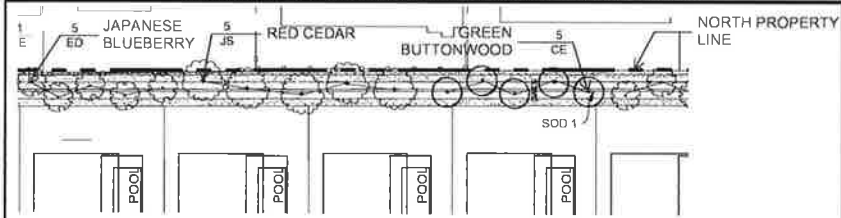
- 22.5' IS CONDO SETBACK
 - 35' IS SINGLE-FAMILY ATTACHED SETBACK

PLOT DATE: Apr 16, 2020 - 8:54am
 FILE NAME: G:\PROJECTS\100056195 - Hampton Apt Redevelopment\10 CAD\09 - EXHIBITS\2018-03-23 Drainage Report Exhibits\Harbor Island Beach Club-EXHIBITS.dwg

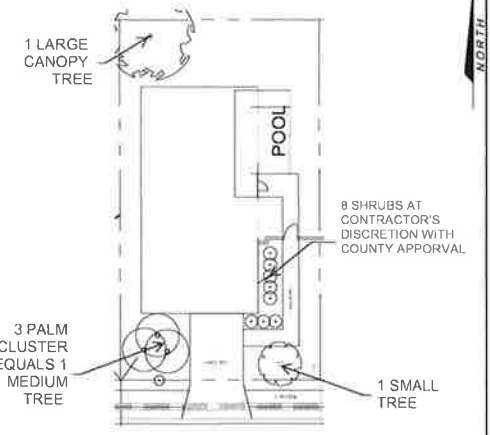
<h1 style="margin: 0;">ATKINS</h1> <p style="font-size: small; margin: 0;"> CORPORATE OFFICE: 4030 W. BOY SCOUT BOULEVARD TAMPA, FLORIDA 33607 FBPR CERTIFICATE OF AUTHORIZATION NO.24 </p> <p style="font-size: small; margin: 0;"> LOCAL OFFICE: 7175 MURRELL ROAD MELBOURNE, FL 32940 TEL. 321.242.4942 FAX. 321.242.6101 www.atkinglobal.com </p>	BUFFER(S) CROSS SECTION EXHIBIT		Job nos. 100056195	Refer to Sheet No. N/A	
			Sketch Date 04/16/2020	Add./ Rev. RFI N/A	
			Scale NTS	EXHIBIT	
	Dr JTF	Ck JAL			



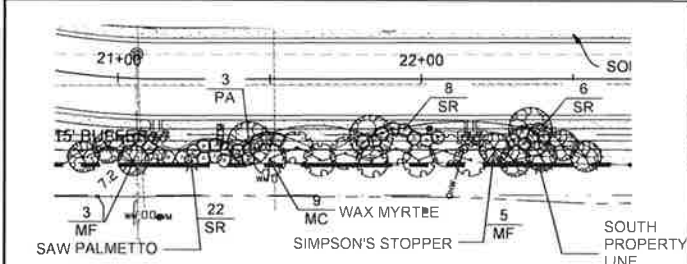
NORTH BUFFER LANDSCAPE PLANTING EXCERPTS - WEST BY RIVER



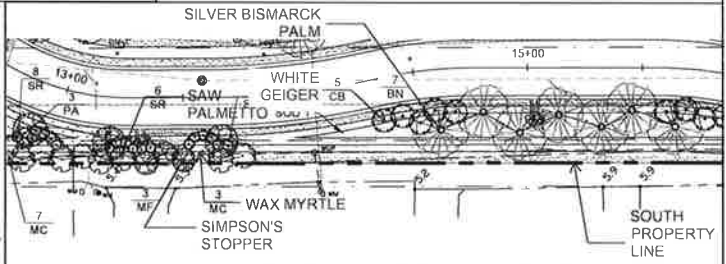
NORTH BUFFER LANDSCAPE PLANTING EXCERPTS - CENTRAL SITE



TYPICAL HOME SITE



SOUTH BUFFER LANDSCAPE PLANTING EXCERPTS - CENTRAL SITE



SOUTH BUFFER LANDSCAPE PLANTING EXCERPTS - WEST SITE

N.T.S.

ATKINS
 4200 W. BOY SCOUT BOULEVARD TAMPA, FLORIDA 33607
 7125 WURTELL RD. MELBOURNE, FL 32950
 FIRM CERTIFICATE OF AUTHORIZATION NO. 24 TEL: 321-242-4842 FAX: 321-242-6101
 www.atkinsglobal.com

LANDSCAPE EXHIBIT

DATE: 5-7-2020

EXHIBIT 11x17