

Meeting Date
December 20, 2016



AGENDA	
Section	New Business
Item No.	V.A.1

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	WAIVER REQUEST OF BLOCK WALL: BAYTREE RETAIL DEVELOPER: KIMLEY HORN DISTRICT 4 FISCAL IMPACT: NONE
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT/LAND DEVELOPMENT

Requested Action:

The applicant is asking for a waiver to Section 62-3202(h)(10) of the requirement to construct a six foot high masonry or solid wall along the north property line which abuts residentially zoned property. They wish to rely on the landscaping requirements of Section 62-4342(1) in lieu of the required wall.

Summary Explanation & Background:

The developer requests a waiver of the requirement to construct a six foot high masonry or solid wall along the north property line, and wishes to rely on the required 'Type A Landscape Buffer'. Section 62-3202(h)(10) of the code requires a six foot high masonry or solid wall, including but not limited to concrete block walls, pre-cast (solid) walls, or foam core/steel support with stucco finish when a site plan within BU-1, BU-2, or industrial zoning abuts a residential zoning classification as a condition of site plan approval. In addition, Section 62-4342(1) provides for a 20 foot landscape buffer which shall be completely opaque from the ground to a height of at least six feet separating commercial developments from residential uses. The Baytree Retail property is owned by C & L Baytree, LLC, and is currently commercial zoned BU-1, and the adjacent property to the north, Hampton Park Lakeside Townhomes, is currently residential zoned RU-2-10 & BU-1. Therefore, the buffer requirement applies to the RU-2-10 portion of the property.

The currently proposed development plan for the 7.53 acre Baytree Retail site contains a 24,000sf building and 950sf outdoor seating area which is primarily located in the southern portion of the property, along the Wickham Road frontage. The northern portion, adjacent to the townhomes, contains an area not being developed at this time and a stormwater detention pond. In addition, there is a wetlands preservation area at the northeastern end of both properties that does not require additional buffering.

Staff has not granted approval of this waiver request, and pursuant to Section 62-3207 of the Code, requests that it be evaluated by the Board of County Commissioners. Section 62-3207 outlines the criteria that the Board should consider (below). The applicant's response is shown in **bold** and staff observations are *italicized*:

Reference: 16SP00014

Contact: Tad Calkins

Phone: 321-633-2065

Clerk to the Board instruction:

Exhibits Attached: Waiver request, exhibit, location maps

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager

Stockton Whitten

Department Director / Extension
 Robin M. DiFabio, AICP
 Planning & Development Department Ext. 5-2069



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

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

December 21, 2016

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director Attn: Tad Calkins

RE: Item VI.A.1., Waiver Request of Block Wall for Baytree Retail – Kimley Horn

The Board of County Commissioners, in regular session on December 20, 2016, denied the waiver request of a block wall for Baytree Retail by Kimley Horn.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Criteria 1: The particular physical condition, 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 retail facility abuts an established residential community with a fence and substantial landscaping. By allowing the applicant to install a landscape buffer in lieu of a wall would be more appealing to both property owners.

Staff defers to the Board of County Commissioners.

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

In the existing condition, there is an existing landscape buffer with a fence. In the after condition, the landscape buffer will be enhanced to provide a six foot opaque buffer of landscape material increasing the adjacent property's landscape buffer. The adjacent property benefits from the additional landscaping buffer.

Staff finds the adjacent property to the north is zoned RU-2-10 and improved with townhome residences. The currently proposed development is primarily situated along Wickham Road, furthest away from the adjacent townhome properties to the north, and in part, separated by a stormwater detention pond and wetland preservation area. The abutting property owners have been notified of this request.

Criteria 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.

Since the commercial project abuts an existing and established residential community, a landscape buffer is preferred over a wall.

Staff defers to the Board of County Commissioners.

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

Per staff's comments in the site plan review phase of the project, it was thought by staff to be a good solution to providing a buffer between the two projects and at the same time enhance the landscape buffer for the residences.

The code section 62-3207 provides for waiving the wall requirement & section 62-4342(1) requires the a six foot high, opaque, Type A landscape buffer even if the waiver for the six foot high masonry or solid wall is approved. Since the site plan does not propose development adjacent to the Hampton Park Lakeside Townhomes, staff cannot completely assess the impact of reducing the buffer requirement.

Criteria 5 & 6: Delays attributed to state or federal permits & natural disasters.

There are no delays in permitting, and natural disasters have not impacted or caused the request for the waiver.

Criteria not applicable to this application.

Criteria 7: County land development engineer and affected agencies concur that undue hardship was placed on the applicant.

Staff defers to the Board of County Commissioners.

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, Easements, and Site Plans.

APPLICATION TYPE

- SUBDIVISION/UNPAVED ROAD
 WAIVER SITE PLAN WAIVER
 OTHER

Land Development Use Only

Request Date: _____ Fees \$ _____ Board Date: _____
Original Project # 16SP00014 Waiver # 16NV00017
Coordinator Initials: _____ Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 26 Rng. 36 Sec. 11 S/D 00 Blk/Par 00528 Lot(s) 0000.00 (List all parcels)

Tax Account # ('s): 2627126, _____, _____ (List all account numbers)

Project Name: BAYTREE RETAIL Property Owner: C&L BAYTREE, LLC

Site Address: NEC WICKHAM ROAD AND BAYTREE ROAD, MELBOURNE, FL 32940

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: JIM BARTOE AND FRANK CANNON Company: C&L BAYTREE, LLC

Address: 1431 ORANGE CAMP ROAD SUITE 110 E-Mail jimbartoe@gmail.com

City: DELAND State FL Zip 327754

Phone 407 468-4105 Fax _____ Cell 407 376-0993

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: KIMLEY HORN Eng. or Proj. Mgr.: Brent Lenzen, PE

Address: 3660 Maguire Rd. #200, Orlando, FL 32803 Ph # (407) 898-1511 Fax (_____) _____

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

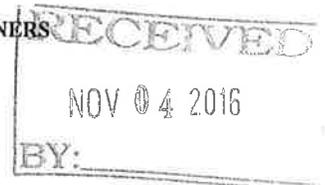
Per section 62-4342, a type A landscape buffer is required and a 6 foot wall is required. This waiver is to provide a 6 foot opaque buffer using the landscape requirements of Brevard County instead of a 6 foot wall.

Owner/Applicant Signature:  Print Name: FRANK CANNON

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 \$500, except for Site Plans which are \$200.

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	Letter of Intent	Survey with structure location, topo, elevation of c/l of road, legal desc, and any adjacent water body elevation.	Floor Plans (if sunken floor or basement)	Health Dept. Report or soil boring analysis	8 ½ x 11 vicinity map	After the fact (FFEW) Engineer's report of 25 year, 24 hr. rainfall	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 retail facility abuts an established residential community with a fence and substantial landscaping. By allowing the applicant to install a landscape buffer in lieu of a wall would be more appealing to both property owners.

2. The granting of the waiver will not be injurious to the other adjacent property.
In the existing condition, there is an existing landscape buffer with a fence. In the after condition the landscape buffer will be enhanced to provide a 6 foot opaque buffer of landscape material increasing the adjacent property's landscape buffer. The adjacent property benefits from the additional landscaping buffer.

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.
Since the commercial project abuts an existing and established residential community, a landscape buffer is preferred over a wall.

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.
Per staff's comments in the site plan review phase of the project, it was thought by staff to be a good solution to providing a buffer between the two projects and at the same time enhance the landscape buffer for the residences.

5. Delays attributed to state or federal permits.
There are no delays in our permitting.

6. Natural disasters.
Natural disasters have not impacted or caused the request for the waiver

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



November 3, 2016

Brevard County Building Code Division
2725 Judge Fran Jamieson Way
Building A, Room A-115
Viera, FL 32940

Re: **Baytree Retail (APP# 16SP00014)**
Site Plan Waiver Request

To whom it may concern,

The Baytree Retail Development (zoned BU-1) will consist of a 24,200 square foot retail/restaurant building which will include an additional 950 square feet of outdoor seating area. The currently proposed phase of this development is primarily located along the Wickham Road frontage, with the stormwater detention pond being located between the proposed building and the adjacent properties to the north.

The proposed retail development site abuts an established residential community to the north which already includes a fence and substantial landscaping. Our waiver request would be to install a Type "A" landscape buffer along the northern property frontage in lieu of a wall which we feel would be more appealing to both property owners. The proposed landscaping along this buffer would provide a 6' tall opaque buffer of landscape material. Per staff's review at the Development Review Meeting, it was thought by staff that this would be a good solution and they recommended submitting the waiver request.

If you have any further questions or concerns, please do not hesitate to contact me at the office at 407-898-1511 or by email at brent.lenzen@kimley-horn.com.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Brent A. Lenzen, P.E.
FL PE No. 78537
Project Engineer





PROJECT SITE

BY: _____

NOV 04 2016

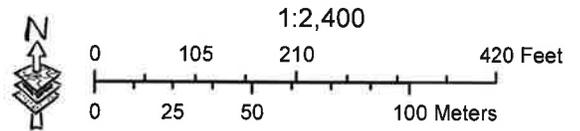
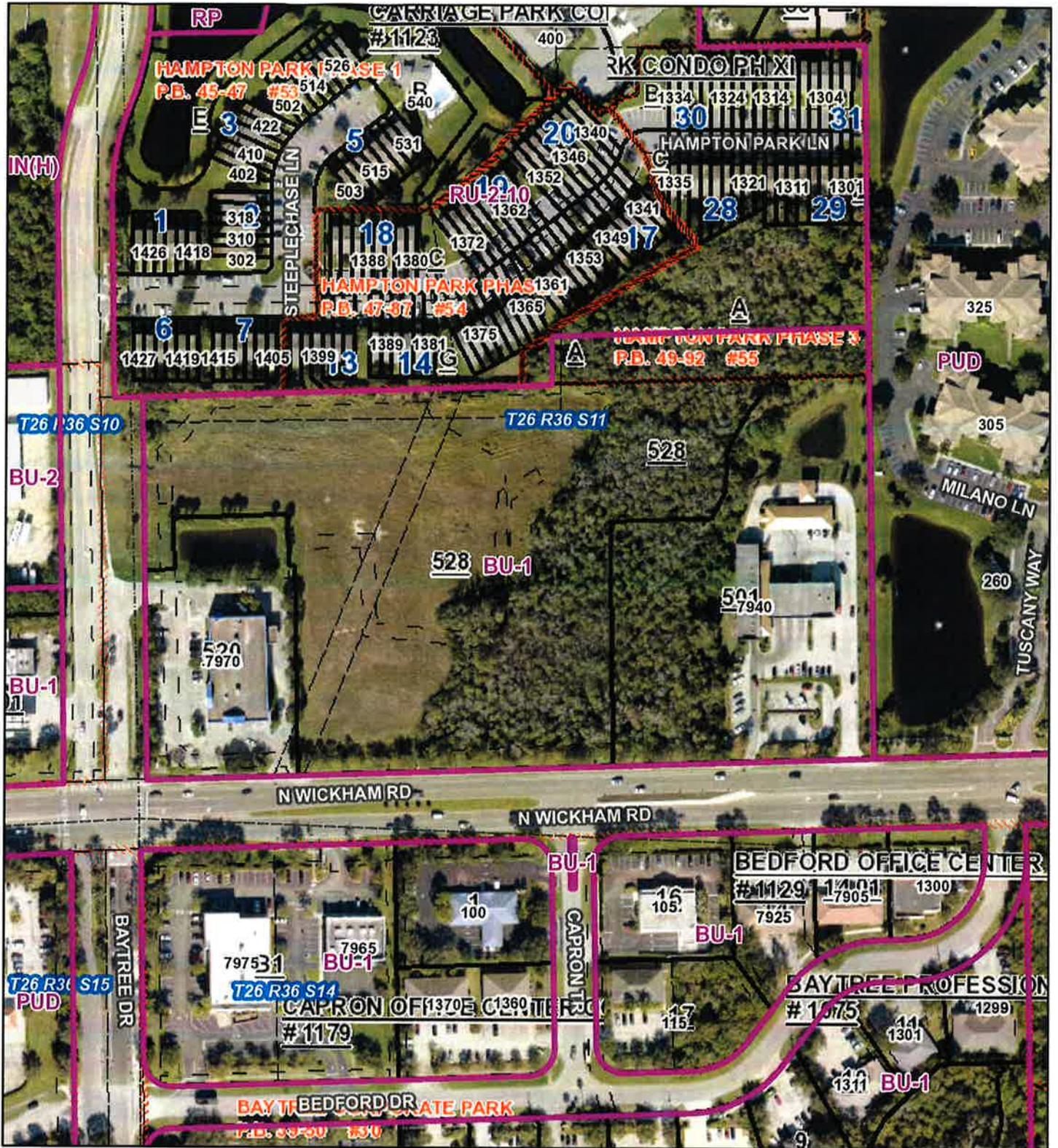
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BAYTREE RETAIL

AERIAL MAP EXHIBIT

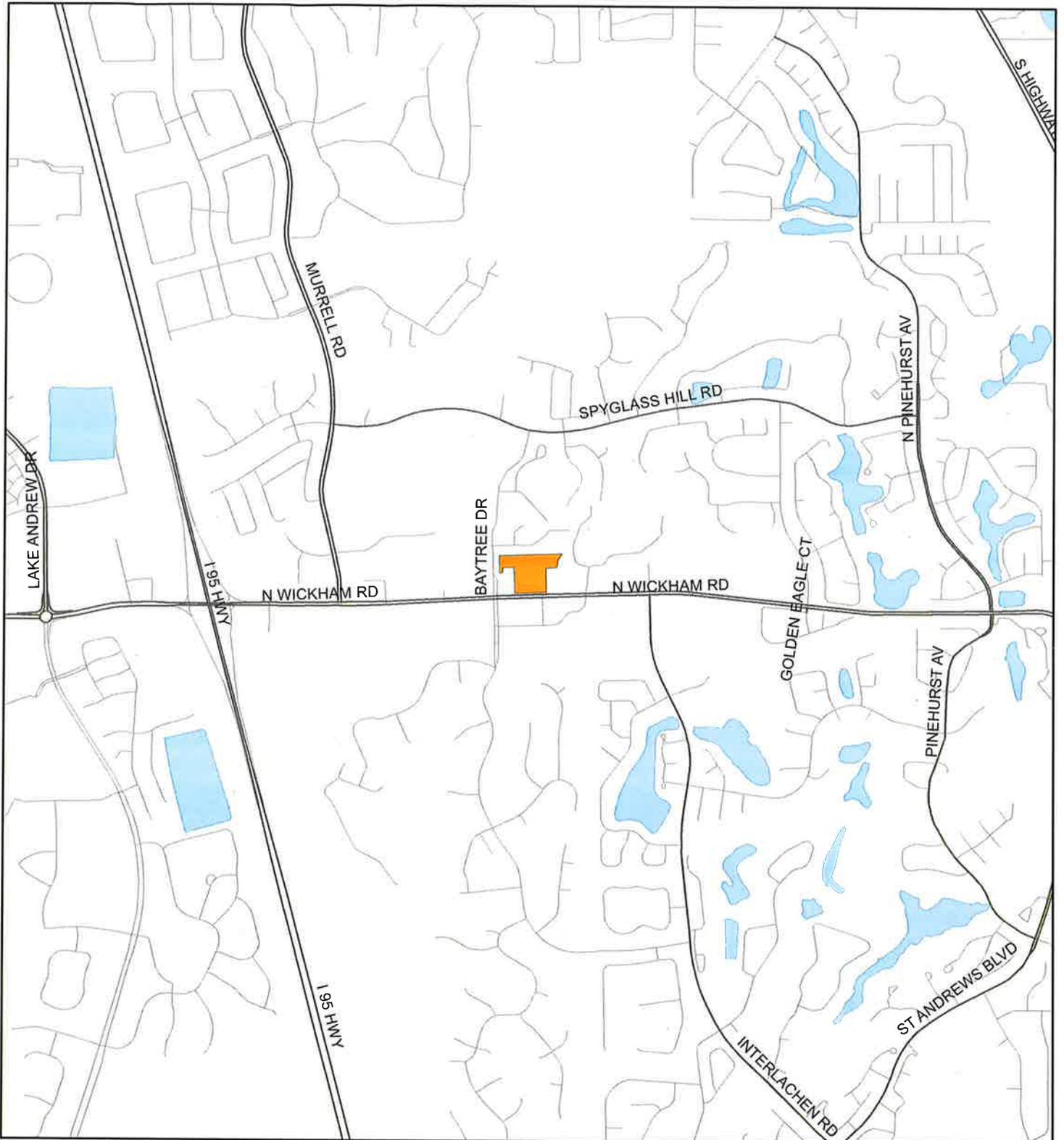
07/20/2016 - CONTACT BRENT A. LENZEN, P.E.

16SP00014 Baytree Retail Zoning Map



LOCATION MAP

16WV00017
BAYTREE RETAIL



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

 Subject Property

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 11/29/2016

Daughtry, Sandy

From: DiFabio, Robin M
Sent: Tuesday, December 13, 2016 2:14 PM
To: Daughtry, Sandy
Cc: Lewis, Sally A; Jones, Jennifer; Ramos-Miner, Tania; Calkins, Tad
Subject: FW: Letter of Objection to Waiver of 6 ft. high solid wall

Sandy

Please circulate and add this public comment to the DM for Item VI.A.1 for the December 20th, 2016 BCC meeting.

Please let me know if you have any questions.
Robin

From: Ramos-Miner, Tania
Sent: Tuesday, December 13, 2016 1:08 PM
To: Calkins, Tad; DiFabio, Robin M
Subject: FW: Waiver of 6 ft high solid wall

I received the email below in response to the public notice regarding the Baytree Retail wall waiver application.

*Thank you,
Tania Ramos-Miner*

Planner I
Brevard County Planning and Development
2725 Judge Fran Jamieson Way, Building A, Room 114
Viera, FL 32940
Phone: (321)633-2072 ext. 56309
E-mail: tania.ramos-miner@brevardfl.gov

From: JSwenson [<mailto:jswenson@cfl.rr.com>]
Sent: Tuesday, December 13, 2016 12:17 PM
To: Ramos-Miner, Tania
Subject: Waiver of 6 ft high solid wall

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Rm 115
Viera, FL 32940

Attn: Tania Ramos-Miner, Land Development Division

I have received a notice of Kimley-Horn and Associates, Inc. asking for a waiver of 6 ft. high solid wall. I am very much against this. We were promised that it would be a masonry or solid wall along the north property

line. It is much sturdier and definitely will last longer. We are very close to Wickham Rd and any business with cars coming in and out, parking, even loud garbage trucks, would be very noisy. I realize that they may be trying to save money, but I think the home owners deserve some consideration as we are the ones who have to live here and suffer the consequences. We were promised that this would be done. I don't know if I am able to get to meeting as have been ill with flu and 80 yrs old. Have spoke with my neighbors and they don't like the idea either. Could this email serve as a notice for the meeting? Would appreciate your help in this matter.

Jeanne Swenson
Home Owner
1419 Hampton Pk Ln
Melbourne, FL 32940

Clerk

VI.A.1

**Brevard County
Board of County Commissioners Meeting**

December 20, 2016

- PRESENTED ON BEHALF OF -

**Hampton Park Lakeside Townhomes
Homeowners Assoc., Inc.**

In Opposition to:

VI.A.1. Waiver Request of Block Wall [Sec. 62-3202(h)(10)]

C&L Baytree, LLC

(District 4)

**KIMBERLY BONDER REZANKA, ESQ.
Cantwell & Goldman, P.A.
96 Willard Street, Suite 302
Cocoa, FL 32922**

Sec. 62-3202. - General.

- (a) A site development plan shall be required for the construction or expansion of a building, structure, infrastructure, or complex of buildings or structures, unless exempted by this section. A building permit shall not be issued, unless the construction plans are accompanied by an approved site development plan.
- (b) Exemptions. The following are exempt from the site plan review; however, shall comply with all other development regulations and building code requirements.
- (1) Detached single family or duplex/two family residence on a fee simple lot.
 - (2) Changing the use of an established site or changing the occupational classification within a structure where the existing parking supports the new use.
 - (3) Ancillary structures including, but not limited to, sheds, canopies, and coolers to an established principal use meeting the following criteria:
 - a. The structure does not necessitate the expansion of the existing infrastructure such as parking spaces, stormwater system, etc., or
 - b. Does not impact the adequacy of the existing infrastructure (e.g. utilize necessary parking spaces, remove/reduce stormwater, etc.), and
 - c. The scope of work does not require modifying the existing site engineering and can be regulated through the building permit review process.
 - (4) Co-locates of antennas and equipment on existing towers and tower sites, where there is no expansion of the lease area, no relocation of existing fencing, and no clearing of existing vegetation necessary.
- (c) A site development plan submitted for any development defined in this Article shall comply with the requirements of article VII, division 4, engineering design standards for subdivision and site plan review.
- (d) Site development plans, drainage plans, drainage calculations, and all other engineering studies shall be signed and sealed by a professional engineer licensed in the state. The county manager or their designee may waive the engineering requirement for minor site plans or minor alteration plans.
- (e) Plans and drawings submitted as exhibits with variance or conditional use permit applications, including binding site plans, binding concept plans, binding development agreements, and binding development plans shall not be accepted for review as a site development plan, nor satisfy the requirements of this article, unless prepared under the guidelines of this article and contain all the information, data and exhibits outlined herein.
- (f) Site development plans located within the Merritt Island Redevelopment Area (MIRA) as described in the Merritt Island Redevelopment Plan, shall be coordinated with the Merritt Island Redevelopment Agency for a determination of consistency with the Merritt Island Redevelopment Plan.
- (g)

The county manager or their designee shall be the final approving authority for all site development plans that comply with the requirements of all applicable codes, regulations, and statutes. However, if in the opinion of the county manager or their designee, the intensity and location of the development warrants an evaluation by the board, the applicant shall be advised that board action will be necessary to obtain site plan approval.

- (h) The site development plan shall include all of the necessary information and engineering for construction, including but not limited to, the following and other specific requirements and standards of this article:
- (1) A site development plan shall provide that the proposed lot sizes, lot coverage, density, setback provisions, and other factors are in conformity with the requirements of this article and other applicable ordinances, articles and statutes.
 - (2) The site shall be designed and constructed to ensure use of the property is in harmony with adjacent and surrounding land use; has adequate light and air; and is safe and convenient for those persons utilizing such property.
 - (3) The ingress and egress to the property and proposed structures, both pedestrian and vehicular, shall be controlled so as to provide safe traffic control and flow within the property and between adjoining property and existing public roads and rights-of-way.
 - (4) The site shall have direct access to a paved road, whether public or private.
 - (5) Access drives that function as a minor street, minor arterial, collector street or higher functional classification shall be constructed in accordance with applicable sections of the article VII.
 - (6) The drainage of the property shall not alter the established drainage so as to adversely affect the adjoining property. The plan shall depict the stormwater treatment method as required by federal, state, and local governing agencies.
 - (7) The plan shall demonstrate water and sewer service are available. In areas where public sewer service is not available, the site development plan shall depict department of health approved alternative means of treatment.
 - (8) Site development plans shall take reasonable measures to preserve all natural, scenic vistas/roadways, archaeological, and historic features.
 - (9) Any boundary and/or easement overlaps and gaps must be resolved prior to final approval.
 - (10) Site plans within BU-1, BU-2, or industrial zoning classifications shall construct a minimum of a six-foot high masonry or solid wall, including but not limited to concrete block walls, pre-cast (solid) walls, or foam core/steel support with stucco finish, when the subject property abuts a residential zoning classification.

(Ord. No. 13-40, § 4, 12-3-13)

Sec. 62-4346. - Waivers.

- (1) An administrative waiver to the requirements of this Code may be granted when the director has determined that:
- a. The site will not support the required trees and vegetative communities to be preserved as well as the required landscaping. This situation may occur when preservation far exceeds what is required by Code, thereby limiting planting area.
 - b. Up to 34 percent reduction in required Type A and/or Type B buffer depth is warranted due to adverse site conditions. The reduced buffer shall meet vegetative and opacity requirements pursuant to section 62-4342. The applicant shall also provide visual and physical screening and buffering between potentially incompatible uses to reduce the effects of glare, noise and incompatible activities, including but not limited to circumstances where commercial, institutional, public, and industrial uses abut existing residential uses to the greatest extent feasible.
 - c. Type A and/or Type B buffers cannot be installed due to safety concerns verified in writing by a law enforcement agency.
 - d. A specimen tree meeting size criteria does not meet the definition because it is not unique based on its age, rarity or special historical or ecological significance considering the immediate site or surrounding area.
 - e. Pre-development impervious coverage of a root protection zone has not historically adversely impacted the viability of the tree, the tree may still be counted toward canopy, tree preservation and landscaping performance standards pursuant to sections 62-4339, 62-4340 and 62-4341.
 - f. A redevelopment site cannot reasonably comply with the buffer requirements of section 62-4342 due to adverse site conditions and compliance with the buffer requirement unduly impairs the intended use of the property. Where the buffer waiver is approved, the site shall meet opacity requirements pursuant to section 62-4342. The applicant shall also provide visual and physical screening and buffering between potentially incompatible uses to reduce the effects of glare, noise and incompatible activities, including but not limited to circumstances where commercial, institutional, public, and industrial uses abut existing residential uses to the greatest extent feasible. The applicant must demonstrate that efforts have been taken to meet these requirements in locations where appropriate. This waiver may only be approved where acceptable mitigation is demonstrated in an Alternative Landscape Enhancement Plan (ALEP) to mitigate for the lack or reduction of buffers. For Type A buffer waivers, the ALEP must be approved as part of a public hearing process with notification to contiguous property owners to address neighboring residential concerns. Advertising and notification costs shall be the responsibility of the applicant.

It is the intent of this division that preservation of native and Florida-friendly vegetation shall take precedence over additional planting of vegetation.

(2)

When the county manager or designee determines that a minor administrative adjustment to the applicable parking standards in nonresidential zoning classifications would allow for the preservation or additional planting of native or Florida-Friendly Landscaping on the site, upon a written request by the applicant, together with a vegetation survey, submitted with the required landscaping plan, the county manager or designee may administratively waive up to 30 percent of the applicable parking standards for the property. If the parking requirements of any other section of this Code conflict with the landscaping requirements of this division, the conflict may be resolved by the county manager or designee.

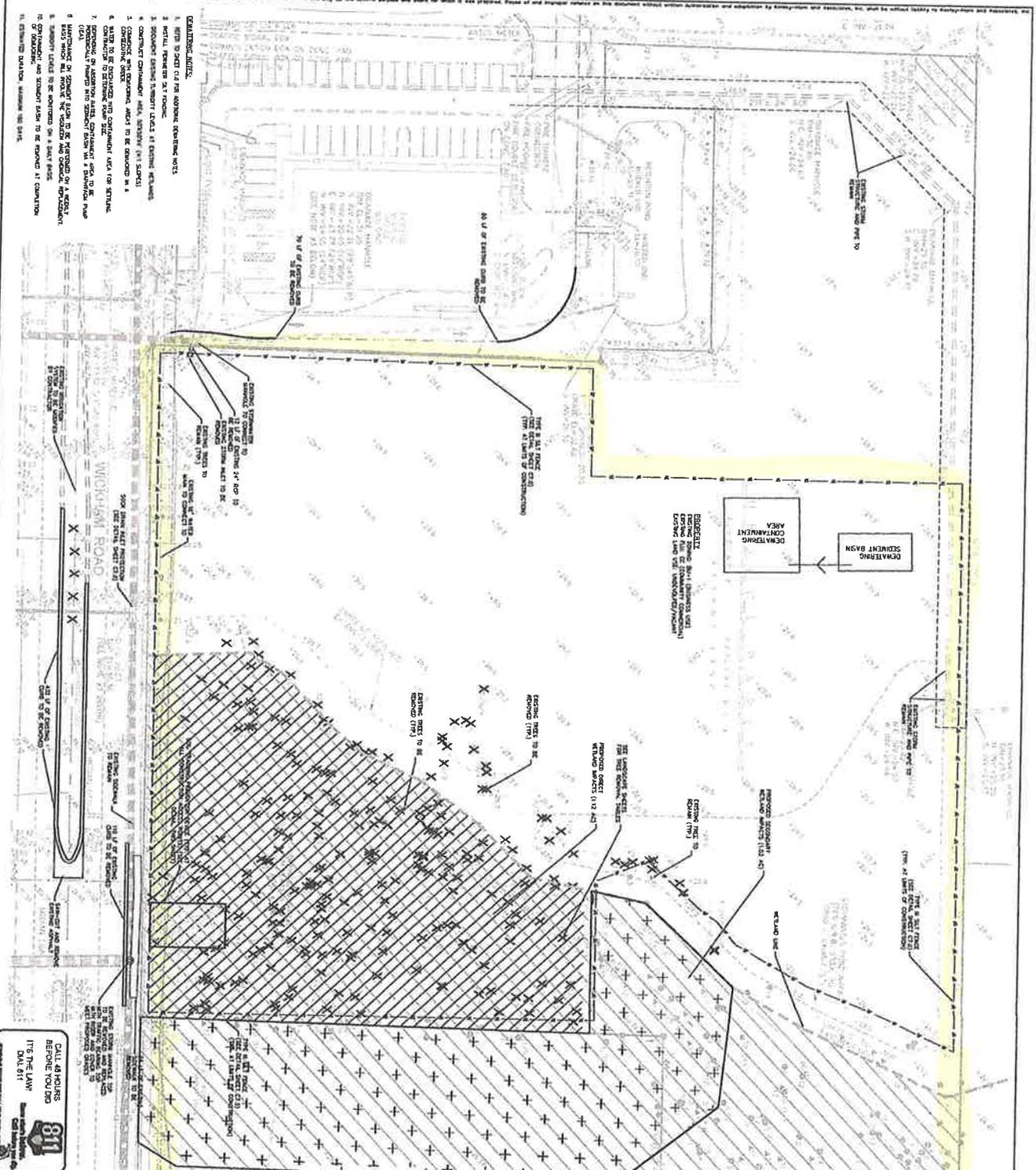
(Ord. No. 08-01, § 15, 1-8-08; Ord. No. 09-24, § 13, 9-15-09; Ord. No. 2012-28, § 2, 9-4-12)

Sec. 62-4342. - Landscape buffers.

The purpose of the vegetative buffering requirements set out in this section is to provide visual and physical screening and buffering between potentially incompatible uses and to reduce the effects of glare, noise and incompatible activities, to include commercial, institutional, public, and industrial uses when they abut existing residential uses.

- (1) *Type A, compatibility buffer.* Where a fence or wall is required by article VI of this chapter, the Type A buffer, as defined in this subsection, may be utilized in lieu of the required fence or wall. This buffer classification shall be used to separate commercial, institutional, public or industrial uses from residential uses. The Type A buffer shall be completely opaque from the ground up to a height of at least six feet, except where located within 25 feet of a road, where it shall be four feet in height. In conjunction with this buffer, a minimum 20-foot vegetated area shall be provided. There shall be no parking or structures other than permitted signage located within this vegetated area.
 - a. The opaque buffer may utilize a masonry wall, wood fence, landscaped earth berm, planted or existing vegetation or any combination thereof that maintains a completely opaque buffer.
 - b. Location of fences and walls. Where a fence or wall is used to fulfill the screening requirements within a vegetative buffer, it shall be located one foot inside of the property line that abuts the residential zoning. When an impediment such as a drainage easement, ditch or water body runs along a property line, an administrative waiver may be granted by the director to allow the masonry wall or fence to be placed along the edge of the ditch or water body instead of on the property line. Where there are existing trees within the buffer area, the fence or wall shall be located so as to preserve the trees.
- (2) *Type B, roadway buffer.* This buffer classification shall be required for all development excluding individual single-family homes not within platted subdivisions. This buffer shall be landscaped, be located adjacent to any public road and have a minimum width of 15 feet. There shall be no parking or structures other than permitted signage located within this vegetated area.
- (3) *Planting requirements.* The planting requirements for the vegetative buffer areas shall be consistent with Appendix B as amended, and shall be credited toward the overall landscaping requirements. Minimum buffering and landscaping of vehicular use areas shall be met regardless of other requirements.

(Ord. No. 06-55, § 13, 10-24-06; Ord. No. 08-01, § 11, 1-8-08; Ord. No. 09-24, § 9, 9-15-09)



DEMOLITION PLAN

1. DEMOLITION SHALL BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION OF THE NEW BUILDING.

2. DEMOLITION SHALL BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION OF THE NEW BUILDING.

3. DEMOLITION SHALL BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION OF THE NEW BUILDING.

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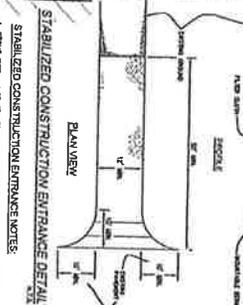
5. DEMOLITION SHALL BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION OF THE NEW BUILDING.

6. DEMOLITION SHALL BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION OF THE NEW BUILDING.

7. DEMOLITION SHALL BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION OF THE NEW BUILDING.

8. DEMOLITION SHALL BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION OF THE NEW BUILDING.

9. DEMOLITION SHALL BE COMPLETED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION OF THE NEW BUILDING.



STABILIZED CONSTRUCTION ENTRANCE DETAIL

1. STABILIZED CONSTRUCTION ENTRANCE DETAIL.

2. STABILIZED CONSTRUCTION ENTRANCE DETAIL.

3. STABILIZED CONSTRUCTION ENTRANCE DETAIL.

4. STABILIZED CONSTRUCTION ENTRANCE DETAIL.

5. STABILIZED CONSTRUCTION ENTRANCE DETAIL.

6. STABILIZED CONSTRUCTION ENTRANCE DETAIL.

7. STABILIZED CONSTRUCTION ENTRANCE DETAIL.

8. STABILIZED CONSTRUCTION ENTRANCE DETAIL.

9. STABILIZED CONSTRUCTION ENTRANCE DETAIL.

- LEGEND**
- EXISTING TO BE DEMOLISHED
 - SOIL TRENCH PROTECTION DEVICE
 - EXISTING CONSTRUCTION EXISTING
 - PROPOSED CONSTRUCTION EXISTING (1/2" AND 1/4" AND 1/8" AND 1/16" AND 1/32" AND 1/64" AND 1/128" AND 1/256" AND 1/512" AND 1/1024" AND 1/2048" AND 1/4096" AND 1/8192" AND 1/16384" AND 1/32768" AND 1/65536" AND 1/131072" AND 1/262144" AND 1/524288" AND 1/1048576" AND 1/2097152" AND 1/4194304" AND 1/8388608" AND 1/16777216" AND 1/33554432" AND 1/67108864" AND 1/134217728" AND 1/268435456" AND 1/536870912" AND 1/1073741824" AND 1/2147483648" AND 1/4294967296" AND 1/8589934592" AND 1/17179869184" AND 1/34359738368" AND 1/68719476736" AND 1/137438953472" AND 1/274877906944" AND 1/549755813888" AND 1/1099511627776" AND 1/2199023255552" AND 1/4398046511104" AND 1/8796093022208" AND 1/17592186044416" AND 1/35184372088832" AND 1/70368744177664" AND 1/140737488355328" AND 1/281474976710656" AND 1/562949953421312" AND 1/1125899906842624" AND 1/2251799813685248" AND 1/4503599627370496" AND 1/9007199254740992" AND 1/18014398509481984" AND 1/36028797018963968" AND 1/72057594037927936" AND 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DEDICATION
 KNOW ALL MEN BY THESE PRESENTS, that the Donor, named above, hereby dedicates to the public for the use and enjoyment of the people of the State of Florida, the land described in the plat hereon, to be known as HAMPTON PARK, PHASE 2.

Every dedication to the public for the use and enjoyment of the people of the State of Florida, is subject to the approval of the Board of County Commissioners of the County in which the land is situated, and the Donor hereby certifies that the Board of County Commissioners of Brevard County, Florida, has approved this dedication and that the public and Brevard County have accepted the same.

IN WITNESS WHEREOF, the Donor has caused this instrument to be signed by the officer named herein and the same to be attested by the Secretary of the Donor, and the same to be recorded in the Public Records of the County of Brevard, Florida, on this 26th day of February, 2002.

Thomas J. Jones, Jr.
 President
 255 Highway 101
 Palm Bay, Florida 32909

Christina E. Dow
 Secretary
 255 Highway 101
 Palm Bay, Florida 32909

STATE OF FLORIDA COUNTY OF BREVARD
 THIS IS TO CERTIFY that on February 26, 2002, before me, the undersigned, a Notary Public in and for the State of Florida, personally appeared Thomas J. Jones, Jr., President and Christina E. Dow, Secretary of the Hampton Park Association, Inc., a Florida corporation, and they acknowledged to me that they executed the foregoing instrument for the purposes and in the capacity therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office, this 26th day of February, 2002.

Notary Public
 My Commission Expires _____

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS
 THIS IS TO CERTIFY that on February 26, 2002, the foregoing plat was approved by the Board of County Commissioners of Brevard County, Florida.

ATTEST:
 Chairman of the Board
 Clerk of the Board

CERTIFICATE OF SURVEYOR
 I HEREBY CERTIFY that I have surveyed and registered the foregoing plat as shown in the accompanying map, and that the same is a true and correct representation of the land therein embraced and that the same is in accordance with the provisions of the Statutes of the State of Florida relating to the surveying of land.

Surveyor
 Registration No. 5383
 219 Forest Avenue, Cocoa, FL 32922
 Phone: 321-535-9371

CERTIFICATE OF ACCEPTANCE OF DEDICATION BY BOARD OF COUNTY COMMISSIONERS
 THIS IS TO CERTIFY that the Board of County Commissioners hereby accept an easement described in the public.

ATTEST:
 Chairman of the Board
 Clerk of the Board

Scott E. O'Leary
 Chairman of the Board
 Clerk of the Board

CERTIFICATE OF DEED
 I HEREBY CERTIFY that I have attached the foregoing plat to the deed of the land described in the plat and that the same is a true and correct representation of the land therein embraced and that the same is in accordance with the provisions of the Statutes of the State of Florida relating to the surveying of land.

Deed
 Registration No. 5383
 219 Forest Avenue, Cocoa, FL 32922
 Phone: 321-535-9371

CERTIFICATE OF DEED
 I HEREBY CERTIFY that I have attached the foregoing plat to the deed of the land described in the plat and that the same is a true and correct representation of the land therein embraced and that the same is in accordance with the provisions of the Statutes of the State of Florida relating to the surveying of land.

Deed
 Registration No. 5383
 219 Forest Avenue, Cocoa, FL 32922
 Phone: 321-535-9371

LOCAL GOVERNMENT
 A PORTION OF SECTION 11, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

HAMPTON PARK, PHASE 2
 A PORTION OF THE SOUTHWEST QUARTER OF SECTION 11,
 TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

SURVEYOR'S NOTES:
 1. BEARING SHOWN ON THE EAST LINE OF HAMPTON PARK, BLOCK 14, IS 111° 15' 00" E, 100.00'.

2. BEARING SHOWN ON THE WEST LINE OF HAMPTON PARK, BLOCK 14, IS 268° 45' 00" W, 100.00'.

3. BEARING SHOWN ON THE SOUTH LINE OF HAMPTON PARK, BLOCK 14, IS 179° 00' 00" S, 100.00'.

4. BEARING SHOWN ON THE NORTH LINE OF HAMPTON PARK, BLOCK 14, IS 81° 00' 00" N, 100.00'.

5. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

6. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

7. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

8. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

9. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

10. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

11. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

12. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

13. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

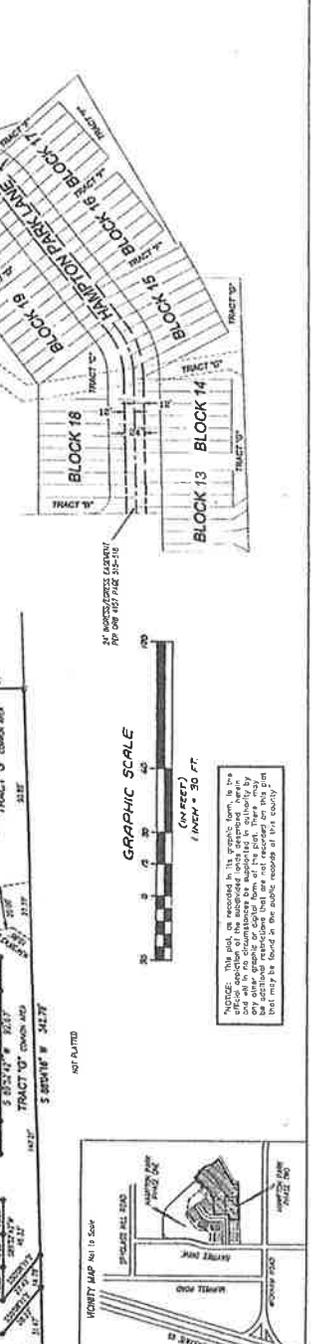
14. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

15. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

16. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

17. ALL LOTS AND TRACTS ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SHOWN ON THE PLAT HEREON.

TRACT	AREA (SQ. FT.)	AREA (ACRES)
TRACT 1	10,000	0.23
TRACT 2	10,000	0.23
TRACT 3	10,000	0.23
TRACT 4	10,000	0.23
TRACT 5	10,000	0.23
TRACT 6	10,000	0.23
TRACT 7	10,000	0.23
TRACT 8	10,000	0.23
TRACT 9	10,000	0.23
TRACT 10	10,000	0.23
TRACT 11	10,000	0.23
TRACT 12	10,000	0.23
TRACT 13	10,000	0.23
TRACT 14	10,000	0.23
TRACT 15	10,000	0.23
TRACT 16	10,000	0.23
TRACT 17	10,000	0.23
TRACT 18	10,000	0.23
TRACT 19	10,000	0.23
TRACT 20	10,000	0.23
TRACT 21	10,000	0.23
TRACT 22	10,000	0.23
TRACT 23	10,000	0.23
TRACT 24	10,000	0.23
TRACT 25	10,000	0.23
TRACT 26	10,000	0.23
TRACT 27	10,000	0.23
TRACT 28	10,000	0.23
TRACT 29	10,000	0.23
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TRACT 31	10,000	0.23
TRACT 32	10,000	0.23
TRACT 33	10,000	0.23
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TRACT 62	10,000	0.23
TRACT 63	10,000	0.23
TRACT 64	10,000	0.23
TRACT 65	10,000	0.23
TRACT 66	10,000	0.23
TRACT 67	10,000	0.23
TRACT 68	10,000	0.23
TRACT 69	10,000	0.23
TRACT 70	10,000	0.23
TRACT 71	10,000	0.23
TRACT 72	10,000	0.23
TRACT 73	10,000	0.23
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TRACT 100	10,000	0.23



GORDON & ASSOCIATES SURVEYORS & MAPPERS, INC.
 210 WEST AVENUE
 COCOA, FLORIDA 32922
 PHONE: 321-535-9371
 FAX: 321-535-9372

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Dana Blickley, CFA



Data Updated 12/19/2016 @ 1:35 AM EST

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Query: owner=HAMPTON PARK LAKESIDE TOWNHOMES

Records: 23

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Site Address	Owner	Parcel ID	Account
540 Steeplechase Ln Unit Pool Melbourne FL 32940	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-53-B	2623508
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-53-F.4	2623265
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-53-A	2623507
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-53-E	2623513
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-53-F.2	2623514
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-53-F.3	2623515
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-53-F.5	2623516
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-53-F.6	2623517
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-53-F.7	2623518
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-53-F.8	2623519
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-54-A	2625475
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-54-B	2625476
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-54-C	2625477
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-54-D	2625478
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-54-E	2625479
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-54-F	2625480
No Address Assigned	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-54-G	2625481

No Address Assigned		Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-55-*A	2626168
 No Address Assigned Home (/Home.aspx)	RESEARCH EXEMPTIONS	Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-55-*B	2626169
No Address Assigned		Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-55-*C	2626170
No Address Assigned		Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-55-*D	2626171
No Address Assigned		Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-55-*E	2626172
No Address Assigned		Hampton Park Lakeside Townhomes Homeowners Association Inc	26-36-11-55-*F	2626173

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**Brevard County Property Appraiser**

Government Complex • North

400 South Street • Titusville, FL 32796

Phone: (321) 264-6700

<https://www.bcpao.us>**Property Information****Account #: 2623509**

Owners Hampton Park Facilities
Association Inc
Site Address Not Assigned
Mailing Address C/O Omega Community Management Melbourne FL 32940
Parcel ID 26-36-11-53-C
Property Use 0903 - Vacant Residential Common Area
Exemptions None
Taxing District 4200 - Unincorp District 4
Subdivision Hampton Park Phase 1

Value Summary Information

Value Category	2016	2015	2014
Total Market Value	\$0	\$0	\$0
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$0	\$0	\$0
Assessed Value School	\$0	\$0	\$0
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$0	\$0	\$0
Taxable Value School	\$0	\$0	\$0

Sales History Information

Sale Date	Sale Price	Deed Type	Vacant/Improved	Book/Page
06/10/2009	\$100	QC	True	5974/1440

Building Information

No Data Found

Land Information

Total Acres 1.85
Site Code 0001 - No Other Code Appl.
Plat Book/Page 0045/0047
Description Hampton Park Phase 1 Tract C Lake

**Brevard County Property Appraiser**

Government Complex • North

400 South Street • Titusville, FL 32796

Phone: (321) 264-6700

<https://www.bcpao.us>**Property Information****Account #: 2623526**

Owners Hampton Park Facilities
Association Inc
Site Address Not Assigned
Mailing Address C/O Omega Community Management Melbourne Fl 32940
Parcel ID 26-36-11-00-517
Property Use 0903 - Vacant Residential Common Area
Exemptions None
Taxing District 4200 - Unincorp District 4
Subdivision N/A

Value Summary Information

Value Category	2016	2015	2014
Total Market Value	\$0	\$0	\$170
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$0	\$0	\$170
Assessed Value School	\$0	\$0	\$170
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$0	\$0	\$170
Taxable Value School	\$0	\$0	\$170

Sales History Information

Sale Date	Sale Price	Deed Type	Vacant/Improved	Book/Page
06/10/2009	\$100	QC	True	5974/1440
07/22/1999	\$454,600	WD	True	4043/0898

Building Information

No Data Found

Land Information

Total Acres 1.65
Site Code 0001 - No Other Code Appl.
Plat N/A
Book/Page N/A
Description That Pt Of The Sw 1/4 As Desc In Orb 4043 Pg 898 Lying North & West Of Orb 4125 Pg 3846 (Retention Area)

From: [Daughtry, Sandy](#)
To: [DiFabio, Robin M](#)
Cc: [Lewis, Sally A](#); [Jones, Jennifer](#)
Subject: RE: Kimley-Horn and Associates – Baytree Retail - Waiver
Date: Thursday, December 15, 2016 10:38:16 AM

Thank you Robin,

Sally is back now, so she will be adding this item to the 12-20-16 agenda package.

Have a super rest of the week!



Warm Regards,

Sandy Daughtry
Administrative Assistant to
Venetta Valdengo, Assistant County Manager
Brevard County Community Services
2725 Judge Fran Jamieson Way, Bld C, Rm 301
Viera, FL 32940 ph. 321-633-2003 x52825
Sandy.daughtry@brevardcounty.us

From: DiFabio, Robin M
Sent: Thursday, December 15, 2016 10:30 AM
To: Daughtry, Sandy
Cc: Lewis, Sally A; Jones, Jennifer
Subject: FW: Kimley-Horn and Associates – Baytree Retail - Waiver

Hi Sandy,
Additional public comment for VI.A.1 on 12/20/16.

Robin M. DiFabio

Robin M. (f/k/a Sobrino) DiFabio, AICP
Director
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Building A
Viera, FL 32940
(321) 633-2069 extension 56363
(321) 633-2074 (fax)

From: Ramos-Miner, Tania
Sent: Wednesday, December 14, 2016 4:07 PM
To: DiFabio, Robin M
Cc: Calkins, Tad
Subject: FW: Kimley-Horn and Associates – Baytree Retail - Waiver

Robin,

I wanted to update you on the interest the Baytree Retail Wall Waiver is generating. I have received a couple more inquiries about the Baytree Retail Wall Waiver. One inquiry is below, along with my explanations.

The other was a phone call from Mr. Hoffman of Omega Property Management. He was concerned about the timing of the courtesy notices and the meeting date, because they would like to have the HOA attorney at the meeting. I did explain that the notices were a courtesy. He also inquired if the agenda item could be postponed, and I sent him a copy of the current plan in review.

*Thank you,
Tania Ramos-Miner*

Planner I
Brevard County Planning and Development
2725 Judge Fran Jamieson Way, Building A, Room 114
Viera, FL 32940
Phone: (321)633-2072 ext. 56309
E-mail: tania.ramos-miner@brevardfl.gov

From: Sueann Thomaston [<mailto:sueann234@gmail.com>]
Sent: Wednesday, December 14, 2016 10:00 AM
To: Ramos-Miner, Tania
Subject: RE: Kimley-Horn and Associates – Baytree Retail - Waiver

Good Morning Tania,

The attachments were received. Thank you for providing this information in such a timely manner!

Kind regards,
Sueann

On Dec 14, 2016 9:35 AM, "Ramos-Miner, Tania" <Tania.Ramos-Miner@brevardfl.gov> wrote:
Sueann,

Please let me know if you did not receive all three of my previous emails that address your first two questions. Here are responses to the rest in red:

1. Why do the developers want to waive the solid fence requirement? Is there a significant cost savings for the landscape buffer or an environmental benefit?

Both the solid wall and the landscape buffer are required by our code as shown below. They are requesting to waive the wall as required by Section 62-3202(h), and provide a vegetative buffer as described by Section 62-4342. It is generally understood that the requirement for a solid wall is an

added expense for developers to construct.

Section 62-3202(h), General.

(10) Site plans within BU-1, BU-2, or industrial zoning classifications shall construct a minimum of a six-foot high masonry or solid wall, including but not limited to concrete block walls, pre-cast (solid) walls, or foam core/steel support with stucco finish, when the subject property abuts a residential zoning classification.

Section 62-4342, Landscape Buffers.

Type A, Compatibility Buffer.

Where a fence or wall is required by Article VI of this Chapter, the Type A buffer, as defined in this subsection, may be utilized in lieu of the required fence or wall. This buffer classification shall be used to separate commercial, institutional, public or industrial uses from residential uses. The Type A buffer shall be completely opaque from the ground up to a height of at least six feet, except where located within 25 feet of a road, where it shall be four feet in height. In conjunction with this [opaque] buffer, a minimum 20-foot vegetated area shall be provided. There shall be no parking or structures other than permitted signage located within this vegetated area.

- a. The opaque buffer may utilize a masonry wall, wood fence, Landscaped Earth Berm, planted or existing vegetation or any combination thereof that maintains a completely opaque buffer.

(3) Planting requirements. The planting requirements for the Vegetative Buffer Areas shall be consistent with Appendix B as amended, and shall be credited toward the overall landscaping requirements.

APPENDIX B

Vegetative Buffers Planting Requirements

(1) PLANTING ZONES

(A) MAINLAND AND COASTAL STAND ZONES

- 1. GROUP 1 PLANTS shall plant a minimum of three (3) feet in height four (4) feet on center.
- 2. GROUP 2 PLANTS shall plant a minimum of four (4) trees for every one hundred (100) linear feet having a minimum height of eight (8) feet. Two (2) palms equal one (1) hardwood tree.
- 3. GROUP 3 PLANTS shall be a minimum of twelve (12) inches in height planted three (3) feet on center.

- 2. Who will be responsible for maintaining the landscape buffer?

The property owner is responsible for maintaining their landscape buffer.

- 3. What if plants die in the landscape buffer and maintenance becomes inadequate, who is responsible for enforcing compliance with this waiver?

If the plants die or the buffer is not maintained, it becomes a code enforcement issue that is handled by Natural Resources.

4. Was your 12/07/2016 letter sent to all property owners in Hampton Park or only the 32 owners abutting the area of the proposed 20 foot buffer?

Public notices were sent as a courtesy, so there is no requirement defining who we need to send them to in this case. I sent notices to the 32 owners abutting the buffer area, and one to the HOA.

5. How many homeowners must oppose the waiver to prevent the Commission from allowing this change?

There is no threshold for allowing or preventing a waiver. This issue is completely at the Board's discretion.

The developer (Pulte) of Hampton Park promised homebuyers that a six foot high masonry or solid wall would be constructed along our south property line once a the commercial property to the south was developed. This was a selling point as many buyers.

Finally, how do we make our opinion count? Can our Board of Directors or Home Owner Association represent the majority opinion at the meeting on 12/20/2016? Many of us are at work at 9:00 on 12/20/2016.

Your help with understanding the proposed waiver, how it benefits the property owners of Hampton Park and the overall waiver process is appreciated

You can make your opinion heard as a public comment at the meeting, or you can provide opposition in writing. I have already received one other email which has been added to the record.

Feel free to contact me if you have additional questions.

*Thank you,
Tania Ramos-Miner*

Planner I
Brevard County Planning and Development
2725 Judge Fran Jamieson Way, Building A, Room 114
Viera, FL 32940
Phone: (321)633-2072 ext. 56309
E-mail: tania.ramos-miner@brevardfl.gov

From: Sueann Thomaston [mailto:sueann234@gmail.com]
Sent: Tuesday, December 13, 2016 1:18 PM
To: Ramos-Miner, Tania
Subject: Kimley-Horn and Associates – Baytree Retail - Waiver

Hi Tania,

Thank you for the notification letter regarding the proposed waiver of the six foot high solid fence. Your response on the following questions is appreciated:

6. Is there a proposed site plan for the retail space showing the 20' buffer, road, building footprint, etc. If so, can you please email me a copy?

7. Is there an artist rendering and/or landscape plan showing the location, type of plant and quantity? If so, can you please email me a copy?

8. Why do the developers want to waive the solid fence requirement? Is there a significant cost savings for the landscape buffer or an environmental benefit?

9. Who will be responsible for maintaining the landscape buffer?

10. What if plants die in the landscape buffer and maintenance becomes inadequate, who is responsible for enforcing compliance with this waiver?

11. Was your 12/07/2016 letter sent to all property owners in Hampton Park or only the 32 owners abutting the area of the proposed 20 foot buffer?

12. How many homeowners must oppose the waiver to prevent the Commission from allowing this change?

The developer (Pulte) of Hampton Park promised homebuyers that a six foot high masonry or solid wall would be constructed along our south property line once a the commercial property to the south was developed. This was a selling point as many buyers.

Finally, how do we make our opinion count? Can our Board of Directors or Home Owner Association represent the majority opinion at the meeting on 12/20/2016? Many of us are at work at 9:00 on 12/20/2016.

Your help with understanding the proposed waiver, how it benefits the property owners of Hampton Park and the overall waiver process is appreciated.

Kind regards,

Sueann Thomaston, 1405 Hampton Park Lane