

ADD ON

new

Meeting Date
September 1, 2015



AGENDA	
Section	New Business
Item No.	VI A 4

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

SUBJECT:	WAIVER OF CUL-DE-SAC DESIGN RE: TRASONA SUBDIVISION DEVELOPER: THE VIERA COMPANY FISCAL IMPACT: NONE	DISTRICT 4
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT/PUBLIC WORKS DEPARTMENT	

Requested Action:

The applicant requests approval of a waiver to Section 62-2956 (a) (3) which requires cul-de-sacs to terminate a minimum of 100 feet from the nearest road, street, or plat boundary of a subdivision.

Summary Explanation & Background:

The applicant is requesting that the Board approve a waiver to Section 62-2956 (a) (3) that requires a cul-de-sac to be designed to terminate a minimum of 100 feet from the nearest road, street, or plat boundary of a subdivision. The code allows the distance to be reduced to 50 feet where a minimum 10 feet wide, four feet high opaque, vegetative buffer is provided. The Trasona subdivision has been designed with five cul-de-sacs that do not meet the 100' separation, and three of those have less than 50 feet separation from future roadways. The three cul-de-sacs which do not meet the 50 foot requirement range from approximately 32 feet to 37 feet from the cul-de-sac to the nearby roadway right-of-way.

Staff's concern is based upon a motorist's propensity to cut through areas in which two roadways are so close in distance as to provide the potential to do so. The reduction to 50 feet along with opaque landscaping provides a suitable buffer to deter the practice of driving across the area.

The proposed subdivision is located within the Viera DRI on the south side of Wickham Road on the east side of Powerline Road west of Stadium Parkway. The proposed subdivision contains 700 detached single family lots, on approximately 306.15 acres.

The Land Development Regulations set forth seven (7) criteria for justifying a waiver to the regulations. Each criterion is outlined on the attached waiver application, with the **owner's response in bold** and *staff comments italicized*.

Reference: 14SD-00541, 15WV00019

Clerk to the Board instruction:

Exhibits Attached: Location maps, waiver application

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

County Manager		Department Director / Extension
Stockton Whitten		Robin M. Sobrino, AICP Planning & Development Department Ext. 5-2069 John Denninghoff, PE Public Works Department



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

September 2, 2015

**M E M O R A N D U M**

**TO:** Robin Sobrino, Planning and Development Director

**RE:** Item VI.A.4., Waiver of Cul-De-Sac for Trasona Subdivision – The Viera Company

The Board of County Commissioners, in regular session on September 1, 2015, approved The Viera Company's request of a waiver to Section 62-2956(a) (3), which requires cul-de-sacs to terminate a minimum of 100 feet from the nearest road, street, or plat boundary located within The Viera Development of Regional Impact on the south side of Wickham Road on the east side of Powerline Road west of Stadium Parkway.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/kg

**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,

**Application of the strict letter of the code will require additional land and infrastructure to achieve a similar development plan.**

*Staff has not made the finding of undue hardship..*

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

**Applicant is proposing additional landscaping between the cul-de-sac and the future Pineda ROW so as to provide a visual and physical buffer and to prevent any unintended use of the area between the cul-de-sac and the future ROW.**

*Staff defers to the Board in the granting of the waiver and the applicant has provided landscaping at the ends of the cul-de-sacs to provide a minimum 4' high, opaque buffer from the cul-de-sac to the adjacent roadway.*

**Criteria 3:** The conditions upon which a request for waiver are based, are peculiar to the property and do not result from actions of the applicant,

**The applicant owns both the subdivision and the future ROS of Pineda and is therefore establishing both lines, which is not of the norm. The location of the roadways are dictated by physical limitations such as the FPL powerlines on the west and existing development on the east.**

*The design of the project is a direct result of the actions of the applicant.*

**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 section,

**The waiver and associated approval of the subdivision and landscape plans, establish a significant landscape buffer consisting of trees and two layers of shrubs which will provide an opaque buffer that meets the intent of the code and prevents the unintended use of the property. Copies of the landscape plans and details showing the dimensions of the proposed cul-de-sac separation are enclosed.**

*Staff has made the finding that two of the five cul-de-sacs are in compliance with the code based on the opaque landscape buffer being provided. Three of the cul-de-sacs ranging from approximately 32' to 37' do not meet the code requirements, however the applicant is proposing the opaque buffer as described.*

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

NA

*Criteria not applicable to this application.*

**Criteria 7:** The county land development division 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; or pursuant to Section 22-48 (b), waiver request of the requirement for the lowest floor elevation of 12 inches above the crown grade of the abutting thoroughfare.

## APPLICATION TYPE

- FINISHED FLOOR ELEVATION WAIVER
- SUBDIVISION/UNPAVED ROAD WAIVER
- SITE PLAN WAIVER
- OTHER

## Land Development Use Only

Request Date: \_\_\_\_\_ Fees \$ \_\_\_\_\_ Board Date: \_\_\_\_\_  
Original Project # 14SD-00541 Waiver # 15NV00019  
Coordinator Initials: \_\_\_\_\_ Reference Files: \_\_\_\_\_  
County Manager/Designee approval \_\_\_\_\_

Tax Parcel Identification: Twp. 26S Rng. 36E Sec. 17 S/D \_\_\_\_\_ Blk/Par \_\_\_\_\_ Lot(s) \_\_\_\_\_ (List all parcels)

Tax Account # ('s): 2604318 \_\_\_\_\_ (List all account numbers)

Project Name: Trasona at Addison Village Property Owner: The Viera Company

Site Address: South of Wickham Road, West of Paragrass Avenue (Proposed)

## ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Todd J. Pokrywa Company: The Viera Company  
Address: 7380 Murrell Road, Suite #201 E-Mail maryellen.mckibben@duda.com  
City: Viera State FL Zip 32940  
Phone (321) 242-1200 Fax (321) 253-1800 Cell \_\_\_\_\_

## ENGINEER/CONTRACTOR (if different from applicant):

Company Name: BSE Consultants, Inc. Eng. or Proj. Mgr.: Hassan Kamal, P.E.  
Address: 312 S. Harbor City Blvd., Melbourne, FL 32901 Ph # (321) 725 - 3674 Fax (321) 723 - 1159

## DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Section 62-2956 - Waiver of section that states that the right-of-way for the cul-de-sac shall be at least 100 feet from the nearest road, street or the nearest plat boundary.

Owner/Applicant Signature:  Print Name: Hassan Kamal, P.E.

## Finished Floor Elevation Waiver - Site information: (for office use only)

Site Address \_\_\_\_\_ City \_\_\_\_\_  
Parcel Id: \_\_\_\_\_ Subdivision \_\_\_\_\_ Flood Zone \_\_\_\_\_  
Public Thoroughfare Name \_\_\_\_\_  
Proposed Finished Floor Elevation \_\_\_\_\_ Crown of Road Elevation \_\_\_\_\_  
Approved Finished Floor Elevation \_\_\_\_\_ Date of approval \_\_\_\_\_

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, and residential Finished Floors elevation waivers which are \$115.

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
Finished Floor Elev. Waiver	1	N	1	1	1	1	-	1	Y

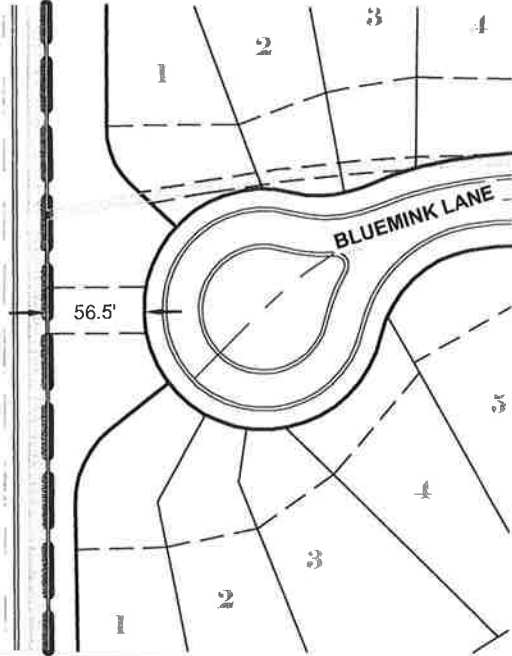
**WAIVER CRITERIA (SUBDIVISION UNPAVED ROADS & SITE PLANS)**

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:

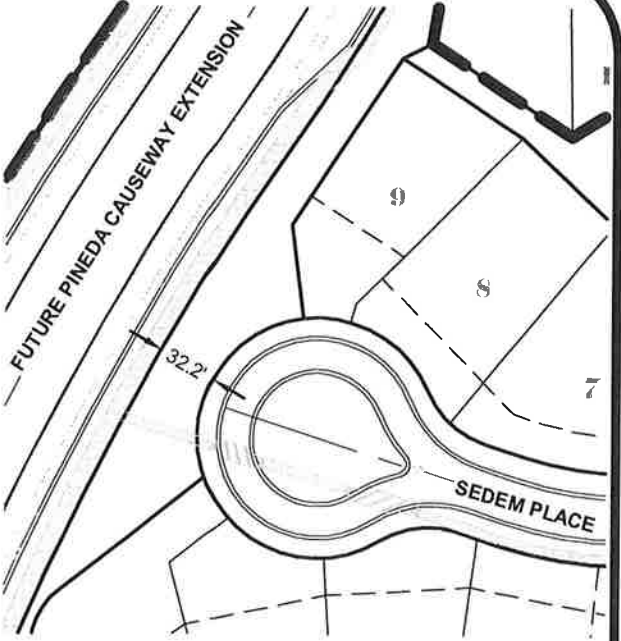
- The particular physical conditions, shape or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out.  
Application of the strict letter of the code will require additional land and infrastructure to achieve a similar development plan.
- The granting of the waiver will not be injurious to the other adjacent property.  
Applicant is proposing additional landscaping between the cul-de-sac and the future Pineda ROW so as to provide a visual and physical buffer and to prevent any unintended use of the area between the cul-de-sac and the future ROW.
- 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.  
The applicant owns both the subdivision and the future ROW of Pineda and is therefore establishing both lines, which is not of the norm. The location of the roadways are dictated by physical limitations such as the FPL powerlines on the west and existing development on the east.
- 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 and associated approval of the subdivision and landscape plans, establish a significant landscape buffer consisting of trees and two layers of shrubs which will provide an opaque buffer that meets the intent of the code and prevents the unintended use of the propoerty. Copies of the landscape plans and details showing the dimensions of the proposed cul-de-sac separation are enclosed.
- Delays attributed to state or federal permits.  
 N/A
- Natural disasters.  
 N/A
- County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)

H:\Projects\Folder11232\Drawings\11232\_20011232\_200\_020.dwg August 10, 2015 1:15:28 PM ww

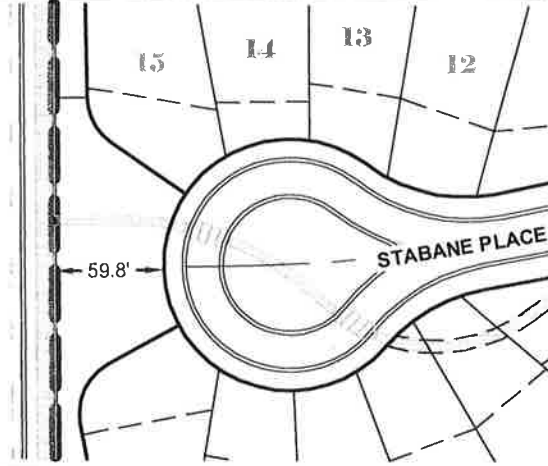
- FUTURE PINEDA CAUSEWAY EXTENSION -



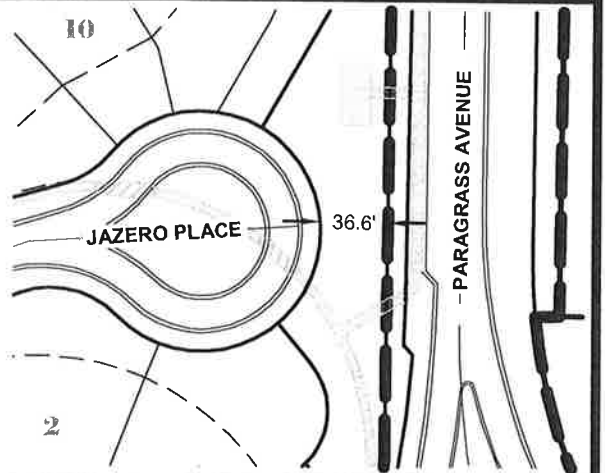
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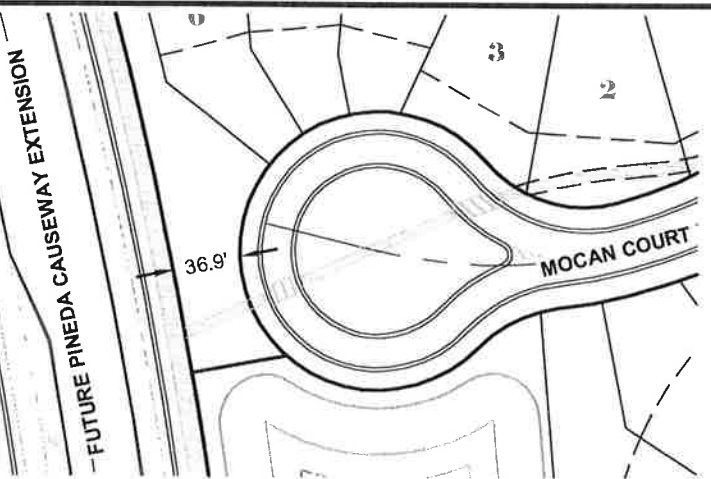
- FUTURE PINEDA CAUSEWAY EXTENSION -



- PARAGRASS AVENUE -



- FUTURE PINEDA CAUSEWAY EXTENSION -



**TRASONA AT ADDISON VILLAGE  
CUL-DE-SAC DIMENSION TO  
ADJACENT R/W**



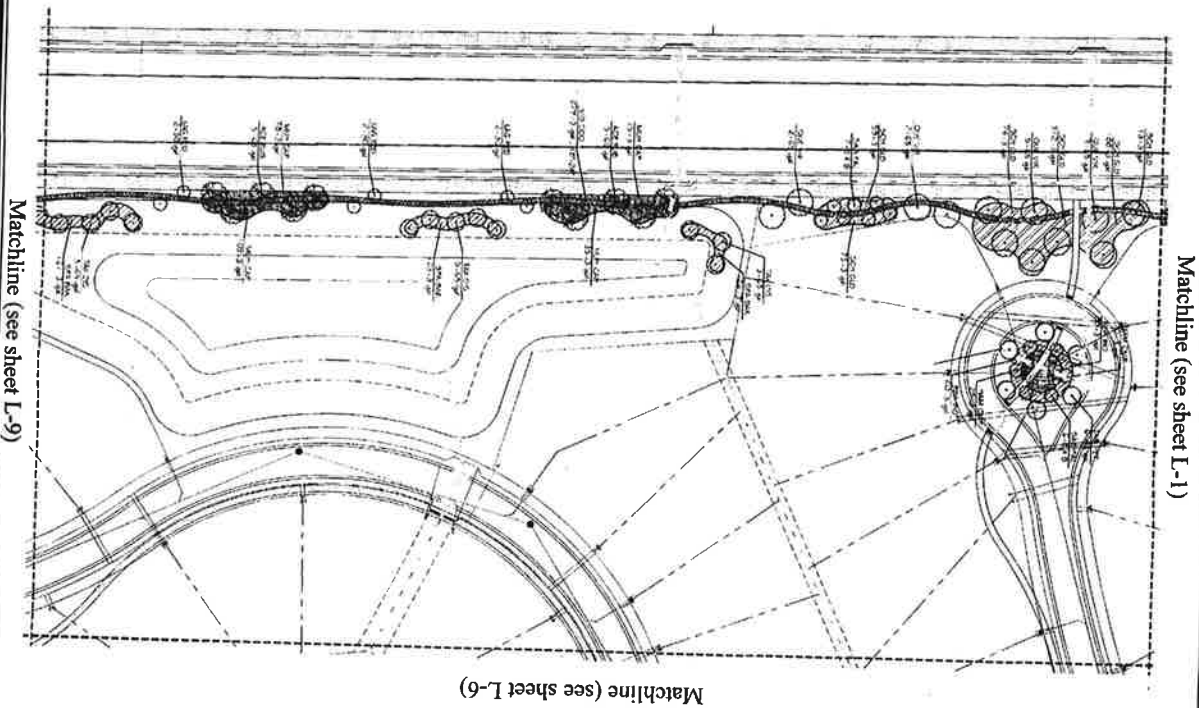
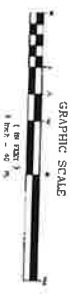
SCALE: 1" = 100'



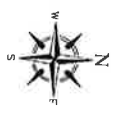
**B.S.E. CONSULTANTS, INC.**  
 CONSULTING - ENGINEERING - LAND SURVEYING  
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  
 PHONE: (321) 725-3674 FAX: (321) 723-1159  
 CERTIFICATE OF BUSINESS AUTHORIZATION: 4905  
 CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 8/10/15  
 DESIGN/DRAWN HAK/WFV  
 DRAWING# 11232\_200\_020  
 PROJECT# 11232  
 SHEET 1 OF 1





**Environmental Design Services**  
 Landscape and Irrigation Design and Consulting  
 Email: melder@edsdesign.com  
 Phone: (321) 288-6143



**Tropic-Care of Florida**  
 7635 Progress Cir  
 Melbourne, FL 32904  
 (321) 724-5333

Original Drawing: 12-30-14  
 Date Issued: 1-20-15

No.	Date	Description
1		
2		
3		
4		
5		
6		
7		

Project: **Trasona**  
 Location: **Viera, Florida**

**Landscape Plan**

Sheet # **L-5**

Project No: \_\_\_\_\_  
 Design By: BJA  
 Drawn By: BJA  
 Checked By: BJA  
 Drawing Date: 1-20-15

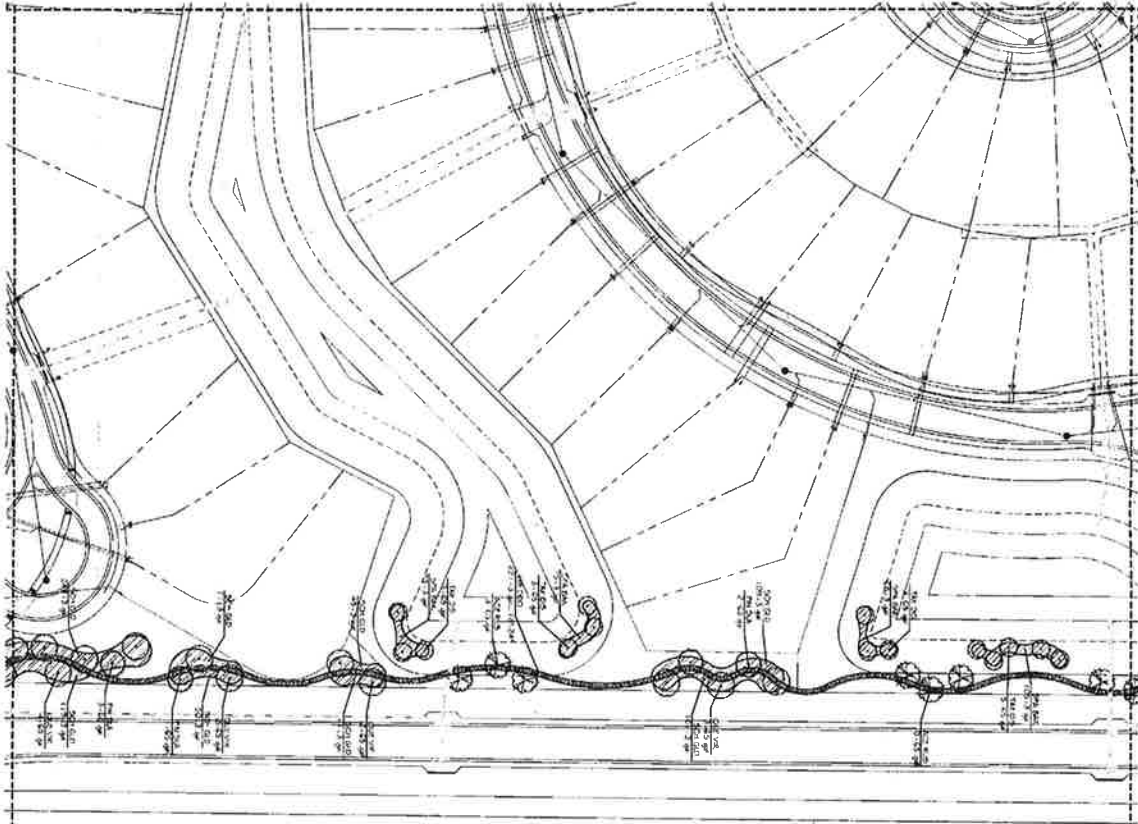
Sheet 5 of 22



Matchline (see sheet L-7)

Matchline (see sheet L-4)

Matchline (see sheet L-12)



**Environmental Design Services**  
 Landscape and Irrigation Design and Consulting  
 10000 W. Lake Nona Blvd., Suite 100  
 Orlando, FL 32826-4141  
 Phone: (321) 286-6413

**Tropic-Care of Florida**  
 7635 Progress Cir  
 Melbourne, FL 32904  
 (321) 724-5333

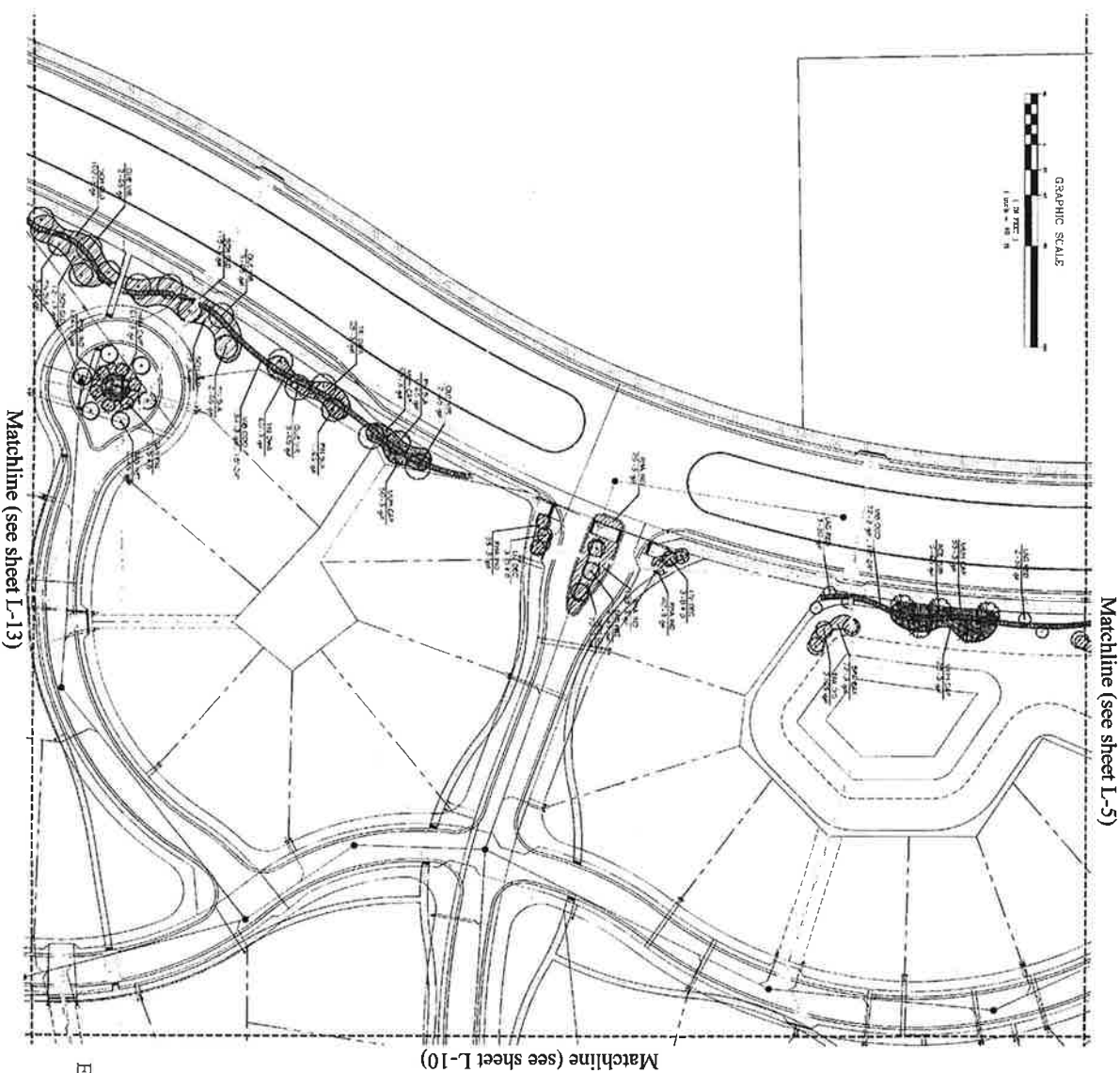
REVISIONS:		Description
No	Date	
1		
2		
3		
4		
5		
6		

Project: **Trasona**  
 Location: **Viera, Florida**

**Landscape Plan**

Sheet: **L-8**

Project No: \_\_\_\_\_  
 Drawn By: **BKA**  
 Checked By: **BKA**  
 Drawing Scale: **1"=30'**  
 Date: **8 of 22**



GRAPHIC SCALE  
1" = 20' (1:200)

Matchline (see sheet L-5)

Matchline (see sheet L-10)

Matchline (see sheet L-13)

Environmental Design Services  
Landscape and Irrigation Design and Consulting  
Email: [info@edsdesign.com](mailto:info@edsdesign.com)  
Phone: (321) 288-6145



**Tropic-Care of Florida**  
7635 Progress Cir  
Melbourne, FL 32904  
(321) 724-5333

Original Drawing: 12-20-14  
Issue Date: 12-20-14

No.	Date	Description

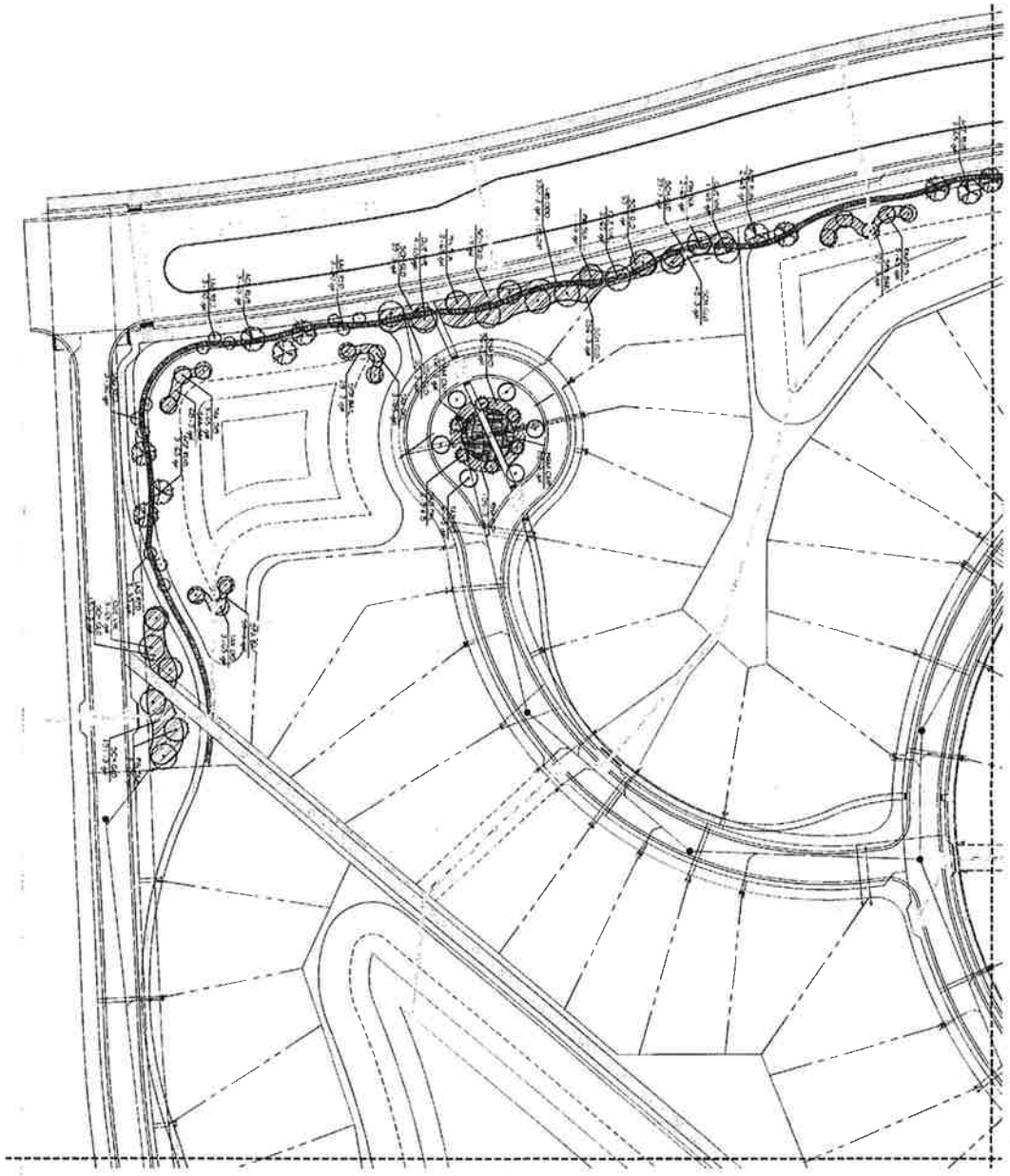
Project:  
**Trasona**  
Location:  
**Viera, Florida**

**Landscape Plan**

Sheet #  
**L-9**

Project No: BKA  
Design By: BKA  
Checked By: BKA  
Drawing Scale: 1"=40'  
Date: 9 of 22





Matchline (see sheet L-13)

Matchline (see sheet L-18)



**Environmental Design Services**  
 Landscape and Irrigation Design Consulting  
 Email: halden@edsdesign.com  
 Phone: (321) 266-4113

**Tropic-Care of Florida**  
 7635 Progress Cir  
 Melbourne, FL 32904  
 (321) 724-5333

REVISIONS:	
No	Description

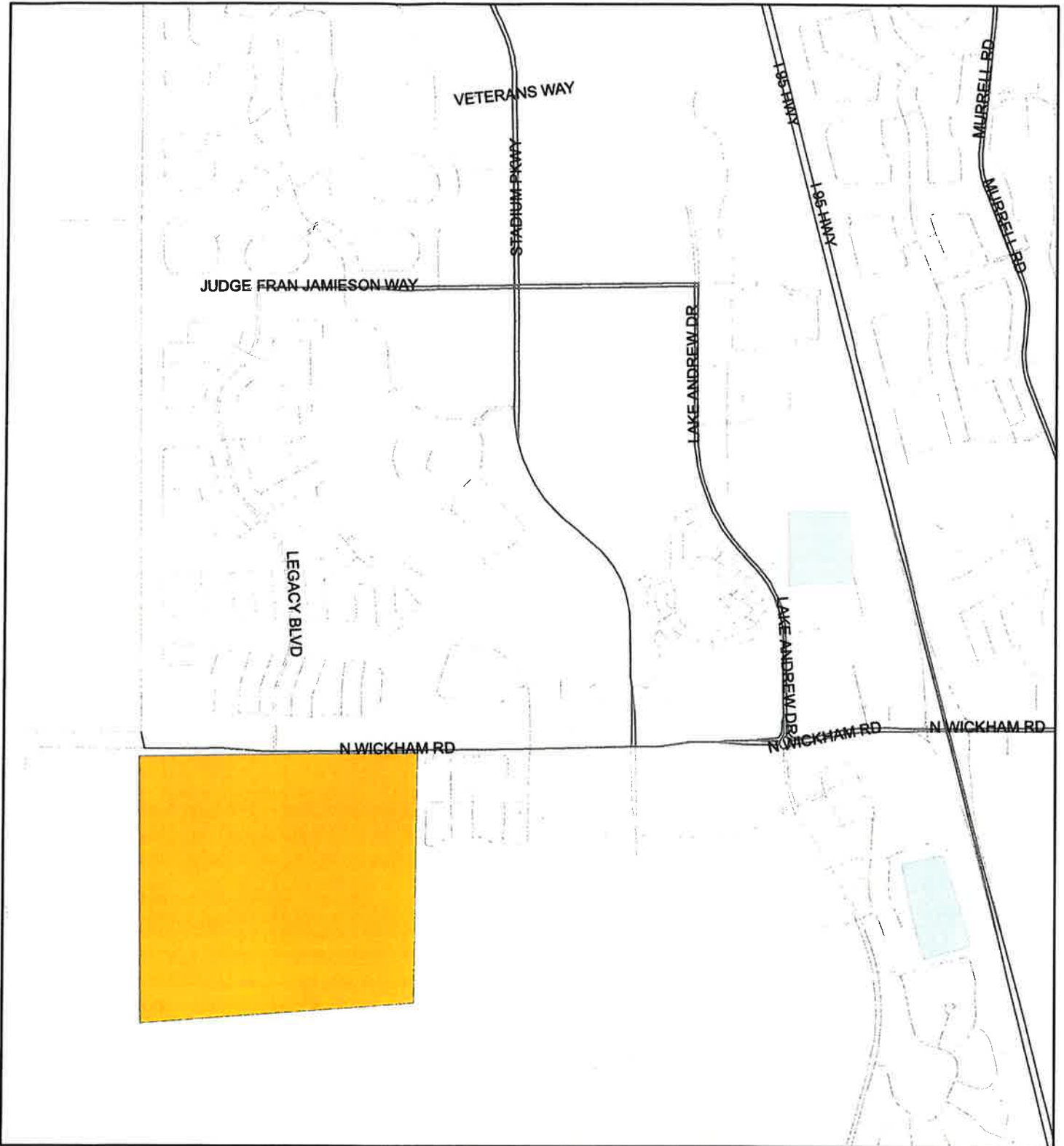
Project: **Trasona**  
 Location: **Viera, Florida**

**Landscape Plan**

Sheet # **L-17**

Project No: \_\_\_\_\_  
 Drawn By: **REA**  
 Checked By: **REA**  
 Date: **12/20/14**  
 Drawing Scale: **1"=40'**  
 Sheet **17** of **22**

LOCATION MAP  
TRASONA at ADDISON VILLAGE  
14SD-00541



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: 8/11/2015