

AGENDA	
Section	Consent
Item No.	II A 15

Meeting Date
July 12, 2016



AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	WAIVER OF PARKING REQUIREMENTS RE: ARTISTRY AT VIERA DEVELOPER: STANTEC CONSULTING SERVICES, INC. DISTRICT 4 FISCAL IMPACT: NONE
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT/LAND DEVELOPMENT

Requested Action:

The applicant is requesting a waiver to Section 62-3206(d)(7) to reduce the required 570 parking spaces down to 531 spaces.

Summary Explanation & Background:

Section 62-3206(d)(7) of the code requires condominiums, townhome and apartment complexes to provide two parking spaces per residential unit plus one space per five units for guest parking. The Artistry at Viera apartment project will have 259 residential units, a requirement of 570 parking spaces. The developer wishes to provide 504 surface spaces and 27 garage spaces for a total of 531 parking spaces. They have provided a Parking Demand Analysis that indicates 531 parking spaces satisfies the parking needed to support the development.

Staff notes that the Institute of Transportation Engineers Parking Generation 4th Edition identifies that the average week day parking demand for the low rise apartment complexes is 1.20 spaces per unit (with a range of 0.66 – 2.50 spaces per unit). Based on the information in the parking generation report and the study presented by the application our code appears to be more restrictive. Staff will perform a parking code analysis for apartments and report back to the Board with a recommended code change.

Artistry at Viera is a 259 unit apartment complex located on 12.94 acres on the north side of Judge Fran Jamieson Way between the School Board property and Lake Andrew Drive. The project consists of 103 one bedroom apartments and 156 two/three bedroom apartments.

Staff has no objection to granting the waiver. Granting this request is beyond staff's administrative authority. Pursuant to Section 62-3207 of the Code, such requests shall 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*:

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 site design includes resort style amenities – a large pool and cabana centrally located for residents, and a dog park along the eastern boundary of the project. If the strict letter of the Code was carried out, certain amenities would have to be eliminated in favor of parking spaces. The enclosed Parking Demand Analysis demonstrates they are not needed.

Staff has not made a finding of undue hardship and defers to the Board of County Commissioners.

Reference: 15SP00011

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

July 28, 2016

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director

RE: Item II.A.15., Waiver of Parking Requirements for Artistry at Viera – Stantec Consulting Services, Inc.

This is to correct the memorandum of July 13, 2016. The Board of Commissioners, in regular session on July 12, 2016, approved a waiver to Section 62-3206(d)(7) to reduce the required 570 parking spaces down to 531 spaces for Artistry at Viera; **and directed staff to review the Parking Code for streamlining and flexibility to allow staff to reevaluate parking requirements for multifamily residential projects.**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk



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

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Tammy.Rowe@brevardclerk.us

July 13, 2016

M E M O R A N D U M

TO: Robin DiFabio, Planning and Development Director

RE: Item II.A.15., Waiver of Parking Requirements for Artistry at Viera – Stantec Consulting Services, Inc.

The Board of Commissioners, in regular session on July 12, 2016, approved a waiver to Section 62-3206(d)(7) to reduce the required 570 parking spaces down to 531 spaces for Artistry at Viera.

Your continued cooperation is always appreciated.

Sincerely,

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

Tammy Rowe, Deputy Clerk

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: May 31, 2016 Fees \$ 200.00 Board Date: _____
Original Project # 15SP00011 Waiver # 16WV00010
Coordinator Initials: TRM Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 26 Rng. 36 Sec. 4 S/D 00 Blk/Par 00518-00 Lot(s) 0-0000 (List all parcels)

Tax Account # ('s): 2628937 (List all account numbers)

Project Name: Artistry at Viera Property Owner: The Viera Company

Site Address: No Assigned Address

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Katie LaBarr, AICP Company: Stantec Consulting Services, Inc.

Address: 6900 Professional Pkwy East E-Mail katie.labarr@stantec.com

City: Sarasota State FL Zip 34240

Phone 941 907-6900 Fax _____ Cell 941 374-2854

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: Stantec Consulting Services, Inc. Eng. or Proj. Mgr.: John R. Scott, P.E.

Address: 6900 Professional Parkway East Sarasota, FL Ph # (941) 907-6900 Fax (_____) _____

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Brevard County Code of Ordinances Secs. 62-3206(d)(7) and 62-3206(d)(26) require two parking spaces per residential unit, plus one space per five units for guest parking, as well as one space per 250 square feet of building area for leasing office, for apartment complexes, which represents a requirement for 584 parking spaces for the Artistry at Viera. We request a waiver to allow 531 parking spaces, based on the enclosed Parking Demand Analysis.

Owner/Applicant Signature: Katie LaBarr Print Name: Katie LaBarr, AICP

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 site design includes resort style amenities - a large pool and cabana centrally located for residents, and a dog park along the eastern boundary of the project. If the strict letter of the Code was carried out, certain amenities would have to be eliminated in favor of parking spaces. The enclosed Parking Demand Analysis demonstrates they are not needed.

2. The granting of the waiver will not be injurious to the other adjacent property.
The provision of this parking waiver would not be injurious to other adjacent property, as the enclosed Parking Demand Analysis shows that the parking spaces that will be provided exceed national parking standards for apartment complexes of similar size. Th granting of this waiver will have no negative impact on adjacent property.

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.
The basis of this waiver request is specifically intended to address the appropriate provision of parking for the subject apartment complex and is not generally applicable to other property.

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 proposal will strike a balance between parking and green space for recreation which upholds the preservation of health, safety and welfare of the general public, consistent with Sec. 62-3206(a). The enclosed Parking Demand Analysis demonstrates that sufficient parking will be available with the requested waiver.

5. Delays attributed to state or federal permits.
N/A

6. Natural disasters.
N/A

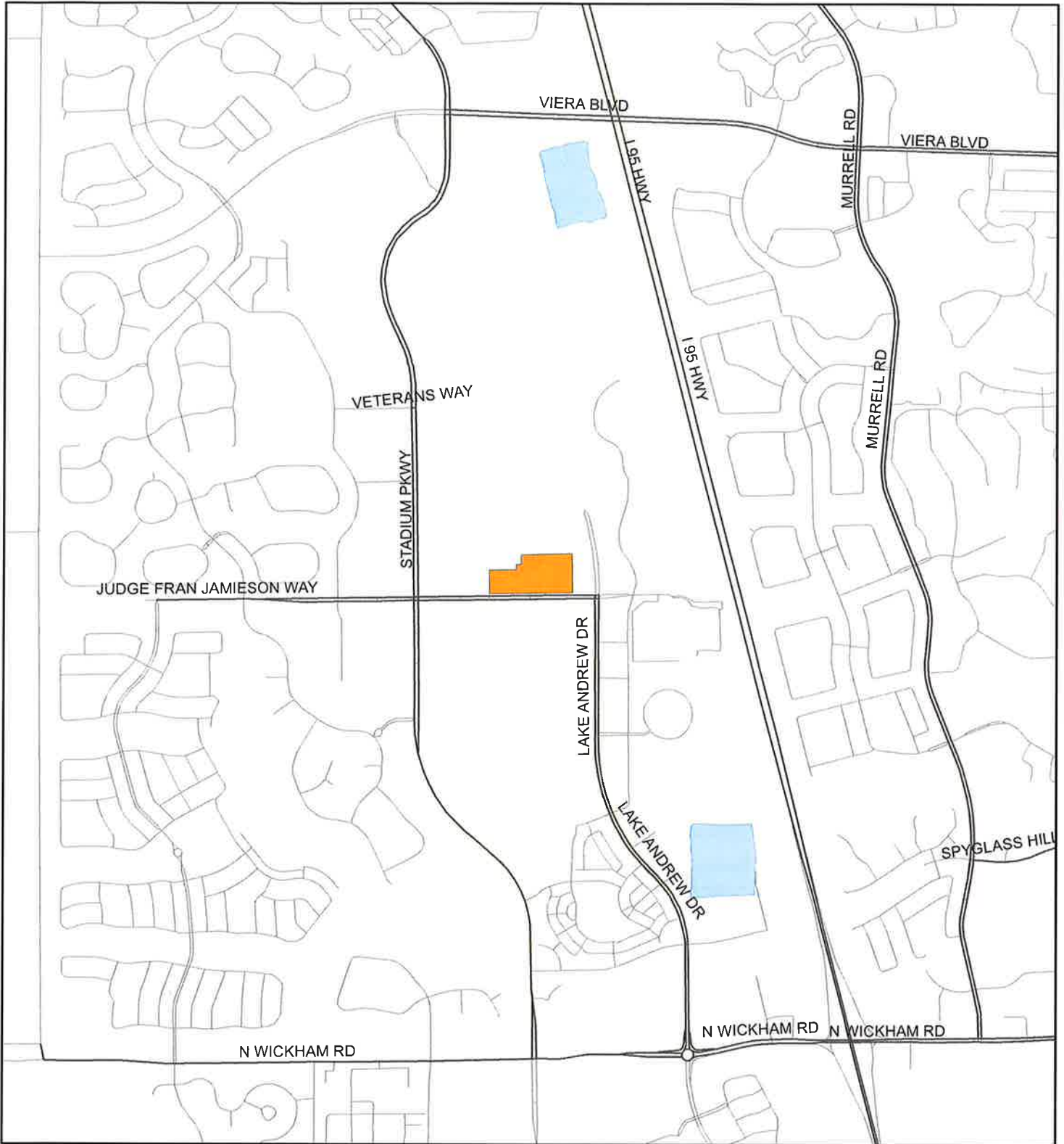
7. County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)

DESCRIPTION OF PROPERTY:

A PARCEL OF LAND LYING SECTION 4, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF LAKE ANDREW DRIVE WITH THE NORTH RIGHT-OF-WAY LINE OF JUDGE FRAN JAMIESON WAY AS SHOWN ON THE PLAT OF STADIUM EAST, AS RECORDED IN PLAT BOOK 54, PAGE 15, PUBLIC RECORDED OF BREVARD COUNTY, FLORIDA AND RUN S89°11'20"W, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID JUDGE FRAN JAMIESON WAY, A DISTANCE OF 275.31 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°11'20"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1155.05 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5831, PAGE 9389, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N00°48'40"W, ALONG THE EAST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5831, PAGE 9389, A DISTANCE OF 340.00 FEET TO THE SOUTHERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2963, PAGE 1988, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N89°11'20"E, ALONG SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 387.50 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2963, PAGE 1988; THENCE N00°48'40"W, ALONG THE EAST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2963, PAGE 1988, A DISTANCE OF 74.69 FEET, THENCE N89°11'20"E A DISTANCE OF 80.00 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6571, PAGE 331, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N00°48'40"W, ALONG THE EAST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 6571, PAGE 331, A DISTANCE OF 137.23 FEET; THENCE N89°01'29"E A DISTANCE OF 731.80 FEET; THENCE S08°55'05"E A DISTANCE OF 124.39 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST AND HAVING A RADIUS OF 315.00 FEET, A CENTRAL ANGLE OF 31°28'18", A CHORD LENGTH OF 170.86 FEET AND A CHORD BEARING OF S06°49'04"W), A DISTANCE OF 173.02 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 476.84 FEET; A CENTRAL ANGLE OF 23°21'53", A CHORD LENGTH OF 193.11 FEET AND A CHORD BEARING OF S10°52'16"W), A DISTANCE OF 194.45 FEET TO THE END OF SAID CURVE; THENCE S00°48'40"E A DISTANCE OF 72.42 FEET TO THE POINT OF BEGINNING.

LOCATION MAP
ARTISTRY AT VIERA MULTI-FAMILY SITE
15SP00011



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: 6/16/2016

Saved: 5/27/2016 10:00:44 AM MCONERLY | Plotted: 5/27/2016 10:04:29 AM MCONERLY | V:\2156\active\215612954\civil\drawing\01_viera\exhibits\215612954-01c-803ex.dwg\Layout1



PROJECT: ARTISTRY AT VIERA
 CLIENT: DD SUNCOAST 12.94 LLC



Stantec

6900 Professional Parkway East, Sarasota, FL 34240-8414
 Phone 941-907-6900 • Fax 941-907-6910
 Certificate of Authorization #27013 • www.stantec.com

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SCALE:	1" = 300'	DATE:	05/2016
SEC:	4	TWP:	26S
		RGE:	36E
PROJECT NO.	215612954		INDEX NO:
			215612954-01C-803EX
DRWN BY/EMP NO.	MSC/98616		SHEET NO:
			1 OF 1



Stantec Consulting Services Inc.
6900 Professional Parkway East
Sarasota FL 34240-8414
Tel: (941) 907-6900
Fax: (941) 907-6910

May 25, 2016

File: 215612954

Rebecca Ragain
Site Plan & Subdivisions
Brevard County Planning & Development Department
Viera Government Center
2725 Judge Fran Jamieson Way, Building A
Viera, Florida 32940

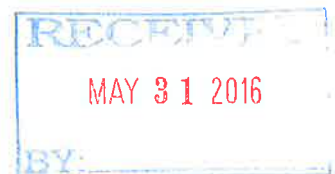
Reference: **Artistry at Viera**
****Parking Demand Analysis****

Dear Ms. Ragain:

The Artistry at Viera project consists of a 259-unit apartment complex. Brevard County's Land Development Code requires two spaces per residential unit, one space per five units for guest parking, and one space per 250 square feet of leasing floor area. Per Brevard County's Land Development Regulations, the Artistry at Viera is required to provide 518 primary parking spaces, 52 guest parking spaces, and 14 spaces for the 3,500 square-foot leasing center for a total of 584 parking spaces.

The petitioner proposes to construct 531 parking spaces; 477 surface parking spaces, 27 garage parking spaces, and 27 surface parking spaces behind the garages. The proposed number of parking spaces is a perceived shortage of 53 spaces. To demonstrate that the 531 spaces are sufficient to accommodate the parking demand generated by the Artistry at Viera apartments, information from the Institute of Transportation Engineers (ITE) *Parking Generation, 4th Edition* was used to determine if the 531 parking spaces provided are adequate for the 259-unit apartment complex.

ITE Land Use Code 221 (Low/Mid-Rise Apartment) was used to estimate the parking demand. ITE has conducted 21 studies at suburban low/mid-rise apartment complexes throughout the country. The average size of the study sites was 311 units. The following is a summary of the peak period parking demand based on dwelling units from ITE Land Use 221, and the equivalent number of parking spaces required for the 259-unit Artistry at Viera apartment complex to meet the ITE estimates.





May 25, 2016
Rebecca Ragain
Page 2 of 3

**Reference: Artistry at Viera
Parking Demand Analysis**

<u>Statistic</u>	<u>Parking Demand</u>	<u>Artistry at Viera Parking Spaces</u>
Avg. Peak Period Parking Demand Rate	$P = 1.23(x)$	319 spaces
Avg. Peak Period Parking Demand Curve	$P = 1.42(x) - 38$	330 spaces
85 th Percentile Parking Demand	$P = 1.94(x)$	503 spaces

The 531 parking spaces provided at the Artistry at Viera (2.05 parking spaces per unit) exceed the average peak period parking demand and 85th percentile peak period parking demand estimated by ITE. As a check to ensure that apartment product constructed by the Artistry at Viera petitioner is consistent with ITE data, parking demand information provided by the petitioner who has developed and constructed 60,000+/- units over the last 20 years, was reviewed to determine the typical parking demand provided at their numerous sites throughout the country.

For one bedroom units, the parking demand was typically 1.50 parking spaces per unit. For two and three bedroom units, the parking demand was typically 2 parking spaces per unit. The Artistry at Viera will have 103 one bedroom apartments and 156 two/three bedroom apartments. Using the historical parking demand from other apartment complexes constructed by the petitioner, a total of 467 parking spaces are needed, which equates to an overall parking demand rate of 1.80 parking spaces per unit.

The parking demand results from other apartment complexes constructed by the petitioner are consistent with the ITE *Parking Generation* estimates, falling between the average and 85th percentile parking demand. The 531 parking spaces provided at the Artistry at Viera represent:

- A 5.6% increase in spaces compared to the ITE 85th percentile parking demand estimate.
- A 13.7% increase in spaces compared to other apartments constructed by the petitioner.
- A 60.9% increase in spaces compared to the ITE average curve parking demand estimate.
- A 66.5% increase in spaces compared to the ITE average rate parking demand estimate.

In addition to reviewing parking demand requirements from other sources, the proximity of the Artistry at Viera to public transportation was reviewed. The Space Coast Area Transit Route 1 runs in front of the project on Judge Fran Jamieson Way and has two stops in the vicinity of the property. This will allow non-auto owning residents a means to access other destinations in Brevard County not within walking or biking distance.



May 25, 2016
Rebecca Ragain
Page 3 of 3

**Reference: Artistry at Viera
Parking Demand Analysis**

Based on the review of ITE's estimated parking demand and the parking demand from other sites constructed by the petitioner, the 531 parking spaces provided at the Artistry at Viera will be more than adequate to accommodate the peak parking demand generated by the apartment complex. It is recommended that a waiver from the Brevard County Land Development Regulations parking requirement of 584 parking spaces be granted.

Sincerely,

Stantec Consulting Services Inc.



Matthew R. Crim, P.E., PTOE
Florida Licensed Engineer No. 68297
Transportation Engineer
Ph: 832-523-5233
matt.crim@stantec.com

Sec. 62-3207. - Waivers and appeals.

Waivers. This section of the code does not allow waivers of section 62-3205.

- (a) Where the county manager and/or his designees, and affected agencies find that undue hardship or unreasonable practical difficulty may result from strict compliance with this article, the county manager shall approve a waiver to the requirements of this article if the waiver serves the public interest.

However, if in the opinion of the land development section, the intensity and location of the development warrants an evaluation by the board, the county manager may require that the applicant obtain board approval. The applicant shall be advised by the county manager, when it is determined that board action will be required.

- (b) Conditions. An applicant seeking a waiver shall submit a written request to the county manager for the waiver stating the reasons for the waiver and the facts which support such waiver. All requests for waivers must be submitted prior to or in conjunction with preliminary plat, final engineering or final plat approval. The county manager and affected agencies shall not approve a waiver, unless they determine the following:

- (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.
- (2) The granting of the waiver will not be injurious to the other adjacent property.
- (3) The conditions, upon which a request for waiver are based, are peculiar 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.
- (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.
- (5) Delays attributed to state or federal permits.
- (6) Natural disasters.
- (7) County development engineer and affected agencies concur that an undue hardship was placed on the applicant.

If the county manager and affected agencies approves a waiver, the county development engineer may attach such conditions to the waiver to assure that the waiver will comply with the intent and purpose of this Code.

Appeals. The board of county commissioners shall hear appeals relating to any administrative decision or determination concerning implementation or application of article VIII provisions, and shall make the final decision approving or disapproving the decision or interpretation. Any request for appeal shall be submitted to the land development section within 30 calendar days of any decision or determination. Land development shall schedule a hearing before the board of county commissioners within 30 calendar days of receipt of the written request. The request shall contain the basis for the appeal and appropriate fees.

(Ord. No. 2005-14, § 5, 4-12-05; Ord. No. 09-17, § 4, 5-19-09)

Editor's note— Ord. No. 2005-14, § 5, adopted April 12, 2005, amended § 62-3207 in its entirety to read as herein set out. Formerly, § 62-3207 pertained to appeals and derived from Ord. No. 95-30, § 2, adopted July 11, 1995.