



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

9/17/2024

Subject:

Waiver Request, Re: Waiver of Wall Requirement for Met-Con Site Plan (24SP00002 and 24WV00022)
District 1

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

The applicant is requesting that the Board of County Commissioners grant a waiver of Section 62-3202(h)(10) which requires a 6-foot masonry or solid wall when commercial developments within a BU-1, BU-2, or Industrial are adjacent to residential zoning.

Summary Explanation and Background:

Section 62-3202(h)(10) stipulates that 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.

In this case, the subject property abuts a narrow 15-foot strip of residentially zoned properties to the west, and those properties are adjacent to the 25-foot county-maintained right-of-way for Brown Court. Residential properties abut the west side of Brown Court, with approximately 100' between the closest residence to the west and the location of the required wall. The proposed building will be located 291 feet from the west property line. The applicant asserts that the property has existed as a developed industrial site since 1984, and that development of the vacant lots to the west is not anticipated.

The Brevard County Natural Resource Management Department is in support of the waiver, noting that the waiver will allow for greater tree preservation and limited disturbance to the wetlands onsite and adjacent to the property. Existing fencing and mature vegetation provide adequate buffering, and constructing a masonry wall will negatively affect the existing landscape screening along the western boundary of the subject property.

As this waiver involves a buffer with adjacent property, Staff has not granted approval of the waiver and defers to the Board of County Commissioners. Should the Board approve the waiver, the waiver shall be subject to the criteria depicted in site plan 24SP00002 and must maintain the existing fencing and vegetation along the western property line; any future development, redevelopment, or alteration of the subject property that

modifies the site plan or reduces the vegetative buffer will void the wall waiver.

Clerk to the Board Instructions:



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

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

September 18, 2024

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

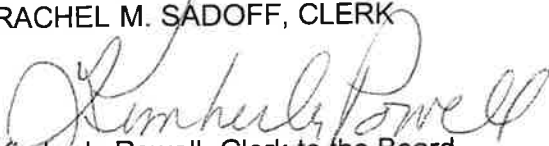
RE: Item F.2., Request for Waiver of Wall Requirement for Met-Con Site Plan (24SP00002 and 24WV00022)

The Board of County Commissioners, in regular session on September 17, 2024, granted a waiver of Section 62-3202(h)(10), which requires a six-foot masonry or solid wall when commercial developments within a BU-1, BU-2, or Industrial are adjacent to residential zoning.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm



BOARD OF COUNTY COMMISSIONERS

Planning and Development
Planning and Zoning
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

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 to Subdivisions, Minor Subdivisions, and Site Plans. Fees for Waivers are \$775.00.

Application Type:

Subdivision Waiver Site Plan Waiver Other

If other, please indicate

Tax Account Numbers:

24-36-06-00-258 Tax Account 1
24-36-06-00-251.1 Tax Account 2
24-36-06-00-257
24-36-06-00-252

Project Information and Site Address:

Met-Con Project Name KVI Canaveral Groves, LLC Property Owner
465 Canaveral Groves Blvd. Cocoa FL 32926
Street City State Zip Code

Applicant Information:

Mr. Robert Kinsley, II AIA, Authorized Person KVI Canaveral Groves, LLC
Applicant Name Company
6259 Reynolds Mill Road Seven Valleys PA 17360
Street City State Zip Code
717-741-8446 Primary Phone Secondary Phone rkinsley@kinsleyenterprises.com Email Address

Engineer/Contractor (if different from applicant):

Steve Monroe, P.E. Monroe Engineering, Inc.
Engineer or Project Manager Company

P.O. Box 121094 Melbourne FL 32912
Street City State Zip Code

321-544-8177 steve@monroe-engineering.com
Primary Phone Secondary Phone Email Address

Description of Waiver Request and Code Section:


Code Section 62-3202(h)(10) states: 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)

Existing Condition: The northerly 2/3 of this site is existing and started being developed +/-29 years before the referenced code requirement (1984). The southerly 1/3 of the site is currently vacant. The site is zoned IU Light Industrial and abuts residential zonings along the west property line (AU, TR-1 & TR-2) with exception of one BU-1 lot.

Waiver Request:
Request Waiver of Section 62-3202(h)(10).

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



 Mr. Robert Kinsley, II AIA, Authorized Person
Owner/Applicant Signature Print Name

Land Development Application Document Submittal Requirements

Waivers for Site Plans or Subdivisions require an application, waiver criteria (listed below), an 8 ½-inch x 11 inch vicinity map, and a fee of \$775.00.

Waiver Criteria for Subdivisions and 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 northerly 2/3 of this site is an existing developed industrial site, developed prior to 1999 (per Property Appraiser). The west property line has an existing 6' chain link fence installed along the property line. Application of the code would require removal & replacement of this fence.

The site is zoned IU Light Industrial and abuts residential zonings along the west property line (AU, TR-1 & TR-2) with exception of one BU-1 lot. The Brown Court right way also exists further west of the west property line. This is a 25' right of way. The residential lots in between range from 6' to 32' in depth. TR-1 & TR-2 require 25' front setback & 20' rear setback. They are not developable for residential use.

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

The northerly 2/3 of this site is existing and is a developed industrial site. The site is zoned IU Light Industrial and abuts residential zonings along the west property line (AU, TR-1 & TR-2) This is an existing condition. A future parking lot is proposed.

The southerly 1/3 of the site is proposed to be developed. The proposed building is +/-291' from the westerly property line. An existing natural buffer will be preserved and a proposed retention pond provided between the property line & proposed building. Though the westerly boundary abuts TR-1, those lands west of the property line appear to be primarily "Freshwater Emergent Wetlands" per Brevard County Natural Resources online viewer. Not injurious.

3. The conditions, upon which a request for waivers 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 northerly 2/3 of the site is an existing developed Industrial site with existing developed residential to the west. The existing developed residential is separated from the site by the Brown Court right of way (25' right of way) and vacant undeveloped lots that are not developable. Both are existing conditions.

The southerly 1/3 of the site is proposed for development. The abutting TR-1 to the west appears to be wetlands. Thus, future development is not anticipated for "Single Family Mobile Home" use.

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.

The intent of Code Section 62-3202(h)(10) is to provide a 6 foot high masonry or solid wall between residential zoning classifications and commercial zoning classifications. An existing 6' tall chain link fence exists on the northerly 2/3 of the site.

Though abutting zonings are residential (AU, TR-1 & TR-2), there space between Brown Road & the sites west property line range from 6' to 32'. These zoning classifications require a 25' front setback & 20' rear setback. Thus, these properties are undevelopable. They can not be developed for residential use.

5. Delays attributed to state or federal permits.

This project requires a SJRWMD permit & an FDEP NOI permit. No delays are anticipated.

6. Natural disasters.

Not applicable.

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

Office Use Only

Request Date

Fees

Board Date

Original Project Number

Waiver Number

Coordinator Initials

Reference Files

County Manager/Designee Approval



VICINITY

THE PLANNED PROJECT IS LOCATED ON THE EAST SIDE OF CANAVERAL GROVES BLVD. (SR 1745) BETWEEN BROWN COURT AND BROWN COURT. THE PROJECT IS SITUATED WITHIN THE 2003 FLORIDA BUILDING CODE ACCESSIBILITY AND EXISTING SURVEY.

OWNER: CANAVERAL GROVES, LLC
DESIGNER: MONROE ENGINEERING, INC.
PROJECT NO.: 24-0002
DATE: 01/27/2024

PROJECT AREA 1: 55,338 SF ± (10,838 AC)
PROJECT AREA 2: 28,794 SF ± (0.661 AC)
CONSTRUCTION TYPE: PRE-ENGINEERED METAL BUILDING, TYPE 10
MUNICIPALITY: BRVARD COUNTY
FUTURE USE: NO INDUSTRIAL

ADJACENT ZONING: MET-R17-1/71-1/71-1 EAST (FLORIDA EAST COAST RAILWAY)
CONTRACT NO. / PROJECT NO.: 24-0002 / 24-0002
DATE: 01/27/2024

LEGAL DESCRIPTION: SEE SHEET C-2
FLOOD ZONE: FLOOD ZONE 1-A A FOR FEMA MAP 1500002020A, DATED 1/29/21
AREA 1: 55,338 SF ± (10,838 AC)
AREA 2: 28,794 SF ± (0.661 AC)
CONSTRUCTION TYPE: PRE-ENGINEERED METAL BUILDING, TYPE 10
MUNICIPALITY: BRVARD COUNTY
FUTURE USE: NO INDUSTRIAL

NOTES:
 1. ALL PROPOSED ELEVATIONS ARE TO FINISH GRADE UNLESS OTHERWISE NOTED.
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MONROE ENGINEERING, INC.
 200 S. UNIVERSITY AVENUE, SUITE 200
 WEST PALM BEACH, FLORIDA 33411
 TEL: 561-833-1111 FAX: 561-833-1112
 WWW.MONROE-ENG.COM



TABLE 1: EXISTING AND PROPOSED PARKING

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TABLE 2: EXISTING AND PROPOSED PARKING

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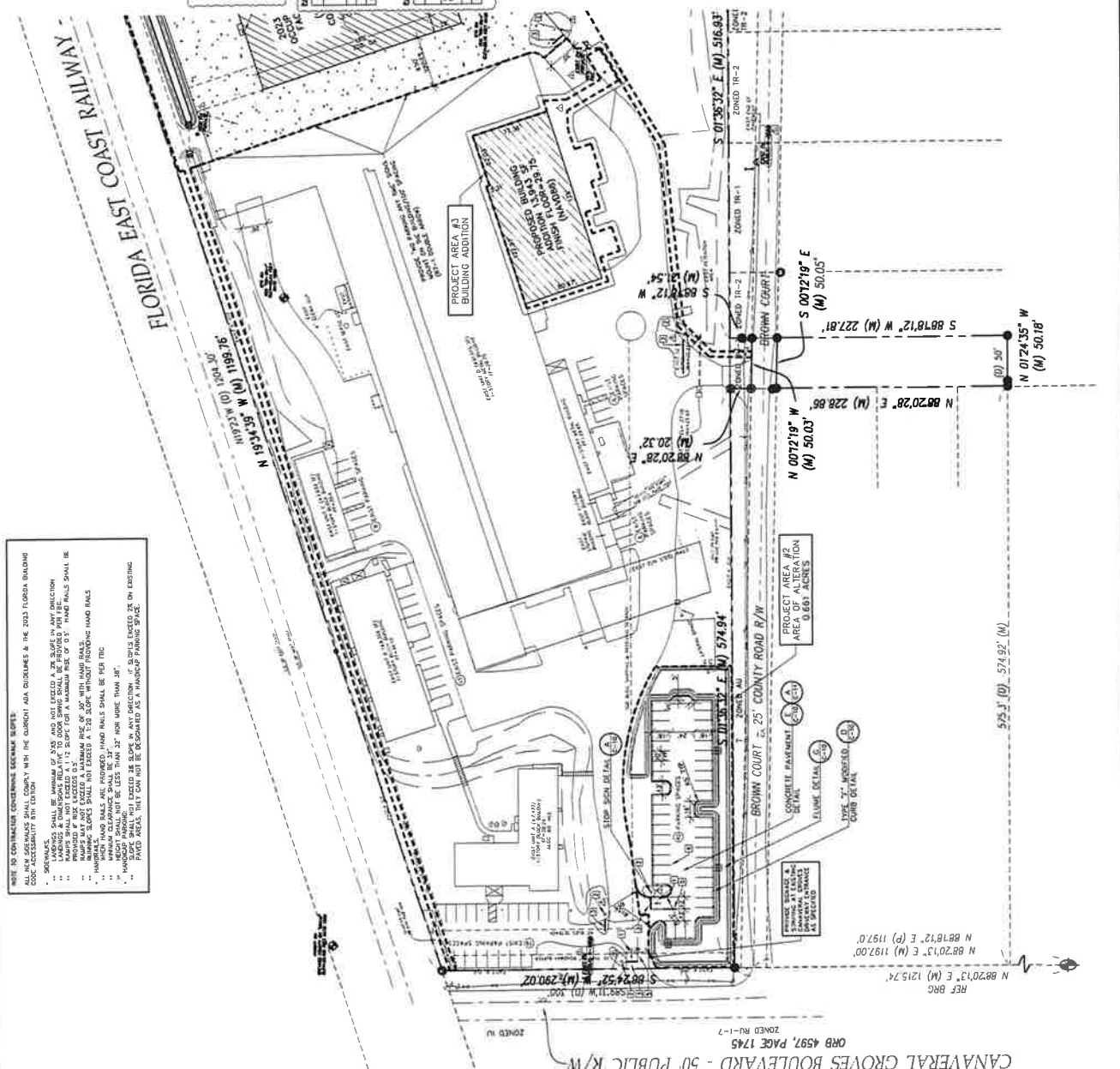
STANDARD L&M SYMBOLS:
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SIGNAGE & STRIPING LEGEND

NOTE: ALL STRIPING IN THE PLUMB LINE OF WAY & PROPOSED DRIVEWAY CONNECTION SHALL BE INTERMEDIATE.

DIGITAL SIGNATURE:
 THE USER HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY THE USER. THE USER'S NAME AND E-MAIL ADDRESS ARE PRINTED ON THIS DOCUMENT AND NOT CONSIDERED AS A SIGNATURE. THE USER'S NAME AND E-MAIL ADDRESS ARE PRINTED ON THIS DOCUMENT AND NOT CONSIDERED AS A SIGNATURE. THE USER'S NAME AND E-MAIL ADDRESS ARE PRINTED ON THIS DOCUMENT AND NOT CONSIDERED AS A SIGNATURE.



NOTE TO CONTRACTOR CONCERNING EXISTING SURVEY:
 1. THE CONTRACTOR SHALL VERIFY THE EXISTING SURVEY WITH THE 2003 FLORIDA BUILDING CODE ACCESSIBILITY AND EXISTING SURVEY.
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NOTE: THE CONTRACTOR CONCERNING SIDEWALK SLAVES

- ALL NEW SIDEWALKS SHALL COMPLY WITH THE CURRENT ADA GUIDELINES & THE 2022 FLORIDA BUILDING CODE ACCESSIBILITY 811 SECTION
- SLOPES SHALL BE MINIMUM OF 2% AND NOT EXCEED A 2% SLOPE IN ANY DIRECTION
- HAND RAILS SHALL BE 36" TO 42" HIGH AND HAVE A 1 1/2" DIA. RADIUS FOR A MAXIMUM RISE OF 30". HAND RAILS SHALL BE PROVED IF RISE EXCEEDS 6" OR A RISE OF 30" WITH HAND RAILS
- RAMPING SLOPES SHALL NOT EXCEED A 1:20 RISE WITHOUT PROVIDING HAND RAILS
- WITH HAND RAILS AND PROVED: HAND RAILS SHALL BE 36" TO 42" HIGH
- RAMPING SLOPES SHALL NOT EXCEED A 1:20 RISE WITH 3" RISE MORE THAN 36"
- PAVED SURFACES SHALL NOT BE SEPARATED BY A UNDESIRABLE TRAMPING SPACE

PROJECT AREA #1
AREAS WITH
TOTAL 12.658 ACRES

FLORIDA EAST COAST RAILWAY - 100 PRIVATE R/W



GENERAL SITE MEASUREMENT CALCULATIONS BASED ON SUBMITTALS

| LINE | BEARING | DISTANCE | NORTHING | EASTING |
|------|---------------|----------|----------|----------|
| 1 | N 88°18'56" E | 1199.76' | 1198.17' | 1198.84' |
| 2 | S 88°18'56" E | 1199.76' | 1198.17' | 1198.84' |
| 3 | S 92°51'28" W | 1203.30' | 1198.17' | 1198.84' |
| 4 | N 92°51'28" E | 1203.30' | 1198.17' | 1198.84' |

202402

N 88°18'56" E (M) 839.59'
N 87°37'13" E (M) 839.59'



SIGNAGE & STRIPING SHALL BE PER FOOT REQUIREMENTS

- 1) WHITE DIRECTION ARROWS: 10' PER FOOT REQUIRED - 70" DIA. SLOTTED 1" OF 1"
- 2) 24" WIDE WHITE STOP SIGN (MIN 4' CLEAR OF CROSSING)
- 3) 24" WIDE WHITE STOP SIGN (MIN 4' CLEAR OF CROSSING)
- 4) 24" WIDE WHITE STOP SIGN (MIN 4' CLEAR OF CROSSING)
- 5) 4" SQUARE YELLOW SIGNS

NOTE: ALL STRIPING IN THE PUBLIC RIGHT OF WAY & PROPOSED DRIVEWAY CONSTRUCTION SHALL BE INDICATED

SIGNAGE & STRIPING

MONROE ENGINEERING, INC.

CIVIL ENGINEER & STRUCTURAL ENGINEER
P.O. BOX 121004, WEST MELBOURNE, FL 32912
PHONE: 321-544-8777 FAX: 321-544-8778
CA #2271

SITE PLAN - SOUTH
DATE: 06-25-24
SCALE: 1/4" = 40'

SHEET NO. 21-023
SHEET TOTAL 2-3

SIGNATURE

DIGITAL SIGNATURE

THIS HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY THE EXPIRES OF THIS DOCUMENT ARE NOT CONSIDERED VALID UNLESS THEY ARE VERIFIED ON ANY E-VERIFY COMES

S 01°36'32" E (M) 551.93'
S 91°20'57" E (M) 551.65'

PROJECT AREA #3
BUILDING ADDITION

PROPOSED 8' X 35' 9" BUILDING (MAX. 10' 6" HIGH)

Digitally signed by Steven W Monroe Date: 2024.07.05 15:59:12 -0400



S 01°36'32" E (M) 516.93'
S 07°12'19" E (M) 501.05'

PROJECT AREA #2
BUILDING ADDITION

PROPOSED 8' X 35' 9" BUILDING (MAX. 10' 6" HIGH)

S 01°36'32" E (M) 516.93'
S 07°12'19" E (M) 501.05'

91°2' W (M) 227.81'
S 00°12'19" E (M) 501.05'

202°28' E (M) 228.86'

19°1' W (M) 227.81'



Canaveral Groves Blvd

PROPERTY OF
SEVIER COUNTY, TN
2014-01-01 11:21:40 AM

C/L OF EAST TRACK
C/L OF WEST TRACK

EXIST UNIT C (4-3)
EXIST BLOCK E
1-5 STORY FF=30.6



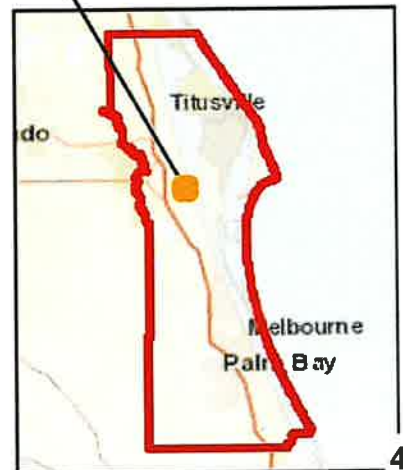
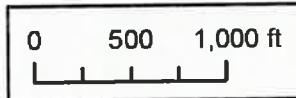
Location Map



Subject Property in Orange

Disclaimer: 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.

Scale: 1:12,000
1 inch equals 1,000 feet



Print Time: 8/19/2024 1:45 PM

