

Meeting Date
August 23, 2016



AGENDA	
Section	Unfinished Business
Item No.	V A

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

<b>SUBJECT:</b>	BOARD APPROVAL RE: MODIFICATION OF A PREVIOUSLY APPROVED WAIVER FOR FLORES DE LA COSTA CONDOMINIUM DEVELOPER: DAVID E. SUAYA DISTRICT 2 FISCAL IMPACT: NONE
<b>DEPT/OFFICE:</b>	PLANNING & DEVELOPMENT DEPARTMENT/LAND DEVELOPMENT

**Requested Action:**

The applicant is asking for reconsideration of a previously approved waiver 15WV00016 that reduced the required right-of-way and pavement widths for local public streets established in Sections 62-2956(a)(1) & (2) for Flores De La Costa Condominium.

**Summary Explanation & Background:**

On October 20, 2015 the applicant requested a waiver to Section 62-2956(a)(1) and (2) to reduce the standard 50ft right-of-way width and 22ft pavement width requirements on local public streets for Flores De La Costa Condominium development. The Board granted the waiver allowing the 12 unit condominium to have access via a one way 12ft of right-of-way utilizing an 8ft additional easement from the property to the south and no additional easement or right-of-way to the north. This approval was subject to following conditions:

1. That the developer place all utilities underground within the right-of-way;
2. That the developer execute an agreement with the property owners along Turtle Beach Lane that there be no cost to said property owners for any of the developer's improvements or the reconnection to underground utility service;
3. That the developer obtain formal written consent from the Condominium Association to the south granting the eight foot easement through their property; and
4. That acceptance of said easement referenced in condition #3 above will come back to the Board at a later date.

During the site plan design process, the configuration of the site improvements have significantly changed from the plan presented to the Board with 15WV00016. The applicant was not able to obtain the eight foot easement required in condition #3 from the condominium association to the south. The 8ft easement is now on the west side of Turtle Ln. In addition, the new plan contains 2 additional condominium units for a total of 14 units. Pursuant to Section 62-3207(a) approval of this request is beyond Staff's administrative authority; therefore it is requested that the Board of County Commissioners evaluate the proposal.

If the Board chooses to grant the waiver, they should consider modifying the existing conditions of approval as follows:

1. The developer place underground all utilities within the right-of-way;
2. That the developer execute an agreement with the property owners along Turtle Beach Lane that there be no cost to said property owners for any of the developer's improvements or the reconnection to underground utility service;
3. That the owner of 326 Wilson Ave. (Tax Account No. 2435834) shall convey 8ft public right-of-way easement abutting the western right-of-way line of Turtle Lane as depicted on Site Plan 15SP00009 prior to County acceptance of the Turtle Lane improvements.

Reference: 15SP00009, 15WV00016

Contact: Tad Calkins

Phone: 321-633-2065

Clerk to the Board instruction:

Exhibits Attached: Plans, Waiver request 15WV00016, 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

John Denninghoff, PE  
 Public Works Ext 5-7202



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

August 30, 2016

MEMORANDUM

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

RE: Item V.A., Approval for Modification of a Previously Approved Waiver for Flores De La Costa Condominium – David E. Suaya

**This is to correct the memorandum of August 24, 2016.** The Board of County Commissioners, in regular session on August 23, 2016, **granted** waiver 15WV00016 for Flores De La Costa Condominium with modification to the previous conditions for approval that the developer place underground all utilities within the right-of-way; the developer execute an agreement with the property owners along Turtle Beach Lane that there be no cost to said property owners for any of the developer's improvements or the reconnection to underground utility service; and the owner of 326 Wilson Avenue (Tax Account No. 2435834) shall convey eight foot public right-of-way easement abutting the western right-of-way line of Turtle Lane as depicted on Site Plan 15SP00009 prior to County acceptance of the Turtle Lane improvements.

Your continued cooperation is greatly appreciated.

Sincerely yours,

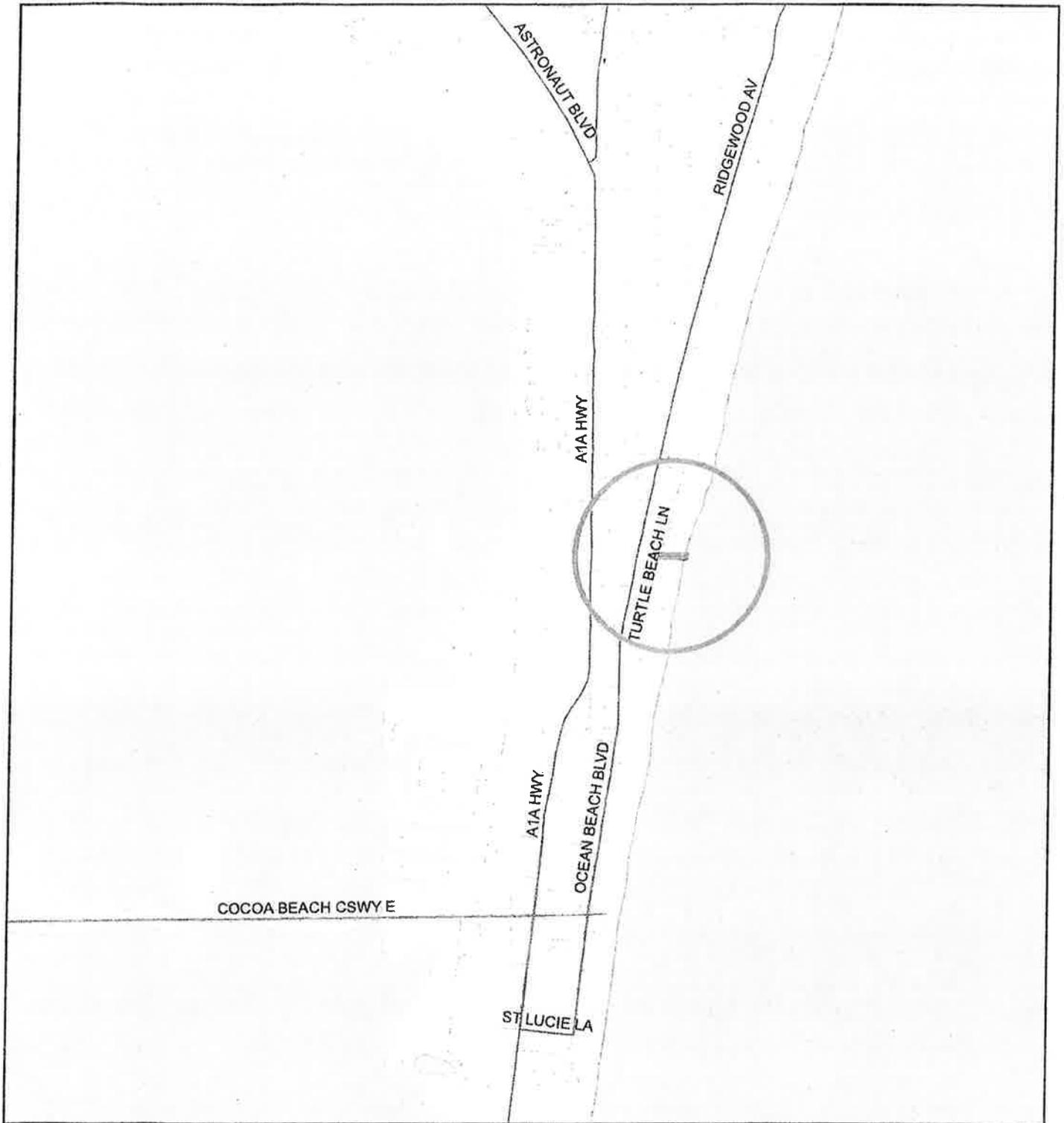
BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

cc: County Manager  
Public Works Director

LOCATION MAP  
FLORES DE LA CONDOMINIUM  
15SP00009



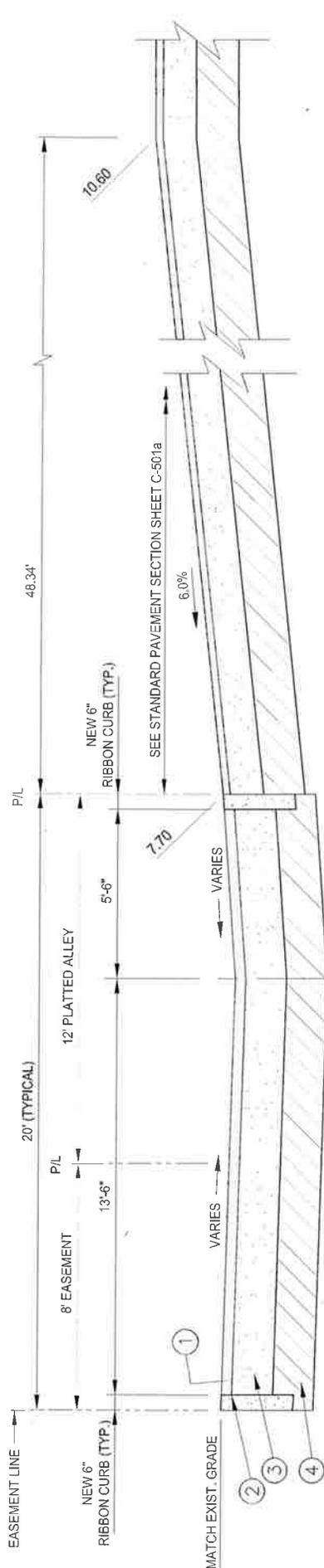
1:24,000 or 1 inch = 2,000 feet

 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: 7/27/2015





- ① ROAD SURFACE COURSE:  
2" OF SP-12.5 ASPHALT AND TESTED PER FDOT AND/OR BREVARD COUNTY STANDARD REQUIREMENTS.  
PRIME COAT: PER FDOT STANDARD SPECIFICATIONS, LATEST EDITION, SECTION 300.
- ② ROAD ROADWAY BASE:  
8" LIMEROCK OR CEMENTED COQUINA MIN. LBR 100, COMPACTED TO MIN. 98%  
MAX DENSITY PER AASHTO T-180.
- ③ ROAD ROADWAY SUBGRADE:  
8" TYPE B. STABILIZED TO MIN. LBR 40, COMPACTED TO MIN. 98%  
MAX DENSITY PER AASHTO T-180.



# CROSS SECTION

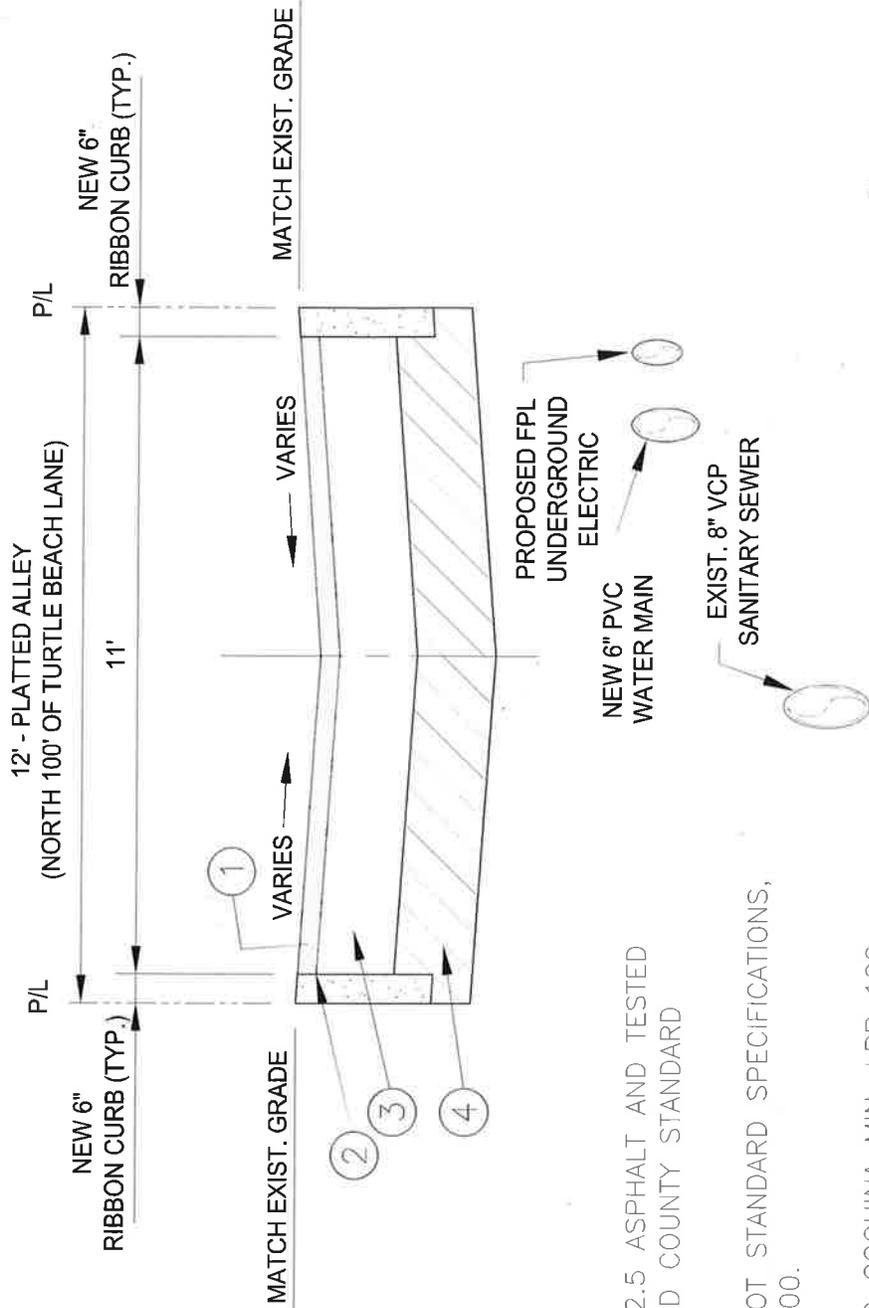
SCALE: N.T.S.

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 FOR COMMISSION  
 APPROVAL

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 ALLEN ENGINEERING, INC.

<b>DOROUGH BROTHERS PROPERTIES I, LLC</b>	DATE 07-08-16
<b>FLORES DE LA COSTA CONDOMINIUM BREVARD COUNTY, FLORIDA CROSS SECTION - A AND B</b>	SCALE N.T.S.
<b>ALLEN ENGINEERING, INC.</b> FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 266 P.O. BOX 321321 COCOA BEACH, FLORIDA 32932-1321 TELEPHONE: (321)753-7443 FAX: (321)753-5902 E-MAIL: info@alleneng.net	JOB NO. 040094-1
	DRAWN DFA
	SHT. NO. EXH-2

NO.	DATE	REVISION



**TYPICAL ROAD CROSS SECTION**

SCALE: N.T.S.

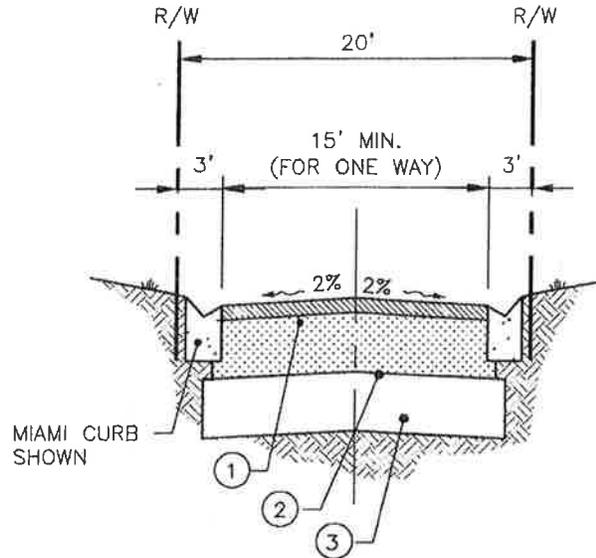
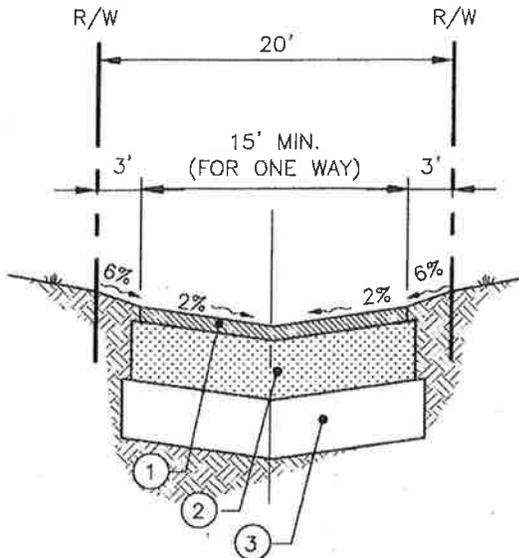
- ① ROAD SURFACE COURSE:  
2" OF TYPE S-1 OR SP-12.5 ASPHALT AND TESTED PER FDOT AND/OR BREVARD COUNTY STANDARD REQUIREMENTS.
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- ④ ROAD ROADWAY SUBGRADE:  
8" TYPE B. STABILIZED TO MIN. LBR 40, COMPACTED TO MIN. 98% MAX DENSITY PER AASHTO T-180.

**SUBMITTED  
FOR COMMISSION  
APPROVAL**

DATE	07-06-16
SCALE	N.T.S.
JOB NO.	040094.1
DRAWN	DPA
SHT. NO.	EXH-3
<b>DOROUGH BROTHERS PROPERTIES I, LLC</b> <b>FLORES DE LA COSTA CONDOMINIUM</b> <b>BREVARD COUNTY, FLORIDA</b> <b>CROSS SECTION - B</b>	
<b>ALLEN ENGINEERING, INC.</b> FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 266 P.O. BOX 321321 COCOA BEACH, FLORIDA 32932-1321 TELEPHONE: (321)783-7443 FAX: (321)783-5902 E-MAIL: info@alleneng.net	
MICHAEL S. ALLEN, P.E. 45796 *** DAVID A. LAVENDER, P.E. 66400 DONALD F. ROBERTS, P.E. 9131	

NO.	DATE	REVISIONS

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ALTERNATE 1

ALTERNATE 2

NOTE: BASE TO EXTEND 6" PAST ASPHALT AND SUBGRADE IS TO EXTEND 6" PAST THE BASE (IN ALL CASES).

## ONE-WAY ALLEY CROSS SECTIONS

REV.	

BREVARD COUNTY LAND DEVELOPMENT  
2725 JUDGE FRAN JAMIESON WAY, VIERA, FL 32940

**EXHIBIT - 5**

DATE:  
MAY-2008

Meeting Date
October 20, 2015



AGENDA	
Section	New Business
Item No.	VI, A, 1.

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

SUBJECT:	BOARD WAIVER RE: RIGHT-OF-WAY AND PAVEMENT WIDTH REQUIREMENTS FOR FLORES DE LA COSTA CONDOMINIUM DEVELOPER: DAVID E. SUAYA FISCAL IMPACT: NONE DISTRICT 2
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

**Requested Action:**

The applicant is asking for waivers to Section 62-2956(a)(1) & (2) to reduce the right-of-way width and pavement width requirements for local public streets.

**Summary Explanation & Background:**

Section 62-2956(a) (1) & (2) of the Code provides technical requirements for roadway standards. This section establishes minimum right-of-way width of 50 feet and pavement width of 22 feet for local streets. The 50 foot standard for local streets includes 22 feet for pavement along with 2 foot curbs on each side, swales and a 5 foot sidewalk on each side of the street.

The applicant is proposing a one-way alley design standard on Turtle Beach Lane within a 12' right-of-way utilizing an additional 8' easement from the property to the south, and no additional easement or right-of-way to the north. The proposed development is located on 2 existing lots with 7 existing multifamily units. The proposed development will increase the count to 12 units. The County's design standard for a one-way alley is a minimum width of 20' right-of-way with a minimum of 15 feet of pavement. Alleys are normally used for the purpose of secondary access or service access at the rear of a lot.

Turtle Beach Lane is the only access for the subject property and the three single family properties to the north and west. The project will adding 5 additional units to the property and would generate an additional 23 trips per day.

Staff has denied the request for an administrative approval of the reduction in right-of-way standards due to concerns regarding pavement width and lack of sidewalk area. The applicant requests that the item be presented to the Board for consideration.

The applicant's responses on the following pages are in **bold** and staff's comments are *italicized*.

Reference: 15SP00009, 15WV00016

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  
 Robin M. Sobrino, AICP *Robin M. Sobrino*  
 Planning & Development Department Ext. 5-2069  
 John Denninghoff, PE *John Denninghoff*  
 Public Works Ext. 5-7202

**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,

**Lots 13 and 14, Block 98 of Avon by the Sea** are a 1.05 acre parcel abutting Turtle Beach Lane, a 12-ft. wide public alley, with no other forms of ingress or egress. The site is zoned R-U-15 allowing 15 units per acre.

**Flores De La Costa** is a proposed 12-unit condominium with a single driveway connection to Turtle Beach Lane. Turtle Beach Lane is currently paved to a width between 7 and 8 feet. The proposed request are for waivers from LDR Section 62-2956 (a)(1) requiring a minimum 50-ft right-of-way width, LDR section 62-2956 (a)(2) requiring a minimum pavement width of 22-ft, and Land Development Design Exhibit 5 showing a minimum one way alley width of 20-ft with 15-ft paved.

The undue hardship is due to the fact the owner can not fully utilize his property to build to a density as allowed by the zoning regulations without obtaining additional right-of-way from the adjacent properties, which could ultimately affect the allowable density and use of those properties. This hardship was created when the County vacated Ocean Boulevard on February 27, 1951 (Deed Book 345, Pages 510-538?) leaving lots 13 and 14 with a 12' alley as the only public access.

*Staff finds the existing right-of-way dedication of 12 feet in width does not meet development standards for the minimum width required for access.*

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

Granting the waiver will not be injurious to the other adjacent properties as the owner has agreed to widen the 12-ft alley to 20-ft from Wilson Avenue north for 150-ft then taper to 12-ft for the remaining 100-ft to Taft Avenue. The property owner to the south has agreed to provide an 8-ft easement to allow for the construction of the 20-ft paved section from Wilson Avenue. The owner has also agreed to place the overhead utilities underground. Thus, it can be argued that granting the waiver will improve the condition of the alley which is currently paved between 7 and 8 feet.

*The property adjacent to the subject property to the south is developed as the Surf Side Villa condominiums and zoned RU-2-30, and built in 1962 with 9 units. The adjacent property to the north is a single family residence is zoned RU-2-15, and was built in 1954. There are two adjacent single family properties west of Turtle Beach Lane zoned RE-2-15, the one at 6002 Turtle Beach was built in 1982 and the one at 326 Wilson was built in 1979. Both of these are coded as single family on the Property Appraiser's website. Both residents have frontage on another public street, Taft Avenue to the north, and Wilson Avenue to the south, but their only access is on Turtle Beach Lane.*

*The adjacent properties which take access on the alley will be affected in that they would have a one-way access should the waiver be approved.*

**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,

This condition is particular to this property as very few properties in Avon by the Sea are constructed on 12-ft alleys that restrict the allowed use of the property. Again, this condition was created in 1951 when Brevard County vacated Ocean Boulevard thus allowing the only access to lots 13 and 14 block 98 to be a 12-ft alley.

*Staff finds the current owner bought one of the parcels in 1999 and the other in 2002. The condition existed prior to multi-family units being constructed, and the applicants actions would further increase traffic on an inadequate right-of-way. The radii at the intersecting streets to the north and south does not allow for turn movements of large trucks within the right-of-way.*

**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,

These waivers are consistent with the intent and purpose of the County Zoning Regulations and Land Use plan as this property is Zoned RU-2-15 for Medium Density Multifamily Residential use. Proposed is a 12-Unit condominium.

*Staff has made the finding that the application is not consistent with the intent of the code. The right-of-way widths and pavement standards are generally considered minimum standards and implemented to preserve and protect the public. These guidelines and standards provide a framework for development, allowing sufficient flexibility to balance quality of development, safety, cost and other important community values. Staff has denied the waivers and defers to the board of County Commissioners to review the appeal*

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

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

No

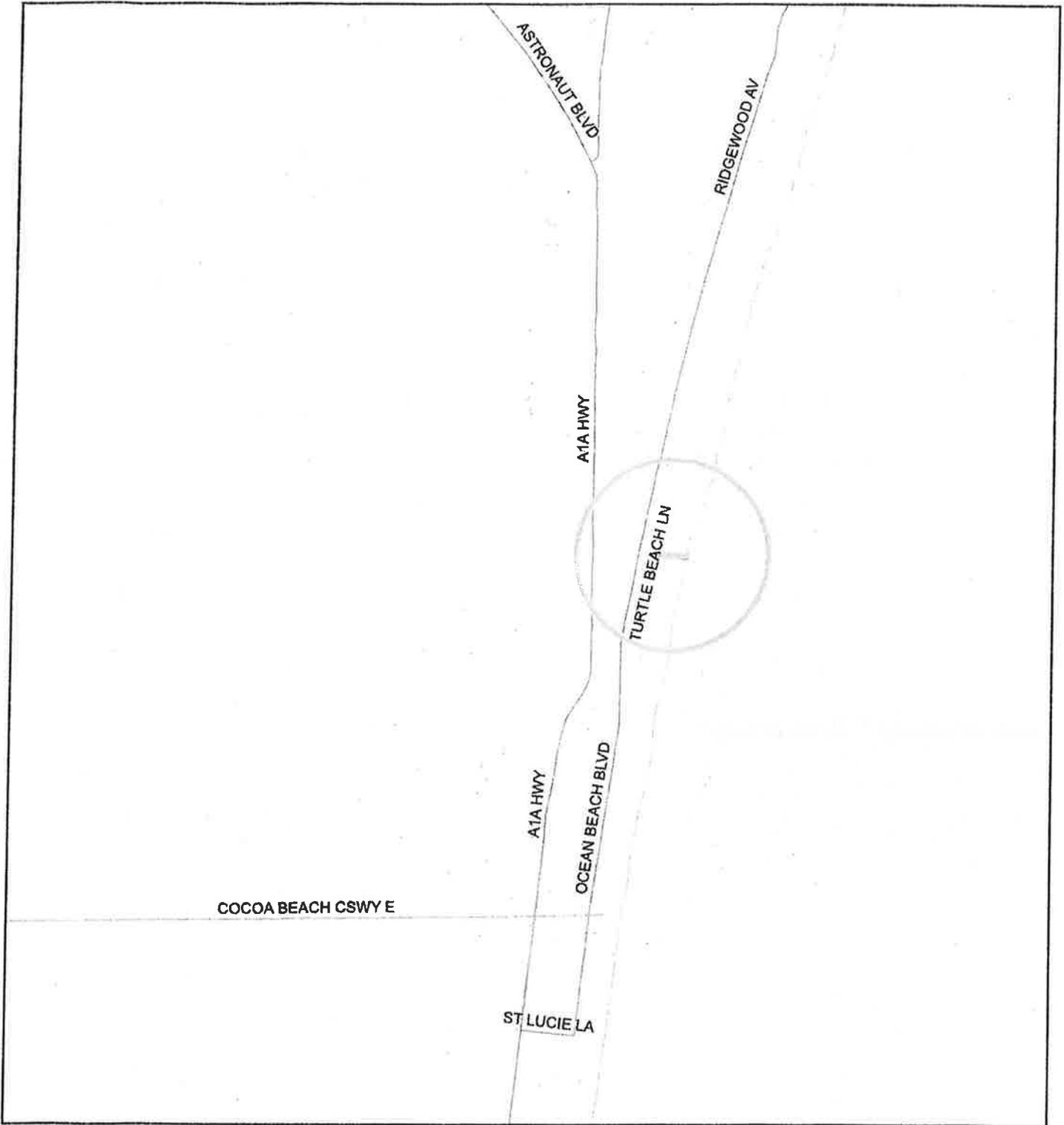
*Criteria not applicable to this application.*

**Criteria 7:** The county land development division and affected agencies concur that undue hardship was placed on the applicant.

**No**

*Staff defers to the Board of County Commissioners.*

LOCATION MAP  
FLORES DE LA CONDOMINIUM  
15SP00009



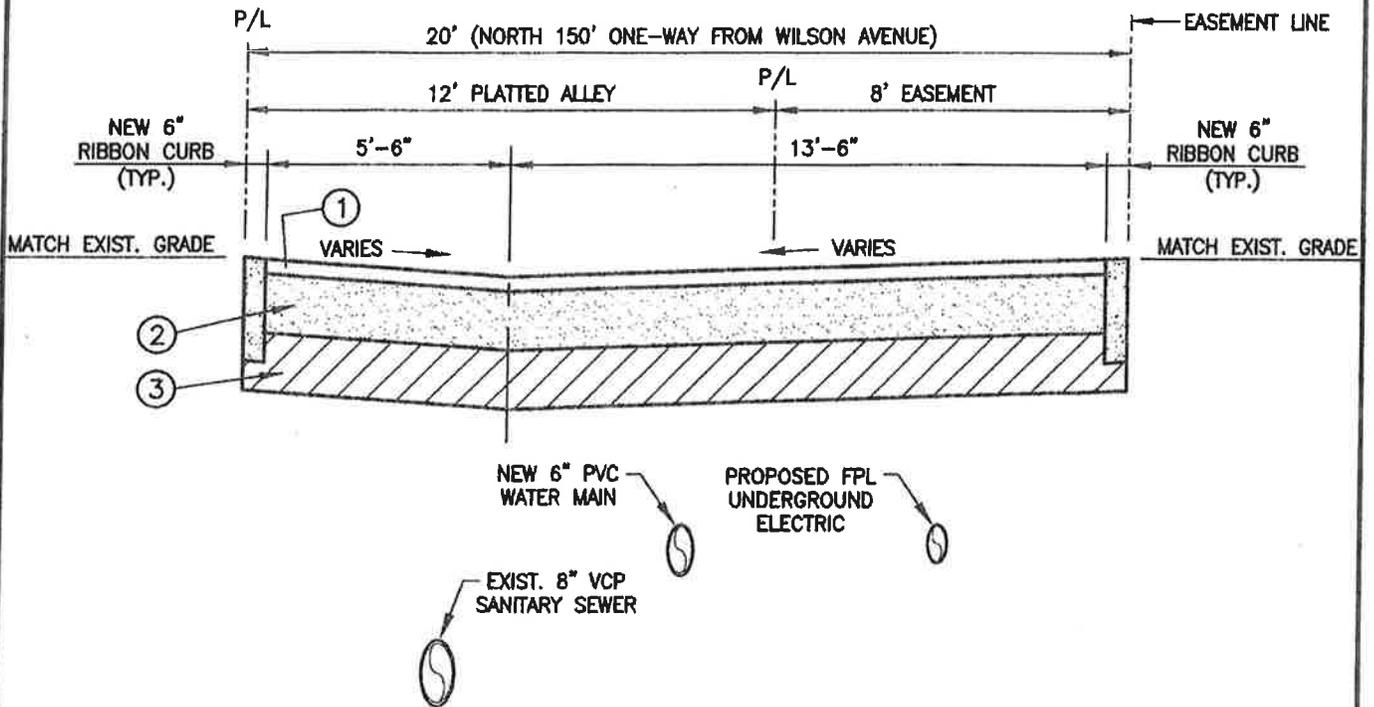
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 Subject Property

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Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/27/2015

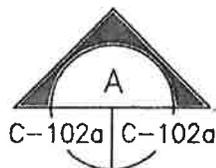




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## ROAD CROSS SECTION

SCALE: N.T.S.

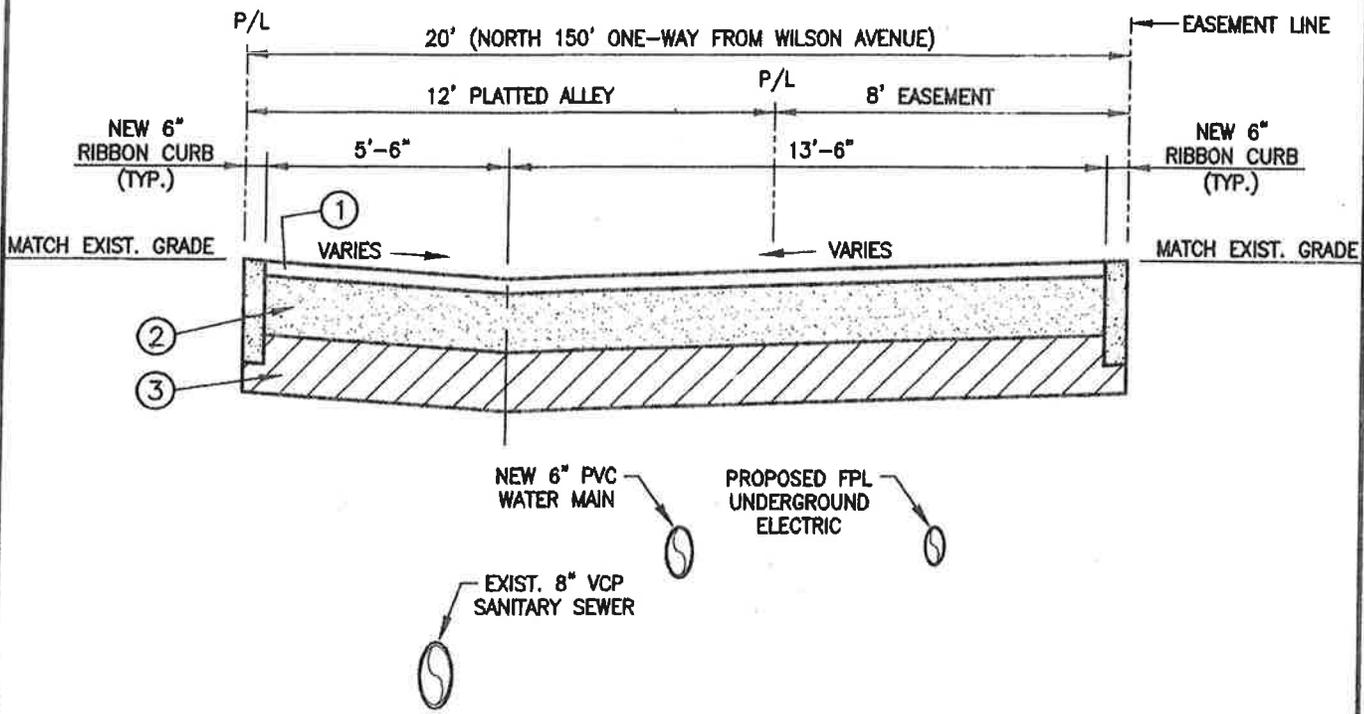


SUBMITTED FOR WAIVER TO QUEST

REPRODUCTION IN PART OR WHOLE IS PROHIBITED WITHOUT THE EXPRESS WRITTEN PERMISSION FROM ALLEN ENGINEERING, INC.					
DATE					
BY					

<b>CHARLIE BOYD CONSTRUCTION</b>	DATE 10-07-18
FLORES DE LA COSTA CONDOMINIUM BREVARD COUNTY, FLORIDA ROAD CROSS SECTION 'A'	SCALE N.T.S.
<b>ALLEN ENGINEERING, INC.</b> FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 268 P.O. BOX 321321 COCOA BEACH, FLORIDA 32932-1321 TELEPHONE (321)763-7443 FAX (321)763-8402 E-MAIL: info@alleneng.net	JOB NO. 04008-4.1P
	DRAWN DPA
	SHT. NO. EX-2

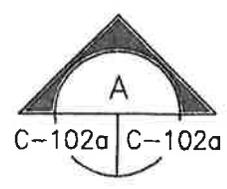
RODOLFO E. ALLEN, P.E. 40794 AND DAVID A. LAWRENCE, P.E. 60460  
DONALD F. ROBERTS, P.E. 8131



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**ROAD CROSS SECTION**

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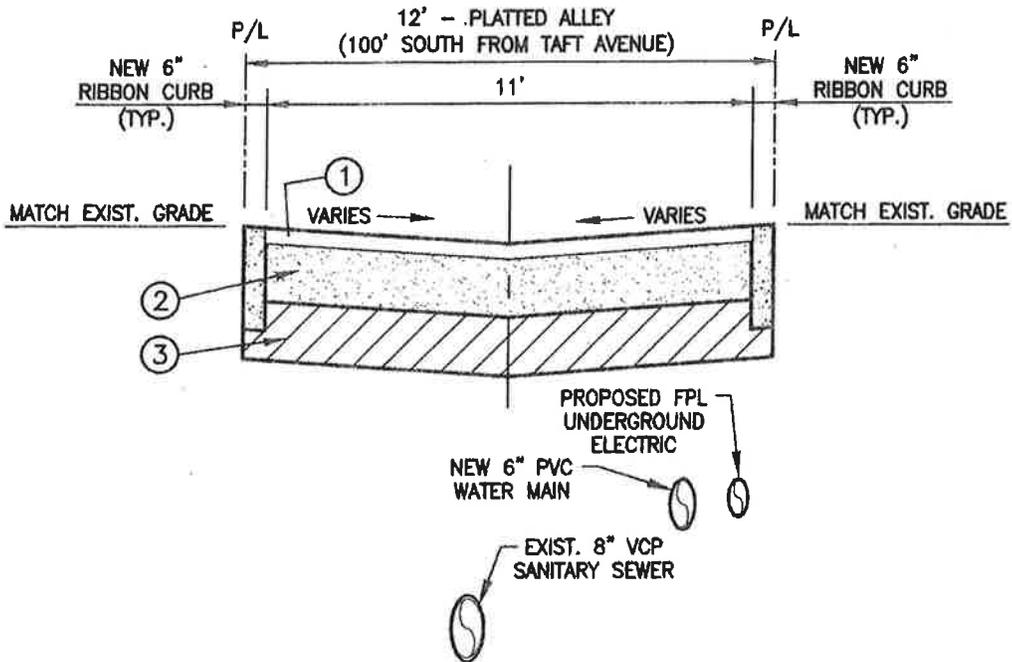


SUBMITTED  
FOR WAIVER REQUEST

REPRODUCTION IN PART OR WHOLE IS PROHIBITED WITHOUT THE EXPRESS WRITTEN PERMISSION FROM ALLEN ENGINEERING, INC.	NO.	DATE	BY

<b>CHARLIE BOYD CONSTRUCTION</b>	DATE 10-07-15
FLORES DE LA COSTA CONDOMINIUM BREVARD COUNTY, FLORIDA ROAD CROSS SECTION "A"	SCALE N.T.S.
<b>ALLEN ENGINEERING, INC.</b> FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 2008 P.O. BOX 321321 OCOEE BEACH, FLORIDA 32832-1321 TELEPHONE (321)703-7443 FAX (321)703-8002 E-MAIL: info@alleneng.com	JOB NO. 040084.1P
	DRAWN DPA
	SHT. NO. EX-2

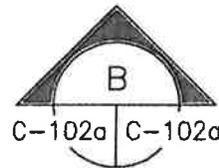
DONALD E. ALLEN, P.E. 00783 \*\*\* DAVID A. LAYBROOK, P.E. 00400  
DONALD F. ROBERTS, P.E. 01171



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**ROAD CROSS SECTION**

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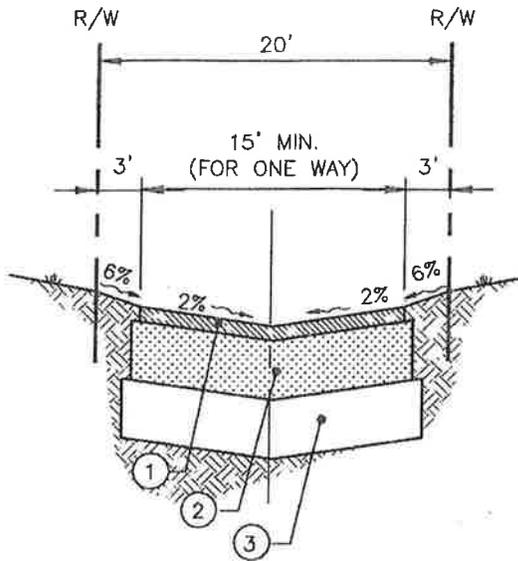


SUBMITTED FOR WAIVER REQUEST

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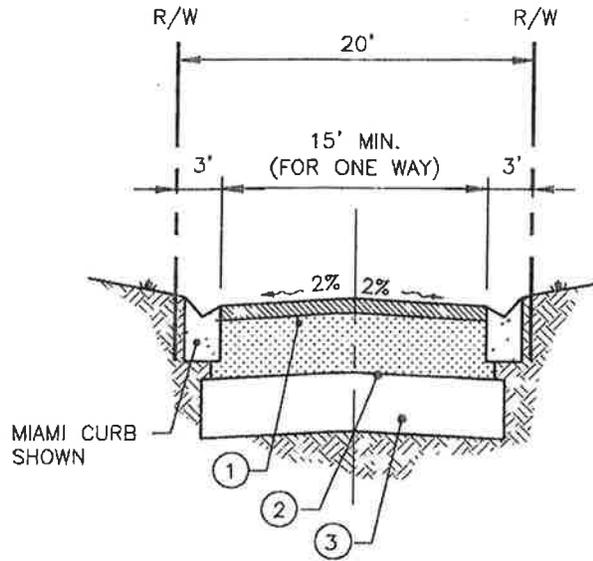
<b>CHARLIE BOYD CONSTRUCTION</b>	DATE 10-07-15
FLORES DE LA COSTA CONDOMINIUM BREVARD COUNTY, FLORIDA ROAD CROSS SECTION "B"	SCALE N.T.S.
ALLEN ENGINEERING, INC. FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 288 P.O. BOX 321321 COCOA BEACH, FLORIDA 32932-1321 TELEPHONE (321)763-7443 FAX (321)763-8001 E-MAIL info@alleneng.net	JOB NO. 040084.1P
	DRAWN DPA
	SHT. NO. EX-3

MICHAEL B. ALLEN, P.E. 48798 \*\*\* DAVID A. LANDRICK, P.E. 05409  
DONALD F. ROBERTS, P.E. 9131



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ALTERNATE 1



- ① ROADWAY SURFACE COURSE: 2" OF TYPE S-1 OR FC-12.5 ASPHALT AND TACK COAT PER FDOT SECTION 300 TESTED PER FDOT REQUIREMENTS
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ALTERNATE 2

NOTE: BASE TO EXTEND 6" PAST ASPHALT AND SUBGRADE IS TO EXTEND 6" PAST THE BASE (IN ALL CASES).

## ONE-WAY ALLEY CROSS SECTIONS

REV: \_\_\_\_\_

BREVARD COUNTY LAND DEVELOPMENT  
2725 JUDGE FRAN JAMIESON WAY, VIERA, FL 32940

EXHIBIT - 5

DATE:  
MAY-2008