

Meeting Date
September 1, 2015



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

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	WAIVER OF 15 FOOT BUFFER TRACT RE: VISIONS TWENTY SUBDIVISION RR DEVELOPER: MICHAEL GAICH FISCAL IMPACT: NONE DISTRICT 2
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:

The applicant requests the approval of a waiver to Section 62-2883(d) which requires a 15 foot buffer tract along the perimeter of a residential subdivision.

Summary Explanation & Background:

The applicant is requesting that the Board approve a waiver to Section 62-2883(d) of the required 15 foot perimeter natural buffer tract along the perimeter of a plat boundary of a residential subdivision. The buffer tract requirement is a requirement of a residential subdivision, intended to provide separation and screening between adjacent developments. The applicant proposes that the buffer be contained in a 15 foot easement recorded on the plat, as opposed to a separate tract.

Visions Twenty subdivision is a 2 lot residential subdivision for the purpose of creating a private street. Upon recordation of the plat, the applicant plans to submit a site plan for condominiums. A condominium development does not require platting, however the application wishes to create a private street and create a lot which will also provide buffering.

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*.

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,
As shown on the preliminary plat and site plan drawings which accompany this application, the subject site has several unique physical conditions and characteristics which cause an undue hardship to the applicant without granting of the requested waiver. First, a substantial portion of the property (2.67 acres) is considered jurisdictional wetlands which must be preserved in accordance with the existing SJRWMD and UACOE permits for the site. Except for the entrance way (proposed private cul-de-sac road), the entire west line of the property, and the western half of the north property line are part of a conservation easement which is required as a part of those permits. Creating a landscape buffer tract is a potential encumbrance to this conservation easement which would effect our existing permits. A landscape buffer is not required for these area since all of the existing vegetation (which is significant) will be preserved. It is also noted that the conservation easement extends offsite to the North, as a part of the adjacent condominium project, Laguna Vista.

Reference: 15WV00017

Clerk to the Board instruction:

Exhibits Attached: Location maps, waiver application

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

County Manager

Stockton Whitten

Department Director

Robin M. Sobrino
 Robin M. Sobrino, AICP
 Planning & Development Department
 Ext. 5-2069

(continued)

Similarly, there are areas along the South property line which must be preserved in accordance with the permits. Creating a separate Tract over these areas will effect our environmental permits, and is not necessary because the land is proposed for permanent preservation, thereby ensuring that a buffer will exist for any future uses. It is also noted that the site to the north is developed as a condominium project, which will be very similar to the project proposed for this parcel.

Staff recognizes that the proposed preservation of wetlands in accordance with St Johns River Water Management District creates a hardship in complying with conflicting County Code for the buffer tract for a majority of the northerly portion of the property.

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

The granting of this waiver will not be injurious to any other adjacent property, based on the wetlands conservation areas as described in Item 1 above and the proposed 15 foot landscape buffer easement shown on the plans for the other areas of the project. It is noted that a single family residence is located along the river south of this project and the drawings reflect a landscaped berm for this location, where there is very little existing vegetation. We will provide a landscaped berm buffering within the 15 ft. buffering within the 15 ft. buffer easement as required. This will be equivalent to or exceed the requirements of the 15ft. buffer tract code referenced herein.

Staff finds the adjacent property to the north is zoned RU-2-10(6) and developed as condominiums. The adjacent property to the south is zoned as RU-1-11, with the majority of the property vacant land and to the rear along the river is a single family house.

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 unique location of the wetlands to be permanently preserved, as well as the adjacent property configuration and wetlands limits and existing development are unique to the subject parcel and are not generally applicable to other properties. These existing physical conditions do not result from the actions of the applicant, and are primarily the result of the required preservation of wetlands through the environmental permitting process.

Staff recognizes the existence of the wetlands which provide a natural buffer.

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,

This waiver is consistent with the intent and purpose of the County zoning regulations and requirements of section 62-2883(d), since a minimum 15 ft. buffer will be provided around the entire property limits, either through conservation of existing wetlands vegetation areas, or planting of landscape in applicable and appropriate locations. We are only asking for a waiver from the "Tract" requirement to an "easement".

Staff has made the finding that the application is consistent with the intent of the code 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.



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

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director

RE: Item VI.A.1., Waiver of 15-Foot Buffer Tract for Visions Twenty Subdivision – Michael Gaich

The Board of County Commissioners, in regular session on September 1, 2015, approved Michael Gaich request of a waiver to Section 62-2883(d), which requires a 15-foot perimeter natural buffer tract along the perimeter of a plat boundary of a residential subdivision.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

✓ Tammy Etheridge, Deputy Clerk

/kg

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 \$ 500⁰⁰ Board Date: _____
Original Project # 15SD00006 Waiver # 15WV00017
Coordinator Initials: _____ Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 26 Rng. 36 Sec. 1 S/D _____ Blk/Par 500 Lot(s) _____ (List all parcels)

Tax Account # ('s): 2600109, _____, _____ (List all account numbers)

Project Name: Visions Twenty Property Owner: Visions Twenty, Inc.

Site Address: US Highway No. 1 South of Viera Blvd.

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Michael Gaich, President Company: Visions Twenty, Inc.
Address: 7025 N. Wickham Rd. #103 E-Mail mgaich@michaelgaich.com
City: Melbourne State FL Zip 32940
Phone 321 453-4200 Fax 321 452-7751 Cell _____

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: Bussen-Mayer Engineering Group, Inc Eng. or Proj. Mgr.: Joseph W. Mayer, P.E.
Address: 100 Parnell Street, Merritt Island, FL 32953 Ph # (321) 453-0010 Fax (321) 454-6885

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

The applicant respectfully requests a waiver of a portion of Section 62.2883(d), which requires a minimum 15 ft. buffer tract around the perimeter of a subdivision. The buffering requirements of this code will be fully complied with; however the Applicant is requesting that this buffer be contained in a permanent buffer easement shown on the recorded plat, as opposed to a TRACT.

Owner/Applicant Signature: MICHAEL GAICH Print Name: MICHAEL GAICH

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

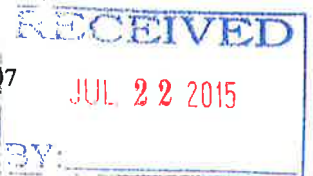
Site Address _____ City _____
Parcel Id: _____ Subdivision _____ Flood Zone _____
Public Thoroughfare Name _____
Proposed Finished Floor Elevation _____ Crown of Road Elevation _____
Approved Finished Floor Elevation _____ Date of approval _____

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

SCANNED



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 1/2 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:

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.

As shown on the preliminary plat and site plan drawings which accompany this application, the subject site has several unique physical conditions and characteristics which cause an undue hardship to the applicant without granting of the requested waiver. First, a substantial portion of the property (2.67 acres) is considered jurisdictional wetlands which must be preserved in accordance with the existing SJRWMD and UACOE permits for the site. (see attached sheet 3, number 1)

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

The granting of this waiver will not be injurious to any other adjacent property, based on the wetlands conservation areas as described in Item 1 above and the proposed 15 foot landscape buffer easement shown on the plans for the other areas of the project. It is noted that a single family residence is located along the river south of this project and the drawings reflect a landscaped berm for this location, where there is very little existing vegetation. (see attached sheet 3, number 2)

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 unique location of the wetlands to be permanently preserved, as well as the adjacent property configuration and wetlands limits and existing development are unique to the subject parcel and are not generally applicable to other properties. These existing physical conditions do not result from the actions of the applicant, and are primarily the result of the required preservation of wetlands through the environmental permitting process.

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.

This waiver is consistent with the intent and purpose of the County zoning regulations and requirements of section 62.2883(d), since a minimum 15 ft. buffer will be provided around the entire property limits, either through conservation of existing wetlands vegetation areas, or planting of landscape in applicable and appropriate locations. We are only asking for a waiver from the "Tract" requirement to an "easement".

5. Delays attributed to state or federal permits.

Not Applicable.

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)

1. (Continued from Page 2, Number 1) - Except for the entrance way (proposed private cul de sac road), the entire west line of the property, and the western half of the north property line are part of a conservation easement which is required as a part of those permits. Creating a landscape buffer tract is a potential encumbrance to this conservation easement which would effect our existing permits. A landscape buffer is not required for these areas since all of the existing vegetation (which is significant) will be preserved. It is also noted that the conservation easement extends offsite to the North, as a part of the adjacent condominium project, Laguna Vista. Similarly, there are areas along the South property line which must be preserved in accordance with the permits. Creating a separate Tract over these areas will effect our environmental permits, and is not necessary because the land is proposed for permanent preservation, thereby ensuring that a buffer will exist for any future uses. It is also noted that the site to the north is developed as a condominium project, which will be very similar to project proposed for this parcel.

2. (continued from Page 2, Number 2) - We will provide a landscaped berm buffering within the 15 ft. buffer easement as required. This will be equivalent to or exceed the requirements of the 15 ft. buffer tract code referenced herein.

Site Construction Plans for Visions Twenty - Condo Site Plan

Section 1, Township 26 South, Range 36 East
Brevard County, Florida

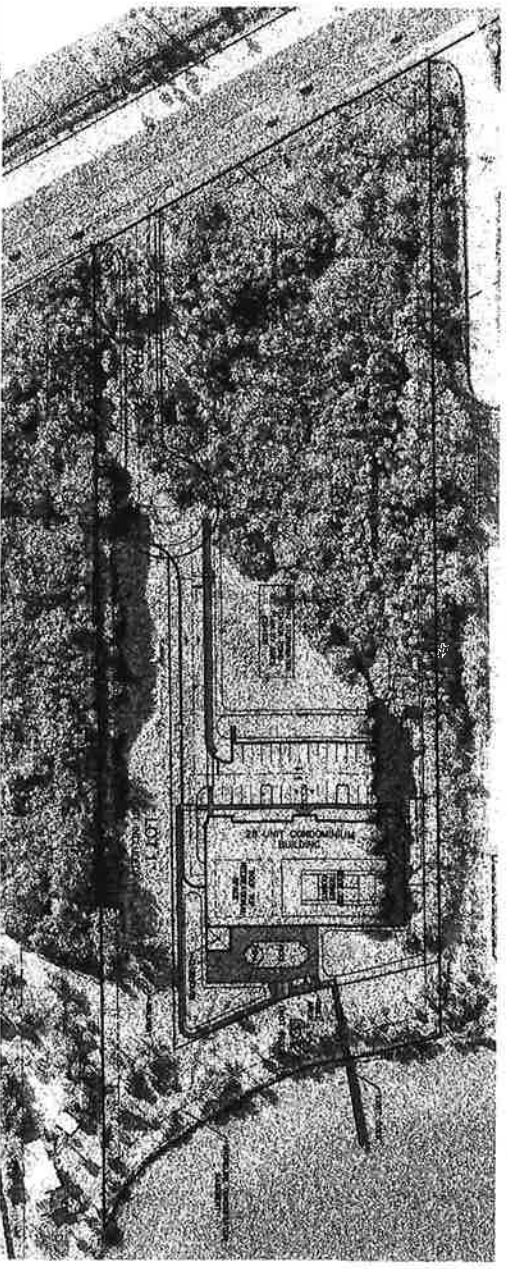


PHOTO DATE: 2013

MASTER LAYOUT
SCALE 1" = 60'

CONTACTS
OWNER/DEVELOPER:
BREVARD COUNTY
1000 W. US HWY 1
MELBOURNE, FL 32901
TEL: (321) 255-1000
FAX: (321) 255-1000
PROJECT: 16 UNIT CONDOMINIUM
16 UNIT CONDOMINIUM PROJECT

ENGINEER OF RECORD:
BUSSEN-MAYER ENGINEERING GROUP, INC.
200 PARKWAY 100, SUITE 200
MELBOURNE, FL 32901
TEL: (321) 255-1000
FAX: (321) 255-1000
PROJECT: 16 UNIT CONDOMINIUM
16 UNIT CONDOMINIUM PROJECT

DATE: 07/20/15
SCALE: 1" = 60'

UTILITIES:

Water Distribution:
Distribution of water to be provided by the City of Brevard. No a connection to an existing water main along US HWY 1 is required.

Sanitary Disposal:
Sanitary disposal of wastewater to be provided by the City of Brevard. No a connection to an existing sewer main along US HWY 1 is required.

Storm Drainage:
Storm drainage to be provided by the City of Brevard. No a connection to an existing storm drain along US HWY 1 is required.

Gas Distribution:
Distribution of gas to be provided by the City of Brevard. No a connection to an existing gas main along US HWY 1 is required.

Electric Distribution:
Distribution of electric power to be provided by the City of Brevard. No a connection to an existing electric main along US HWY 1 is required.

Telephone Distribution:
Distribution of telephone service to be provided by the City of Brevard. No a connection to an existing telephone main along US HWY 1 is required.

UTILITY CONTACTS

FLORIDA POWER & LIGHT
2700 UNIVERSITY AVENUE
MELBOURNE, FL 32901
PHONE: (321) 255-1000
FAX: (321) 255-1000

AT&T
710 UNIVERSITY AVENUE
MELBOURNE, FL 32901
PHONE: (321) 255-1000
FAX: (321) 255-1000

BREVARD COUNTY UTILITIES SERVICES DEPT.
200 W. UNIVERSITY AVENUE
MELBOURNE, FL 32901
PHONE: (321) 255-1000
FAX: (321) 255-1000

FLORIDA CITY GAS
200 W. UNIVERSITY AVENUE
MELBOURNE, FL 32901
PHONE: (321) 255-1000
FAX: (321) 255-1000

BREVARD COUNTY ROAD & BRIDGE
200 W. UNIVERSITY AVENUE
MELBOURNE, FL 32901
PHONE: (321) 255-1000
FAX: (321) 255-1000

GENERAL STATEMENT

This project consists of a 16-unit condominium building, 16 parking spaces, and a 16-unit condominium building. The building is located on a 1.2-acre site. The building is a long, rectangular structure with multiple units. The site is surrounded by trees and some existing infrastructure.

SITE DATA

General Zoning: - R-1 (Single Family Residential)
Lot Area: 1.2 Acres (52,000 sq. ft.)
Building Area: 10,000 sq. ft.
Lot Coverage: 19.2%
Setbacks: Front: 25 ft., Side: 5 ft., Rear: 5 ft.

SHEET INDEX

1	GENERAL STATEMENT
2	CONDOMINIUM PLAN
3	CONDOMINIUM UNIT PLAN
4	CONDOMINIUM UNIT PLAN
5	CONDOMINIUM UNIT PLAN
6	CONDOMINIUM UNIT PLAN
7	CONDOMINIUM UNIT PLAN
8	CONDOMINIUM UNIT PLAN
9	CONDOMINIUM UNIT PLAN
10	CONDOMINIUM UNIT PLAN
11	CONDOMINIUM UNIT PLAN
12	CONDOMINIUM UNIT PLAN
13	CONDOMINIUM UNIT PLAN
14	CONDOMINIUM UNIT PLAN
15	CONDOMINIUM UNIT PLAN
16	CONDOMINIUM UNIT PLAN

PERVIOUS/PERVIOUS CALCULATIONS

Description	S.F.	A.C.	PERCENTAGE
PROJECT AREA	261,813.00	8.77	100.0%
TOTAL CONDO FOOTPRINT	23,520.00	0.64	9.4%
CALCULATED FOOTPRINT	625.00	0.01	0.2%
PAVED/IMPERVIOUS	27,225.00	0.80	14.2%
TOTAL IMPERVIOUS AREA	61,745.00	1.81	24.8%
TOTAL PERVIOUS AREA	199,768.00	4.96	75.2%

PARKING CALCULATIONS

Description	Required	Provided
16 Units	16	16
Visitor	16	16
Handicap	2	2
Other	0	0
Total	34	34

SETBACKS

Front: 25 ft.
Side: 5 ft.
Rear: 5 ft.



ISSUED FOR PERMITTING PURPOSES ONLY

MASTER SITE PLAN FOR
VISIONS TWENTY - CONDO SITE PLAN

Brevard County Florida

Busen-Mayer Engineering Group, Inc.
100 PARKWAY STREET • MERITT ISLAND, FLORIDA 32963
TEL: (321) 255-1000 • FAX: (321) 255-1000

Scale: 1" = 60'

Date: 07/20/15

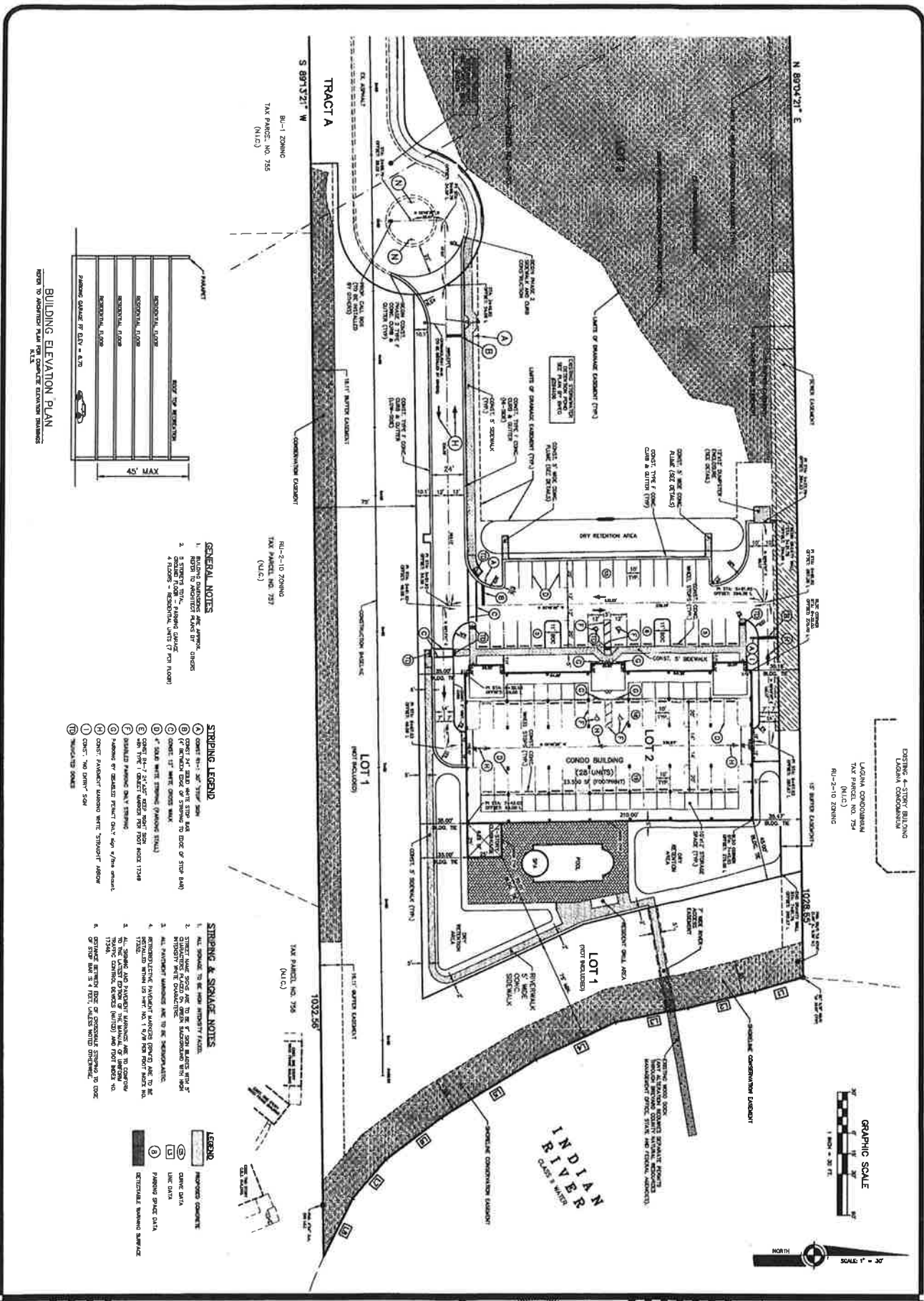
Drawn by: JMW

Checked by: JMW

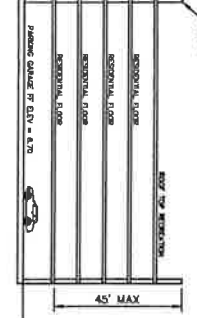
Project No.: 284107

Sheet No.: 1 of 16

Professional Seal: No. 36836, State of Florida, Professional Engineer, July 29, 2015



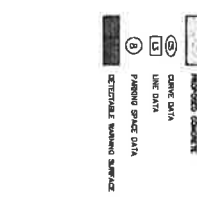
BUILDING ELEVATION PLAN
 REFER TO ARCHITECTURAL PLAN FOR COMPLETE ELEVATION DRAWINGS
 N.E.



- GENERAL NOTES**
1. BUILDING DIMENSIONS ARE APPROXIMATE.
 2. REFER TO ARCHITECTURAL PLANS FOR EXACT DIMENSIONS.
 3. EXISTING UTILITIES ARE SHOWN AS DOTTED LINES.
 4. FUTURE - RESIDENTIAL UNITS (7 PER FLOOR)

- STRIPING & SIGNAGE NOTES**
1. CONCT. 'NO DRIVE' SIGN
 2. CONCT. 'NO DRIVE' SIGN
 3. CONCT. 'NO DRIVE' SIGN
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 19. CONCT. 'NO DRIVE' SIGN
 20. CONCT. 'NO DRIVE' SIGN

- STRIPING & SIGNAGE NOTES**
1. ALL STRIPING TO BE PERMITTED BY THE CITY.
 2. STREET NAME STRIPING TO BE PERMITTED BY THE CITY.
 3. ALL STRIPING TO BE PERMITTED BY THE CITY.
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 19. ALL STRIPING TO BE PERMITTED BY THE CITY.
 20. ALL STRIPING TO BE PERMITTED BY THE CITY.



ISSUED FOR PERMITTING PURPOSES ONLY

DIMENSION, STRIPING & SIGNAGE PLAN FOR
VISIONS TWENTY - CONDO SITE PLAN
 Brevard County Florida

Bussen - Mayer Engineering Group, Inc.
 100 PARKWAY CENTER • MIAMI BEACH, FLORIDA 33508
 TEL: (305) 443-8800 FAX: (305) 443-8801

28 2015
 P.E.
 38336
 ALBION-MAYER ENGINEERING CERT. NO.

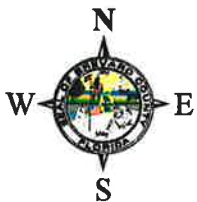
Scale: 1" = 30'
 Date: 07/28/15
 Proj. No.: 234107
 Sheet No.: 4 of 16

SHEET 1
 TOTAL 20 SHEETS
 DATE: _____
 REVISIONS: _____

LOCATION MAP

VISIONS TWENTY, INC.

15WV00017



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: 8/3/2015