

F. Consent Agenda - Planning and Development
ITEM 1.



AGENDA REPORT
September 6, 2018

**Removal of Waiver Condition, Re: Underground Power as a Condition of
Right-of-Way and Pavement Width Waiver (District 2)**

SUBJECT:

Removal of Waiver Condition Re: Underground Power as a Condition of Right-of-Way and Pavement Width Waiver

FISCAL IMPACT:

none

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

The applicant is requesting the Board remove a previous condition of approval in which the applicant was to provide underground power on Turtle Beach Lane, in order to reduce the right-of-way width and pavement requirement for a local public street.

SUMMARY EXPLANATION and BACKGROUND:

On October 20, 2015 the Board of County Commissioner granted a waiver for Flores De La Costa condominium. The Board approved a second waiver on August 24, 2016 due to the revision to the original site plan. These waivers essentially allowed the applicant to construct a 14 unit condominium with access to Turtle Beach Lane a reduced right-of-way width. The Board's approval was subject to several conditions. The one of concern, all utilities in the road right-of-way of Turtle Beach Lane, would be placed underground.

The applicant has made every attempt to satisfy this condition, however, has encountered an unforeseen obstacle. In order to place the utilities underground, Florida Power & Light (FPL) has to modify the power feeds along Taft Avenue and install additional poles for transformers to service the area. This necessitates a larger than originally anticipated easement from the lot at the northeast corner of Taft Avenue and Turtle Beach Lane. This larger easement negatively impacts landscaping on the property. Therefore, the property owner will not grant an easement to allow FP&L to move the power pole adjacent to their property and install a transformer necessary to install the underground power in this location.

Staff has met with FP&L and the applicant in an attempt to resolve the power line issue.

The applicant has attempted to comply with this condition, but due to the requirements of FP&L, the completion of this section of underground power along Turtle Beach Lane is unfeasible and would be a hardship upon the applicant. Therefore, the applicant is requesting that the condition of the waiver requiring all utilities along Turtle Beach Lane to be located underground be amended to provide underground utilities along the southern portion of the right-of-way, per the attached exhibit. The applicant will comply with all other conditions of the Board granted waivers.

If the Board chooses to grant this modification, all of the other conditions as previously approved are to remain.

Reference: 15SP00009, and 15WV00016

ATTACHMENTS:

Description

- **Exhibit of Turtle Beach Lane for Flores De La Costa**



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September 7, 2018

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item F.1., Removal of Waiver Condition for Underground Power as a Condition of Right-of-Way and Pavement Width Waiver

The Board of County Commissioners, in regular session on September 6, 2018, removed a previous condition of approval in which the applicant was to provide underground power on Turtle Beach Lane, in order to reduce the right-of-way width and pavement requirement for a local public street.

Your continued cooperation is greatly appreciated.

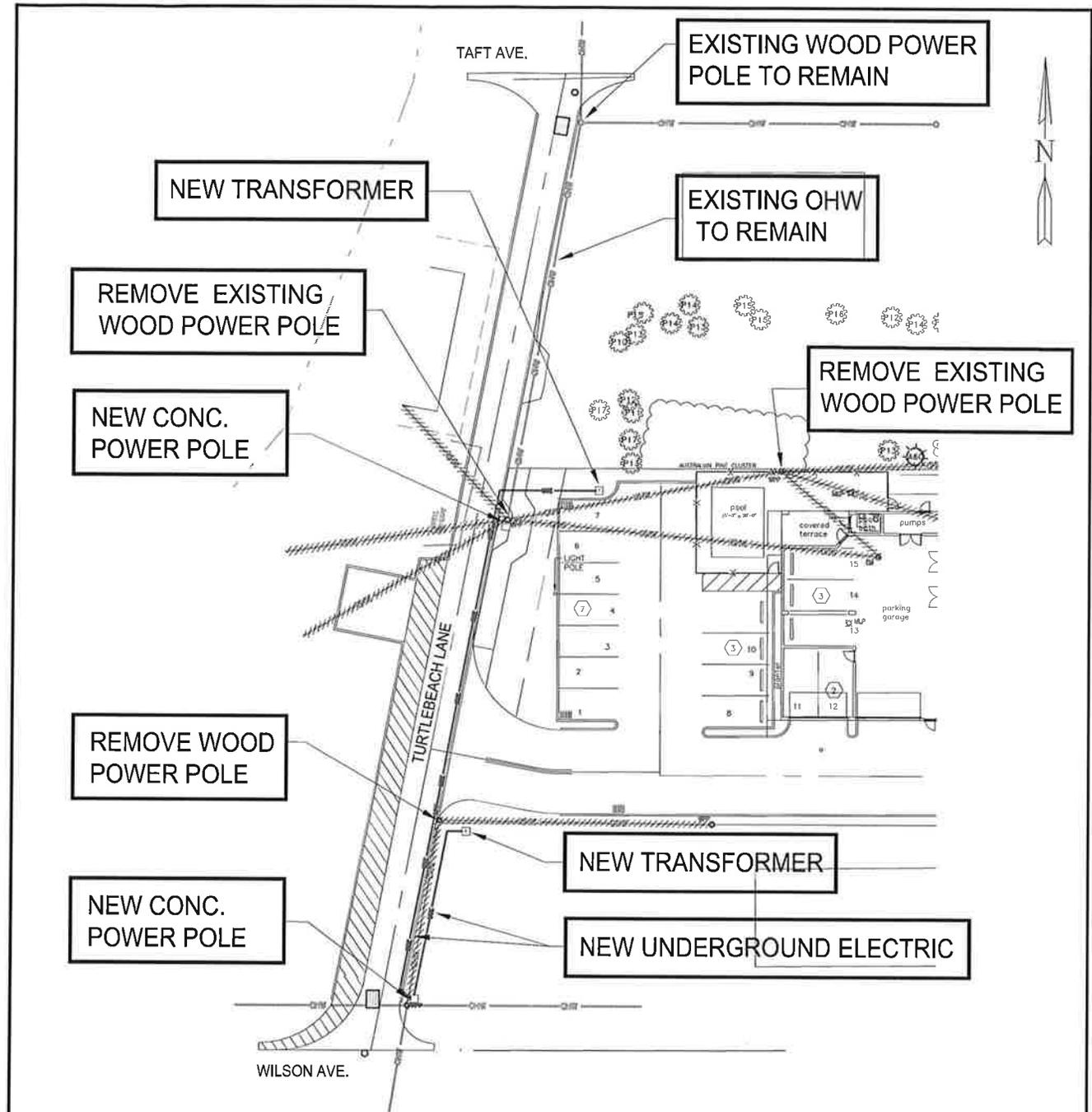
Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cmw

cc: Budget
Finance



——— OHW ——— EXISTING OVERHEAD WIRE
 EXISTING OVERHEAD ELECTRIC TO BE REMOVED AND REPLACED WITH NEW UNDERGROUND ELECTRIC
 ——— UGE ——— NEW UNDERGROUND ELECTRIC (COORDINATE WITH OWNER ON LOCATION OF ELECTRICAL LATERALS.)

DOROUGH BROTHERS PROPERTIES I, INC.		DATE	08/22/18
FLORES DE LA COSTA CONDOMINIUM BREVARD COUNTY, FLORIDA SITE PLAN		SCALE	N.T.S.
ALLEN ENGINEERING, INC. 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@allegenr.com		JOB NO.	040049.1
		DRAWN	DPA
		SHT. NO.	EX-3
MICHAEL S. ALLEN, P.E. 45798 *** DAVID A. LAVENDER, P.E. 68400			

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