

new

ADD ON

Meeting Date
September 1, 2015



AGENDA	
Section	New Business
Item No.	VI A 3

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	WAIVER OF SIDEWALK RE: TRASONA SUBDIVISION DEVELOPER: THE VIERA COMPANY FISCAL IMPACT: NONE	DISTRICT 4
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT/PUBLIC WORKS DEPARTMENT	

Requested Action:

The applicant requests the approval of a waiver to Section 62-2956 (b) (2) which requires a sidewalk on both sides of the street in a residential subdivision.

Summary Explanation & Background:

The applicant is requesting that the Board approve a waiver to Section 62-2956 (b) (2) that requires a 5 foot sidewalk on both sides of the roadway. The Code provides an alternative for sidewalk on one side of the street, if the sidewalk is 8 feet wide. The applicant proposes sidewalks on both sides of the street for the following major roadways: Pineda Extension, Millbrook Avenue, Trasona Drive, and a section of Paragrass Avenue. The plans show sidewalk on one side of the street for all of the internal roadways, as well as Addison Drive, and the rest of Paragrass Avenue, including the section adjacent to the previously developed portion of Watersong subdivision. The applicant states that, on major roads, sidewalks are 6 feet wide on one side and 5 feet wide on the other. In lieu of sidewalks on both sides of the streets, sidewalks are supplemented by an open space system of sidewalks/pathways that link the entire community utilizing a 10' wide trail system.

All of the streets within the Trasona subdivision will be public streets dedicated to the County. Staff has not approved the waiver due to the scope of the project and precedent which would be set for omitting required sidewalks on a project of this scale. If approved, the Covenants and Restrictions and the HOA documents will provide language to establish that sidewalks will not be installed in the future.

The proposed subdivision is located within the Viera DRI on the south side of Wickham Road on the east side of Powerline Road west of Stadium Parkway. The proposed subdivision contains 700 detached single family lots, on approximately 306.15 acres.

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*.

Clerk to the Board instruction:

Exhibits Attached: Location maps, waiver application

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager

Stockton Whitten

Department Director / Extension

Robin M. Sobrino
Robin M. Sobrino, AICP

Planning & Development Department
Ext. 5-2069

John Denninghoff, PE
Public Works Department

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 form of the project, utilizing coving design standards does not warrant sidewalks on both sides of all streets. Requiring strict compliance with the code would prohibit the applicant from constructing the extensive open space pathway system.

Staff has not made the finding of undue hardship.

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

No adjacent property is affected by granting of the waiver requiring sidewalks on both sides of the street.

Staff finds that the property is to the east of Paragrass Avenue is independent living residential portion of the Watersong Development. The street was not constructed as part of the 30 acre Watersong development. Staff defers to the Board in the granting of the waiver.

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 project is located within the West Viera PUD. The proposed design of the pathway system is proposed to provide an enhancement of the current code by utilizing an innovative design and a sidewalk system that effectively interconnects the residents to the open space and parks within the project. The "coving" concept and the interconnected pathway/open space system are not applicable to other properties.

Staff finds the conditions are based on the applicants preference of design, not peculiar to the property.

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,

The intent and purpose of the County regulations is to provide a pathway system that interconnects the community and open spaces and parks. The granting of the waiver allows the developer to construct a much more meaningful, robust and comprehensive pathway system that is consistent with the intent of the regulations.

Staff defers to the Board for determination of this section. However, in correspondence with staff TVC has stated that, "TVC will include language in the Declarations/HOA documents which will clarify/establish the sidewalk layout so that there is no expectation by future homeowners of sidewalks along all lot frontages."

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

NA

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.

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 16, 2015

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director

RE: Item VI.A.3., Waiver of Sidewalk for Trasona Subdivision – The Viera Company

This is to correct the memorandum of September 2, 2015. The Board of County Commissioners, in regular session on September 1, 2015, approved The Viera Company's request of a waiver to Section 62-2956(b) (2), which requires a sidewalk on both sides of the street located within the Viera Development of Regional Impact on the south side of Wickham Road on the east side of Powerline Road west of Stadium Parkway, **subject to the County Attorney's approval of the wording in future homeowners' deeds stating that the County is not responsible for constructing sidewalks omitted per the waiver request.**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/kg

Tammy Etheridge

From: Sobrino, Robin M <Robin.Sobrino@brevardcounty.us>
Sent: Wednesday, September 16, 2015 2:27 PM
To: Tammy Etheridge
Cc: Ragain, Rebecca; Calkins, Tad
Subject: Item VI.A.3 on September 1, 2015

Tammy,

On your memo for the subject agenda item (Waiver of Sidewalk for Trasona Subdivision-The Viera Company), the Board approved the request contingent upon a disclaimer being placed in the deeds for property owners. I would suggest that the memorandum be modified to reference "approved, subject to the County Attorney's approval of the wording in future homeowners' deeds stating that the County is not responsible for constructing sidewalks omitted per the waiver request."

Kindly issue a corrected memorandum. Please feel free to contact me if you have any questions.

Thanks.

Robin M. Sobrino

Robin M. Sobrino, AICP
Director
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Building A
Viera, FL 32940
(321) 633-2069 extension 56363
(321) 633-2074 (fax)

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."



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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 \$ _____ Board Date: _____
Original Project # 14SD-00541 Waiver # 15NV00020
Coordinator Initials: _____ Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 26S Rng. 36E Sec. 17 S/D _____ Blk/Par _____ Lot(s) _____ (List all parcels)

Tax Account # ('s): 2604318 _____ (List all account numbers)

Project Name: Trasona at Addison Village Property Owner: The Viera Company

Site Address: South of Wickham Road, West of Paragrass Avenue (Proposed)

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

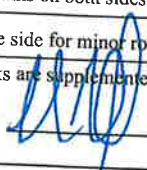
Name: Todd J. Pokrywa Company: The Viera Company
Address: 7380 Murrell Road, Suite #201 E-Mail maryellen.mckibben@duda.com
City: Viera State FL Zip 32940
Phone (321) 242-1200 Fax (321) 253-1800 Cell _____

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: BSE Consultants, Inc. Eng. or Proj. Mgr.: Hassan Kamal, P.E.
Address: 312 S. Harbor City Blvd., Melbourne, FL 32901 Ph # (321) 725 - 3674 Fax (321) 723 - 1159

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Section 62-2956(b)(2) requires sidewalks on both sides of the street. Applicant proposes an alternative pathway/sidewalk system with sidewalks on both sides of the street for major roadways and one side for minor roadways. On the major roads, sidewalks are 6' wide on one side and 5' wide on the other. Minor roads contain a 5' sidewalk. The pathways/sidewalks are supplemented by a major pathway/open space system that links the entire community utilizing an 10' wide trail system.

Owner/Applicant Signature:  Print Name: Hassan Kamal, P.E.

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

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:

- 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 proposed plan includes an extensive "core" pathway system that interconnects the community, parks and open space.
The form of the project, utilizing coving design standards does not, warrant sidewalks on both sides of all streets.
Requiring strict compliance with the code would prohibit the applicant from constructing the extensive open space pathway system
- The granting of the waiver will not be injurious to the other adjacent property.
No adjacent property is affected by granting of the waiver requiring sidewalks on both sides of the street.
- 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 project is located within the West Viera PUD. The proposed design of the pathway system is proposed to provide an enhancement of the current code by utilizing an innovative design and a sidewalk system that effectively interconnects the residents to the open space and parks within the project. The "coving" concept and the interconnected pathway/open space system are not applicable to other properties.
- 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 intent and purpose of the County regulations is to provide a pathway system that interconnects the community and open spaces and parks. The granting of the waiver allows the developer to construct a much more meaningful, robust and comprehensive pathway system that is consistent with the intent of the regulations.
- Delays attributed to state or federal permits.
N/A
- Natural disasters.
N/A
- County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)

TRASONA AT ADDISON VILLAGE

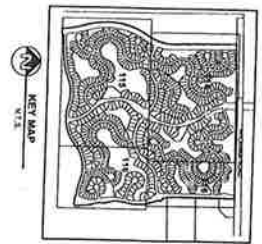
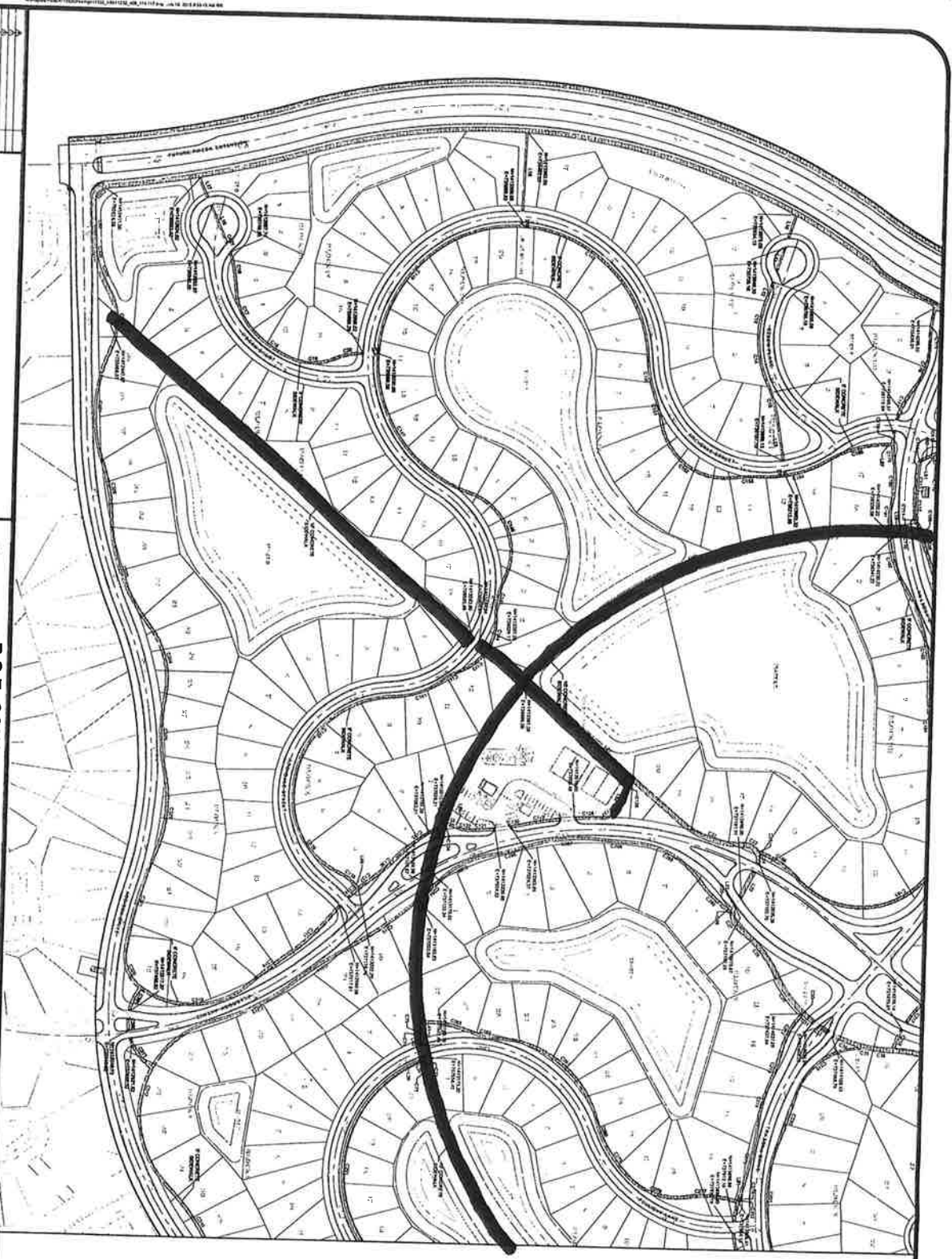


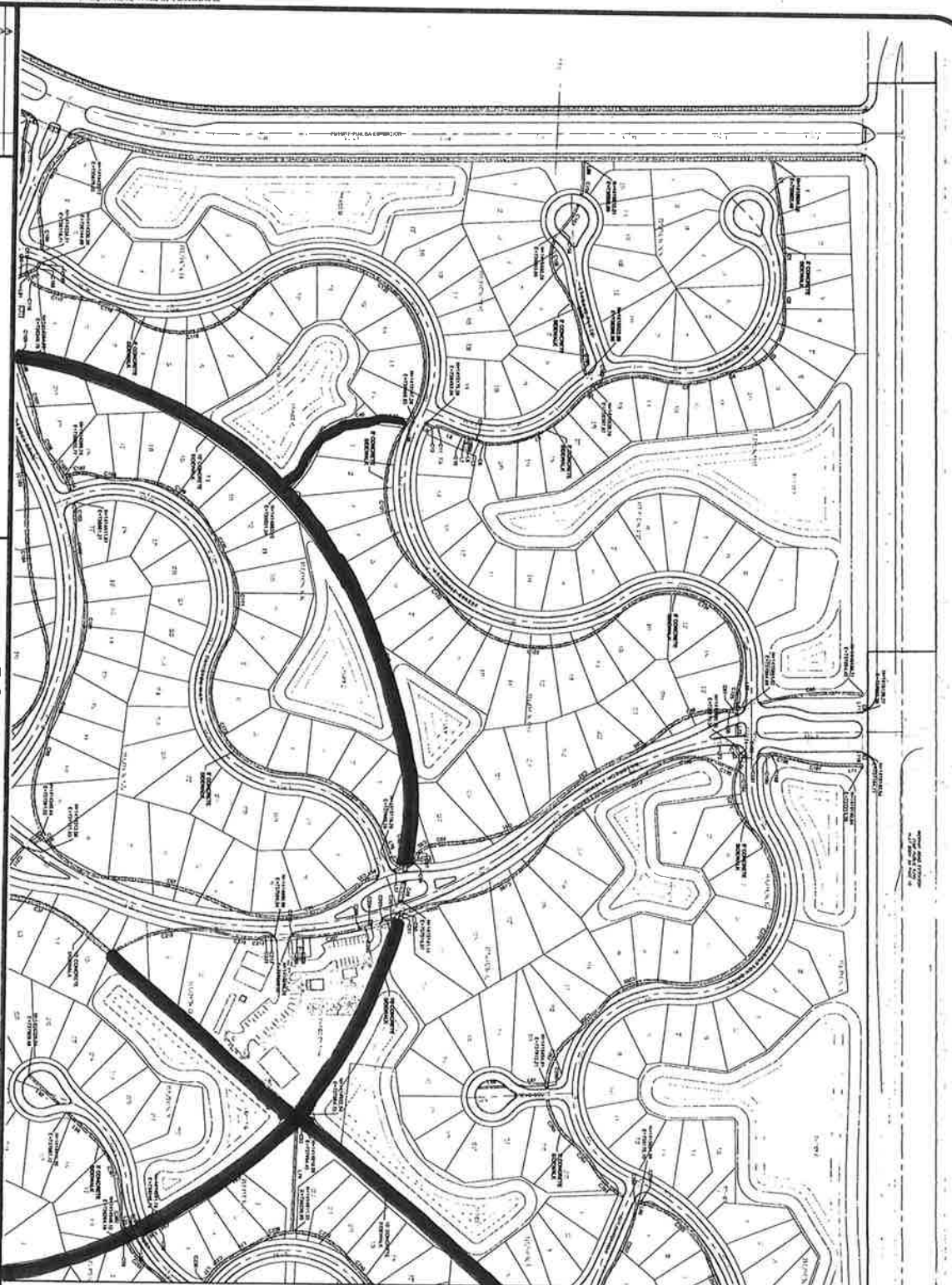
B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
372 SOUTH HANOVER CITY ROAD, SUITE 100, FAYETTEVILLE, NC 27515
PHONE: 919.487.1234 FAX: 919.487.1235
WWW.BSECONSULTANTS.COM



SIDEWALK CONTROL PLAN

DATE: 10/10/04
BY: J. W. WILSON
CHECKED BY: J. W. WILSON
SCALE: AS SHOWN





TRASONA AT ADDISON VILLAGE



B.S.E. CONSULTANTS, INC.
 CONSULTING - ENGINEERING - LAND SURVEYING
 11120 ALLEN ROAD, SUITE 100, DALLAS, TEXAS 75243-1112
 972.350.1112
 WWW.BSECONSULTANTS.COM



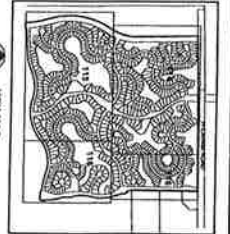
SIDEWALK CONTROL PLAN

AUG 13 2013

SCANNED

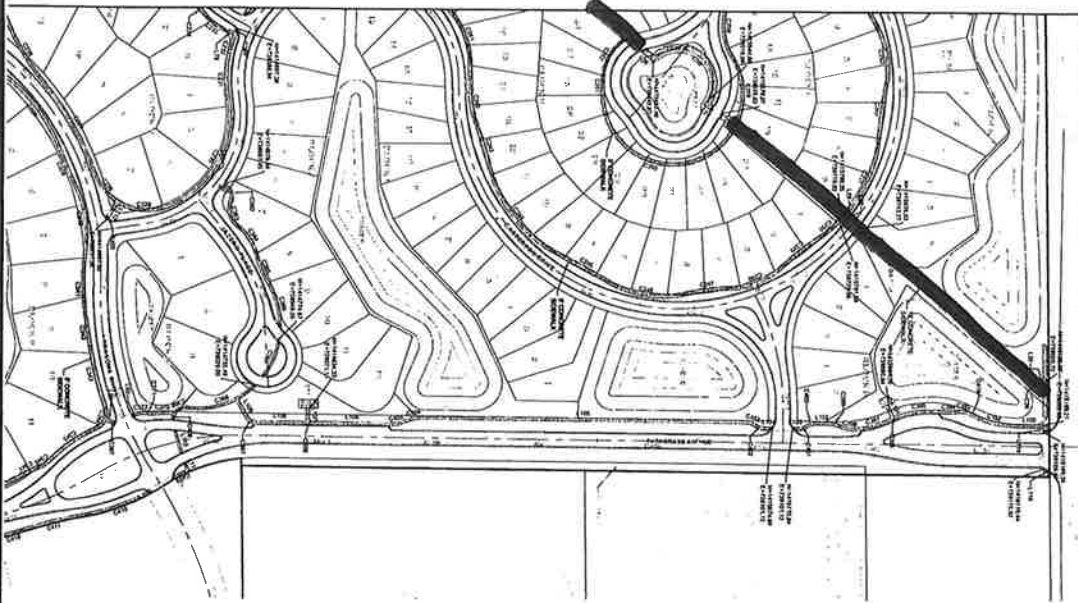


(IN FEET)



NOTES:
 1. SEE SHEET 11 FOR SITE PLAN AND CONCEPT TALKS
 2. SEE SHEET 11 FOR CONCEPT TALKS

PROJECT NO. 11222
 SHEET NO. 112
 DATE 08/13/13



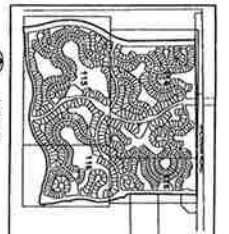
TRASONA AT ADDISON VILLAGE



B.S.E. CONSULTANTS, INC.
 CONSULTING - ENGINEERING - LAND SURVEYING
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
 METairie, Louisiana 70002-2111 (504) 885-1191
 OFFICE: (504) 885-1191 FAX: (504) 885-1192
 WEBSITE: www.bsiconsultants.com



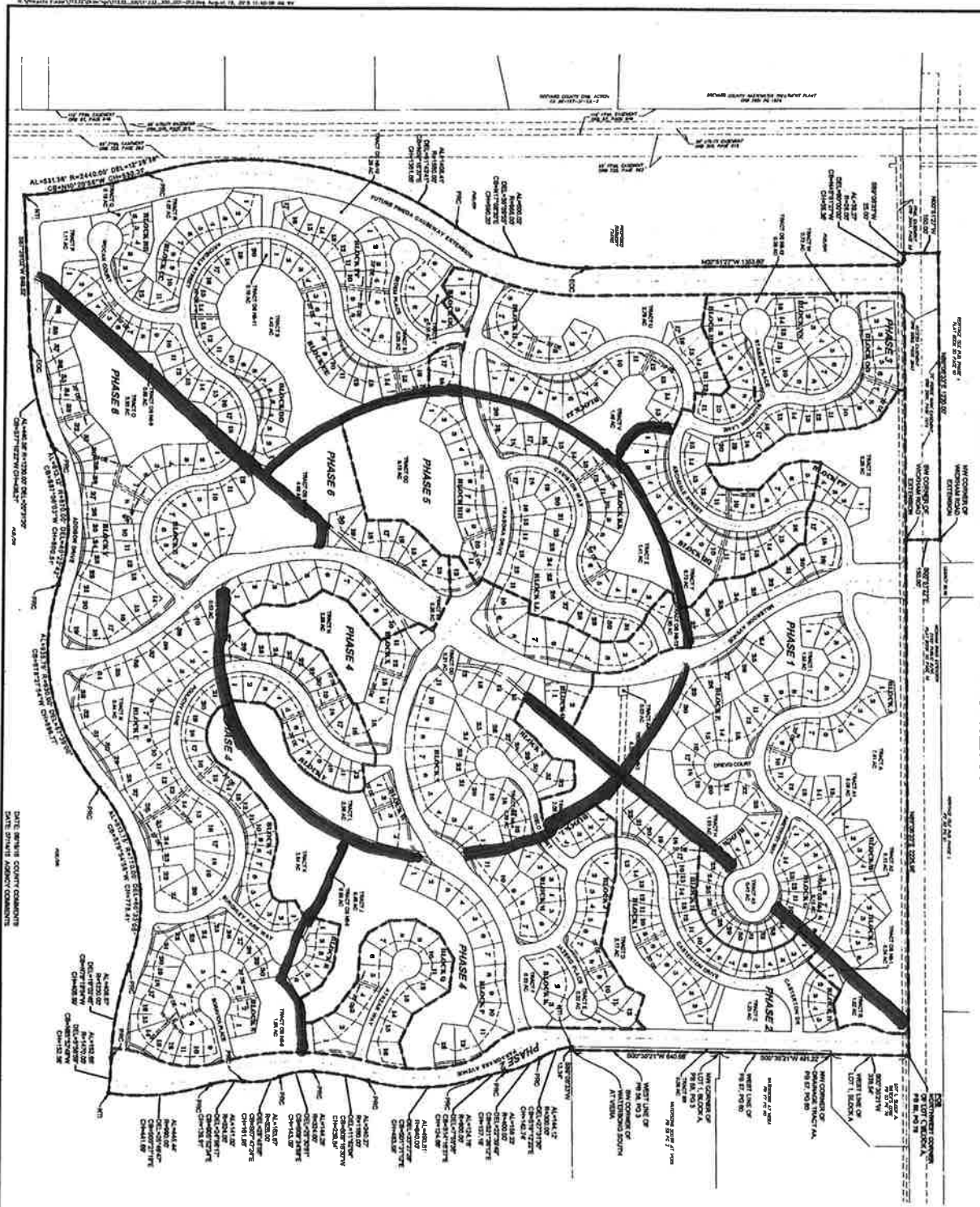
SIDEWALK CONTROL PLAN



PROJECT NO. 1322
 DATE: 08/14/14
 SHEET # 123
 1/222

TRASONA AT ADDISON VILLAGE
 PRELIMINARY PLAT DOCUMENT

ALTERNATIVE PATHWAYS



PLAT BOOK PAGE
 SECTION 11 TOWNSHIP 24 NORTH, RANGE 38 EAST

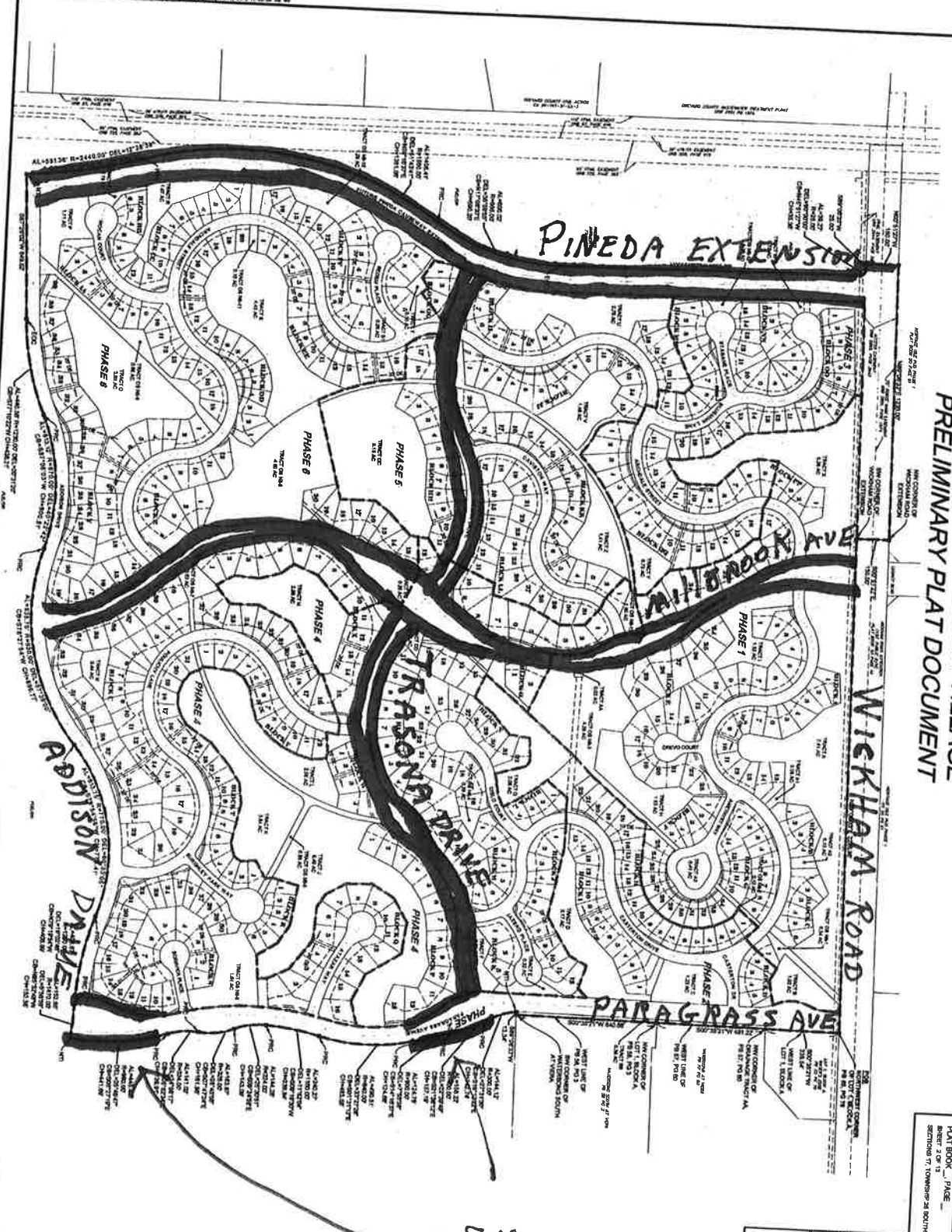


DATE: 08/11/2011
 TIME: 10:00 AM
 PROJECT: TRASONA AT ADDISON VILLAGE
 SHEET: 11 OF 11
 SCALE: 1" = 40'



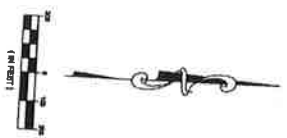
TRASONA AT ADDISON VILLAGE
 PRELIMINARY PLAT DOCUMENT

SIDEWALKS ON BOTH SIDES



SECTIONS WITH S/W ON BOTH SIDES

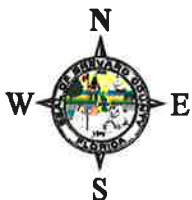
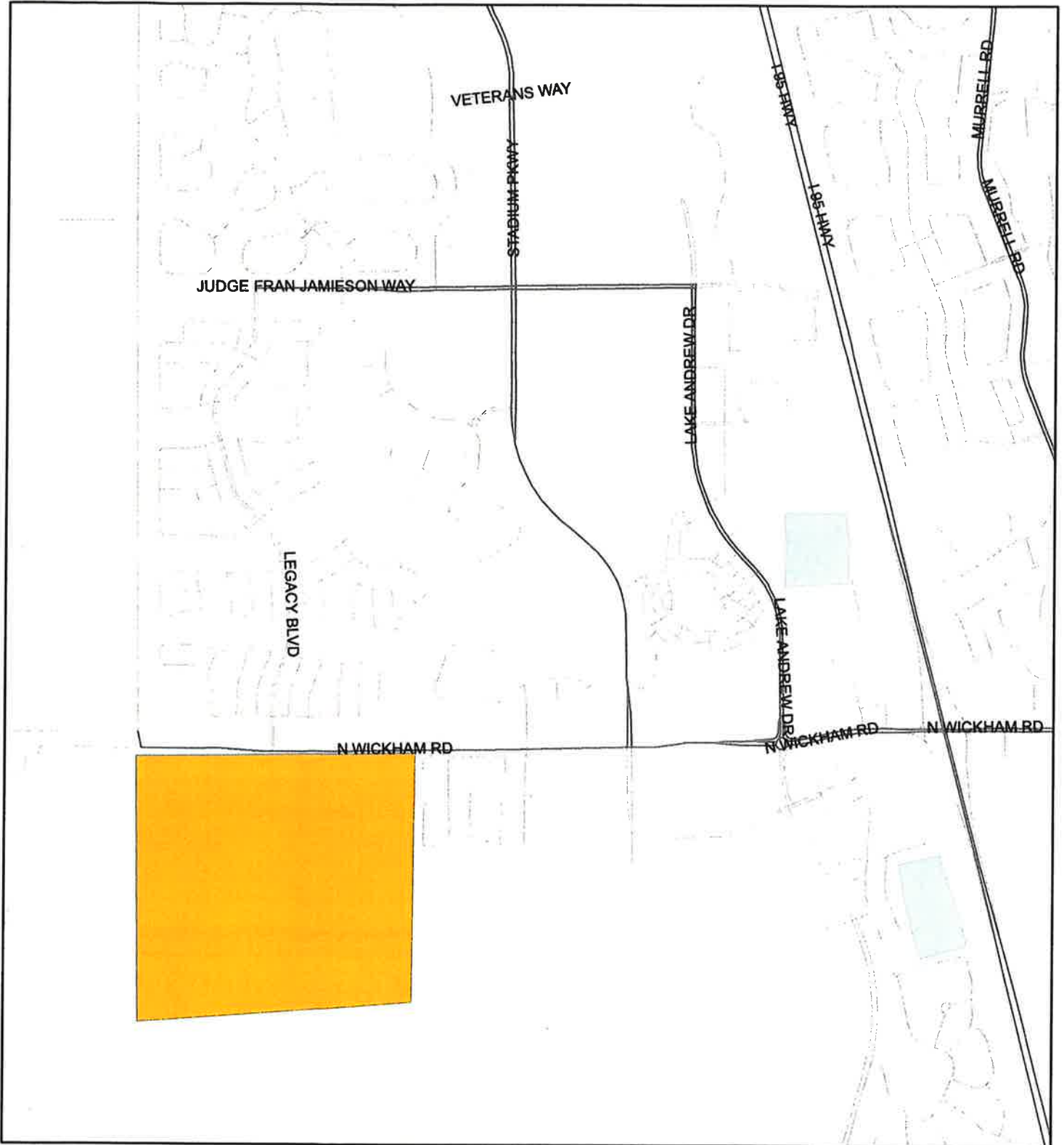
PLAT BOOK PAGE
 SHEET 2 OF 13
 SECTION 17, TOWNSHIP 24 NORTH, RANGE 30 EAST



DATE BOARD COUNTY COMMISSION
 DATE BOARD COUNTY COMMISSION

DATE BOARD COUNTY COMMISSION
 DATE BOARD COUNTY COMMISSION

LOCATION MAP
TRASONA at ADDISON VILLAGE
14SD-00541



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: 8/11/2015