

Meeting Date
September 19, 2017



AGENDA	
Section	Consent
Item No.	II. A. 4

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	WAIVER OF PARKING AND ON SITE PAVING RE: NANA'S HOUSE THRIFT STORE <i>PR</i> DEVELOPER: MBV ENGINEERING, INC. DISTRICT 5 FISCAL IMPACT: NONE
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT/LAND DEVELOPMENT

Requested Action:

The applicant is seeking a waiver to Section 62-3206(d)(14) to reduce the required number of parking spaces, and Section 62-3206(b)(5) to allow asphalt millings in lieu of paving on a new parking lot.

Summary Explanation & Background:

Section 62-3206(d)(14) of the code requires one parking space per 250 square feet of floor area for general retail. The applicant previously received a parking waiver for enhanced landscaping to reduce the parking requirements from 15 spaces to 11 spaces. This request is to further reduce the parking requirements by 4 spaces to provide a total of 7 parking spaces. The 4 spaces being eliminated were located inside the building, but due to fire safety building codes should be removed. Section 62-3206(b)(5) requires that all parking lots be paved (i.e. asphalt, concrete, or paver blocks). The applicant is also requesting to waive the requirement of paving the parking lot and use asphalt millings instead. The parking is required as a result of the conversion of the group home to a retail store.

On December 3, 2013 the Board adopted Resolution Number 2013-221, and approved a Lease Agreement allowing the not-for-profit organization, Nana's House, the non-competitive lease of County property at 4090 Minton Road, for a children's group home. On December 16, 2014 the Board approved their request to waive the rezoning, Comprehensive Plan amendment, site plan, and building permit fees estimated at \$6700 in order to convert Nana's House to Nana's Thrift Cottage. Current fees incurred total exactly \$6,700 to date. Additional fees will be incurred with the building permit issuance, the required engineering revision, inspection fees, and any future applications that may be requested.

The site plan was approved February 4, 2016 and the applicant submitted the building permit on March 7, 2016. The building permit has gone through tow rounds of review. The last review comments were sent to the applicant on May 2, 2016. The applicant met with county staff on June 30, 2017. Staff has not received a revised site plan drawings to reflect the revised parking proposal. The applicant has provided a "Traffic Statement" and based on the applicant's calculations, the 7 spaces should be sufficient.

If the waiver is approved, the applicant will need to:

- Revise the approved site plan to reflect the changes to the parking lot to be constructed
- Provide millings details on the site plan
- Handicap spaces and driveway connection to Minton Road must be concrete
- Address the Building Code and Fire Department review letter dated May 2, 2016 and re-submit for building permit review

Reference: 17WV00011, 16WV00005, 15SP00019 Contact: Rebecca Ragain, AICP, Assistant Director Ext. 5-2632

Clerk to the Board instruction:

Exhibits Attached: Waiver request, exhibits, location maps

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

County Manager Frank Abbate <i>FBA</i>	Assistant County Manager John Denninghoff Interim Assistant County Manager Jim Liesenfelt	Department Director / Extension Tad Calkins Planning & Development Department Ext. 5-2069 <i>ACB</i>
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Staff has not granted approval of this waiver request, and pursuant to Section 62-3207 of the Code, requests that it be evaluated by the Board of County Commissioners. Section 62-3207 outlines the criteria that the Board should consider (below). The applicant's response is shown in **bold** and staff observations are *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.

Site is located in an area where other commercial properties have stabilized parking. Because this is a charity thrift store, use of the parking area will be minimal and infrequent.

Staff is not aware of other county commercial properties in the area with approved stabilized parking, however, the property is mostly surrounded by the City of Palm Bay and the City of West Melbourne. The applicant has not been provided data to support the applicants response and defers to the Board of County Commissioners.

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

No injury will result to the adjacent properties.

Staff finds the adjacent properties to the north and west are residential properties zoned RU-1-13 and improved with single family residences. The code requires sites to adequately accommodate the parking demand for the associated use. The applicant has provided a traffic statement depicting trip generation during the peak hour is four, and with two additional spaces for employees the maximum number of spaces at any given hour will be six.

Criteria 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 request is generally applicable to other commercial properties in the immediate area, as stated above.

Staff finds that this property was previously zoned GM. There is one additional property zoned BU-1 on the east side of Minton Road, developed with a daycare facility and paved parking. The City of Palm Bay and the City of West Melbourne surround this enclave.

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 article.

The waiver is consistent and allowable per Sec. 62-3206(f)(2).

Section 62-3206(f)(2) a. through d. provides criteria for utilizing alternative standards to paving surface. The applicant has not provided a parking study pursuant to 62-3206(f)(3) along with the waiver request, to address the reduction in the number of spaces. However, a "Traffic Statement" was provided with a projected ADT. County staff has reviewed the information and has determined that based on the information provided the seven spaces provided should be sufficient. Staff defers to the Board of County Commissioners.

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

N/A

Criteria not applicable to this application.

Criteria 7: County land development engineer and affected agencies concur that undue hardship was placed on the applicant. Staff defers to the Board of County Commissioners.



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

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Tammy.Rowe@brevardclerk.us

September 20, 2017

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Department Director Attn: Rebecca Ragain
RE: Item II.A.4., Waiver of Parking and On-Site Paving for Nana's House Thrift Store – MBV Engineering, Inc.

The Board of County Commissioners, in regular session on September 19, 2017, approved a waiver to Section 62-3206(d)(14) to reduce the required 11 parking spaces down to seven spaces, and Section 62-62-3206(b)(5) to allow asphalt millings in lieu of paving on the new parking lot.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for Donna Scott
Tammy Rowe, Deputy Clerk
/ds

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 # 15SP00019 Waiver # 17NV00011
Coordinator Initials: _____ Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 28 Rng. 36 Sec. 24 S/D 01 Blk/Par _____ Lot(s) 11.02 (List all parcels)

Tax Account # ('s): 2806930 (List all account numbers)

Project Name: Nana's House Thrift Store Property Owner: Brevard County c/o Asset Management

Site Address: 4090 Minton Rd. West Melbourne, FL 32904

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

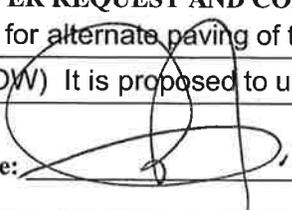
Name: BRUCE MOIA, P.E. Company: MBV ENGINEERING, INC.
Address: 1250 W. EAU GALLIE BLVD., SUITE L E-Mail brucem@mbveng.com
City: MELBOURNE State FL Zip 32935
Phone 321-253-1510 Fax 321-253-0911 Cell _____

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: _____ Eng. or Proj. Mgr.: _____
Address: _____ Ph # (____) _____ - _____ Fax (____) _____ - _____

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Request waiver to allow for alternate paving of the on-site parking and drive aisles. (Not to include handicap spaces and drives in ROW) It is proposed to use asphalt milling. Sec. 62-3206 (f)(2)

Owner/Applicant Signature:  Print Name: Bruce Moia, 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

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:

- 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.
Site is located in an area where other commercial properties have stabilized parking.
Because this is a charity thrift store, use of the parking area will be minimal and infrequent.

- The granting of the waiver will not be injurious to the other adjacent property.
No injury will result to the adjacent properties.

- 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.
This request is generally applicable to other commercial properties in the immediate area, as stated above.

- 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 waiver is consistent and allowable per Sec. 62-3206(f)(2)

- 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)

TRAFFIC IMPACT & PARKING STATEMENT

for

NANA'S HOUSE THRIFT STORE Brevard County, Florida

AUGUST 2017

Revised August 30, 2017



Prepared by: CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL

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www.mbveng.com

CA#3728

Certificate of Authorization Number: 3728
Engineer's Project No. 15-1648

Bruce A. Moia, P.E. #47529

I. INTRODUCTION

The purpose of this report is to provide the Brevard County with a Traffic Statement that addresses the anticipated parking impacts associated with the proposed planned commercial development. The report will address the traffic volumes associated with the project and parking necessary to accommodate the vehicular trips. This Traffic Statement addresses only the future traffic impact of the proposed site modifications.

II. PROPOSED TRIP GENERATION

It is our opinion that a thrift store most simulates a furniture store, as there is no specific thrift store land use in the ITE manual. Based on the ITE Trip Generation, latest edition, a summary of the net average trips (ADT), AM Peak Hour, and PM Peak Hour Trips are as follows:

Use	KSF	Unit ADT	Peak Hour of Generator	Total ADT	Peak Hour Trips
Furniture Store ITE Code = 890	3.6	4.94	0.95	17.9	4.0

Therefore, based on the above trip generation, the largest number of trips generated during the peak hour is four (4). Even if you include employee parking, in which an additional two (2) spaces would be necessary, the maximum number of spaces needed at any given time throughout the day will be six (6). This is consistent with the other two thrift stores operated by Nana's House in the Town of Malabar. Removing the parking in the garages, as requested, will still result in seven (7) available parking spaces for the project, which is almost double the spaces needed based on the traffic generated.



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

January 5, 2015

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director

RE: Item VI.F.1., Rezoning, Land Use Amendment, Site Plan, and Building Permit Process Fees Waived in Converting Nana's House Thrift Cottage

This is to correct the memorandum of December 17, 2014. The Board of County Commissioners, in regular session on December 16, 2014, approved waiving the rezoning, land use amendment, site plan, building permit process, review, and approval fees in converting Nana's House at 4090 Minton Road, West Melbourne, to Nana's House Thrift Cottage; **and approved exempting the request of the BCC-50 to waive fees up to \$6,700.**

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

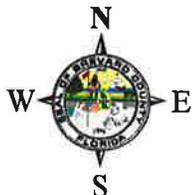
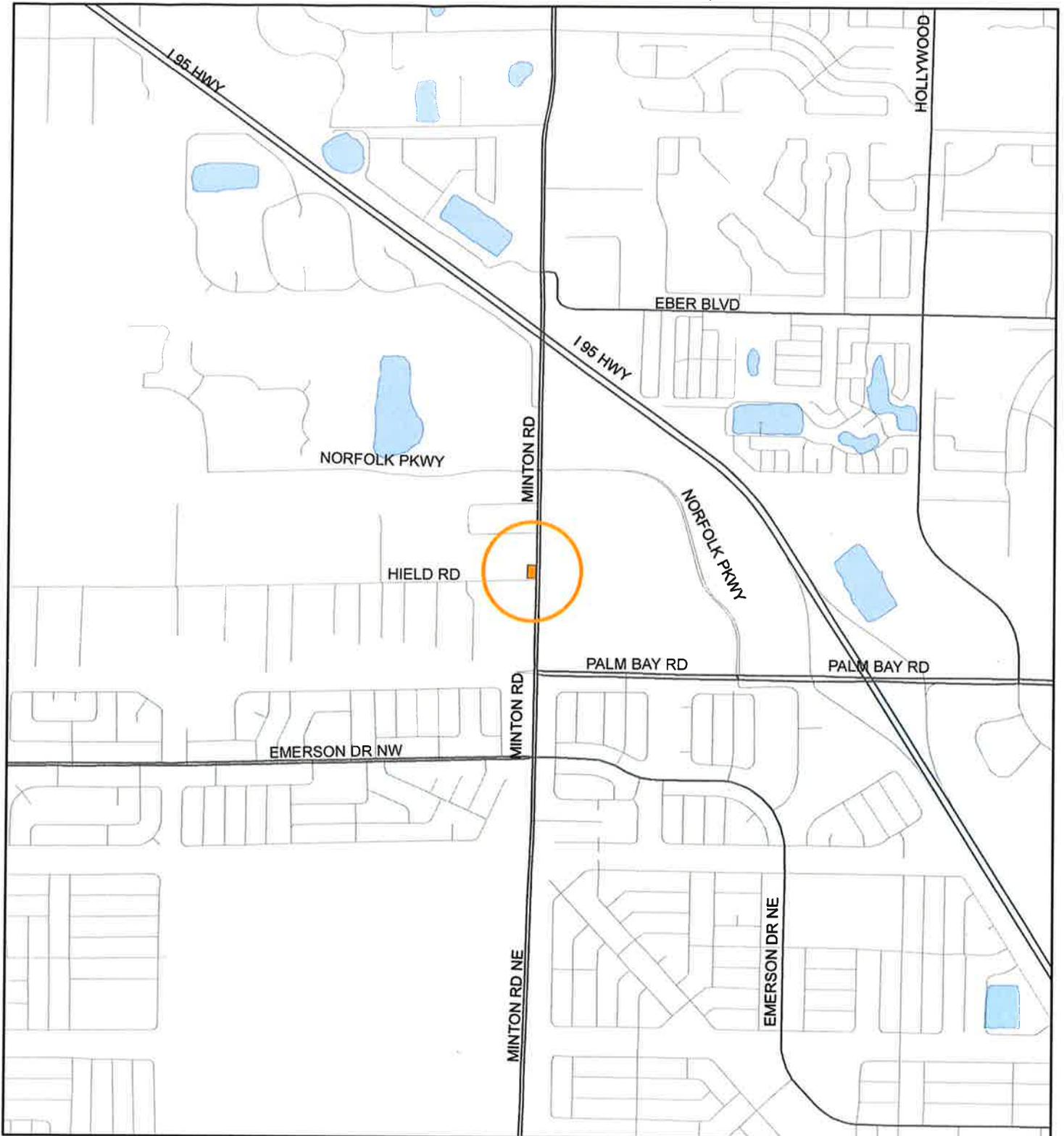
Tammy Etheridge, Deputy Clerk

cc: Finance
Budget

LOCATION MAP

NANA'S HOUSE THRIFT STORE

16WV00005 & 17WV00011



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: 3/1/2016