



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Development and Environmental Services Group

J.1.

9/5/2024

Subject:

Waivers of Subdivision Requirements, Re: Clover Townhomes (24WV00002, 24WV00003, 24WV00004, 24WV00006, 24WV00007) (District 2)

Developer: Schwab Construction Group, Inc.

Fiscal Impact:

None

Dept/Office:

Public Works / Planning and Development

Requested Action:

The applicant is seeking five (5) waivers to different sections of the Brevard County Land Development Code to allow the development of a 13-unit single-family attached subdivision. Should the Board grant approval of these waivers, staff recommends conditioning such approval on installation of automatic fire sprinklers for all residential buildings under the associated site plan.

Summary Explanation and Background:

The County has received a site plan application for a 13-unit attached residential townhome building. The plans were submitted with a preliminary plat with the intention of subdividing each unit for separate ownership. The applicant states that the project tract is narrow, and the physical conditions of the property cause an undue hardship to the applicant if the strict letter of the code is carried out. The applicant states that without the relief from code requirements granted by the waivers included in this application, the project will not be feasible.

24WV00002:

Section 62-2887(c) states that "except for a minor subdivision, all lot access is to be internal within the final plat boundary." The applicant requests to waive the requirement to access each lot from an internal roadway and instead use the existing adjacent county maintained Burnwood Drive for lot access. The subject property is 109 feet in depth, and the applicant states that those limitations imposed by Section 62-2887(c) would render the lots unbuildable and cause an undue hardship. Burnwood Drive is a dead-end street with no thru traffic to conflict with backing vehicles.

24WV00003:

Section 2883(d) requires that a "minimum 15-foot perimeter buffer shall be required, and that buffer shall remain undisturbed along all property boundaries and shall be platted as a common tract, separate from individual lots." The applicant requests to waive the requirement to leave the buffer undisturbed and instead allow grading and drainage improvements on the rear and two sides of the project within the perimeter

buffer. The applicant also requests that the buffer requirement along Burnwood Drive be waived entirely, stating that abiding by the strict letter of the code and maintaining an undisturbed 15-foot perimeter buffer places an undue hardship to the applicant due to the physical limitations of the property.

24WV00004:

Per Section 62-3206(b)(4), the parking for a project shall be designed so that the ingress/egress to and from the site provides for safe traffic flow on the site, and between the site and adjoining lands, including public rights-of-way. The parking for this project is designed so that vehicles will be backing into the Burnwood Drive right-of-way. The applicant maintains that Burnwood Drive is a 680-foot dead-end local street with very low traffic, and driveway connections will not be a safety concern.

24WV00006

Exhibit 16 in Section 62-2802 requires that driveways shall be located no closer than 5 feet to the side property line. A waiver is requested by the applicant to allow these attached residential platted lots to allow the driveways to be located 4 inches from the side lot lines in lieu of the 5 feet shown on Exhibit 16.

24WV00007

Section 62-3751, Exhibit A of the Stormwater Management Criteria, Subsection 4.4(h) requires that dry ponds shall have side slopes no steeper than 3:1. The applicant is requesting a waiver of that section of the code, and to provide vertical concrete retaining walls on portions of the dry pond in lieu of the maximum allowable slopes of 3:1. The physical characteristics of the property place an undue hardship on the property owner if the project is made to comply with the strict letter of the code.

The waiver application submittal includes the comment response letter dated March 21, 2024, revised stormwater calculations, and revised drainage plans by Rick Kern, a Florida licensed professional engineer that were provided to support this waiver request. The comment response letter, stormwater calculations and associated plans were reviewed by Public Works - Engineering staff for the inclusion of the walls proposed along three (3) sides of the proposed rectangular dry retention stormwater pond at the rear of the property:

- Stormwater Quality (Pollution Removal): The stormwater calculations with the inclusion of the walls (impervious barriers) demonstrate recovery of the required stormwater treatment volume meeting stormwater quality requirements (pollution removal) per Brevard County Stormwater Criteria.
- Stormwater System Maintenance: The drainage plans provided with this waiver request include access to the stormwater pond through Tract LD-4.
- Access Pathway for Fire and Emergency Response to the Rear of the Buildings Outside of the Stormwater Pond: The applicant notes per the recommendation of Fire and Emergency Response they will provide automatic fire sprinklers for the residential units in lieu of a rear access pathway outside of the stormwater pond.

Staff has not granted approval of the waiver requests stated above, and pursuant to Section 62-2849 of the Brevard County Land Development Code, requests that the Board of County Commissioners evaluate the applicant's request to waive the aforementioned code sections. The Board's approval of this project does not relieve the developer from obtaining all other necessary jurisdictional permits, and staff recommends that any approval be conditioned upon developer providing automatic fire sprinklers for all residential buildings.

Clerk to the Board Instructions:



BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST

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

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us



September 14, 2024

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item J.1., Waivers of Subdivision Requirements for Clover Townhomes (24WV00002, 24WV00003, 24WV00004, 24WV00006, 24WV00007) Developer: Schwab Construction Group, Inc.

This is to correct the memorandum dated September 6, 2024. The Board of County Commissioners, in regular session on September 5, 2024, granted and approved the five waivers to different sections of the Brevard County Land Development Code to allow the development of a 13-unit single-family attached subdivision; and granted approval of installation of automatic fire sprinklers for all residential buildings under the associated site plan, **as well as the applicants' agreement with the County of an arrangement to provide for the equivalent of half of the maintenance costs for the road.** Enclosed is a copy of the Agenda Report.

Your continued cooperation is always appreciated.

Sincerely,

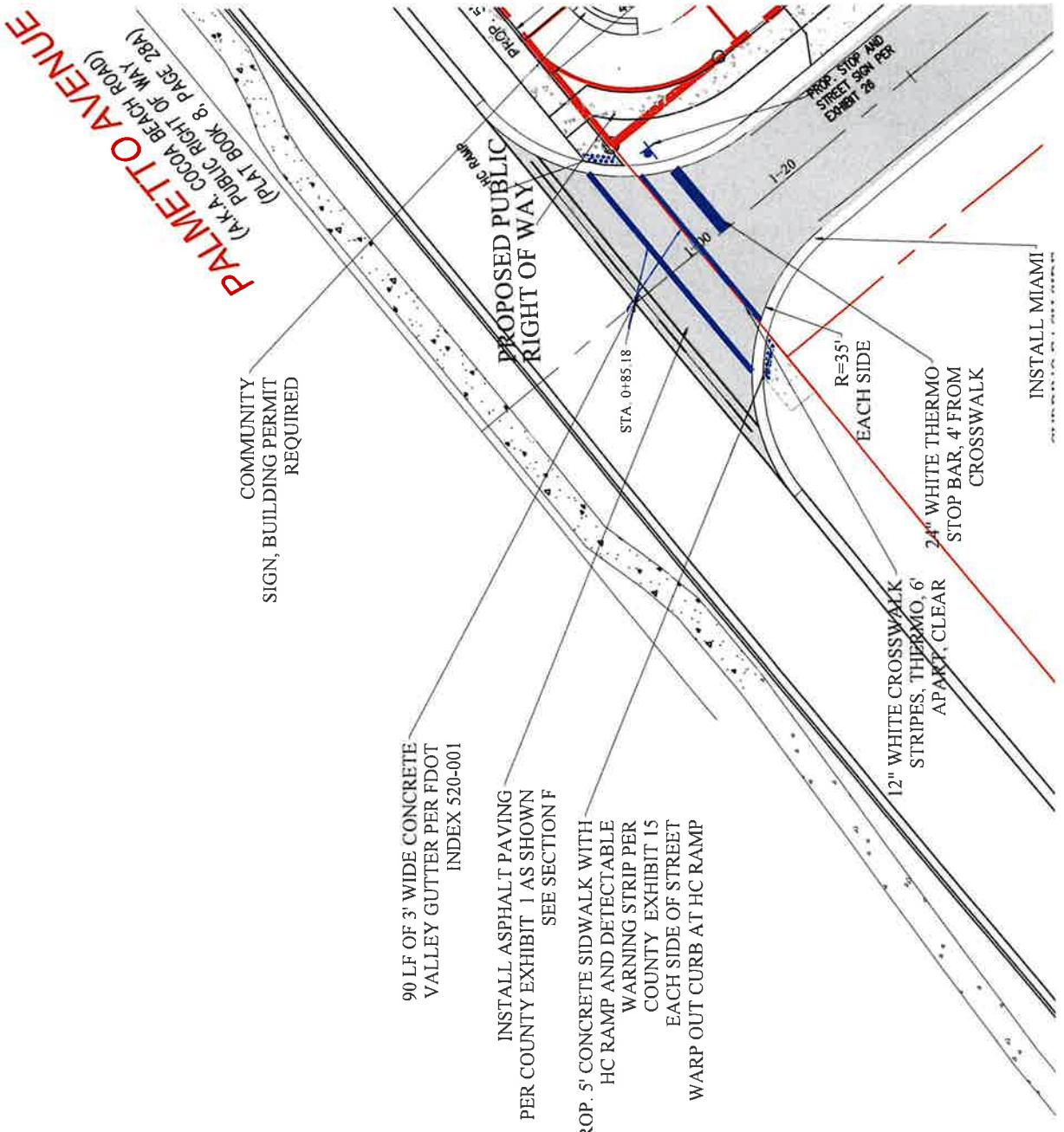
BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

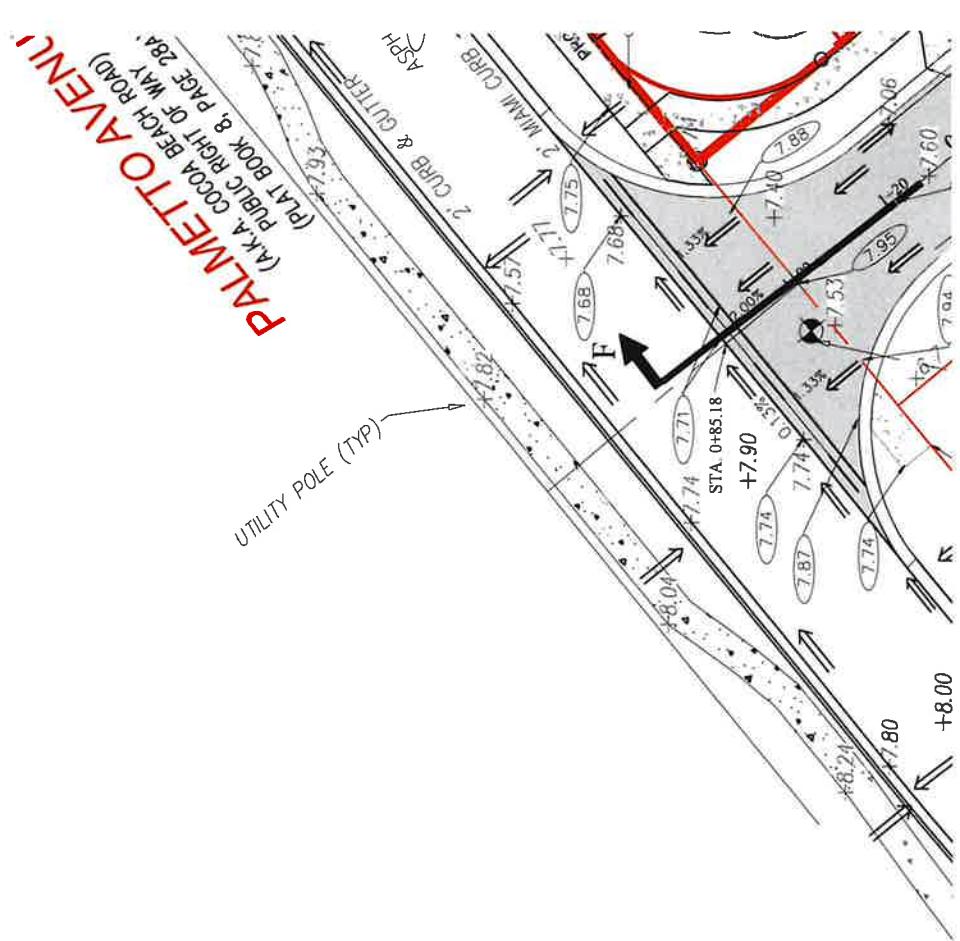
for: Dennis Scott
for: Kimberly Powell, Clerk to the Board

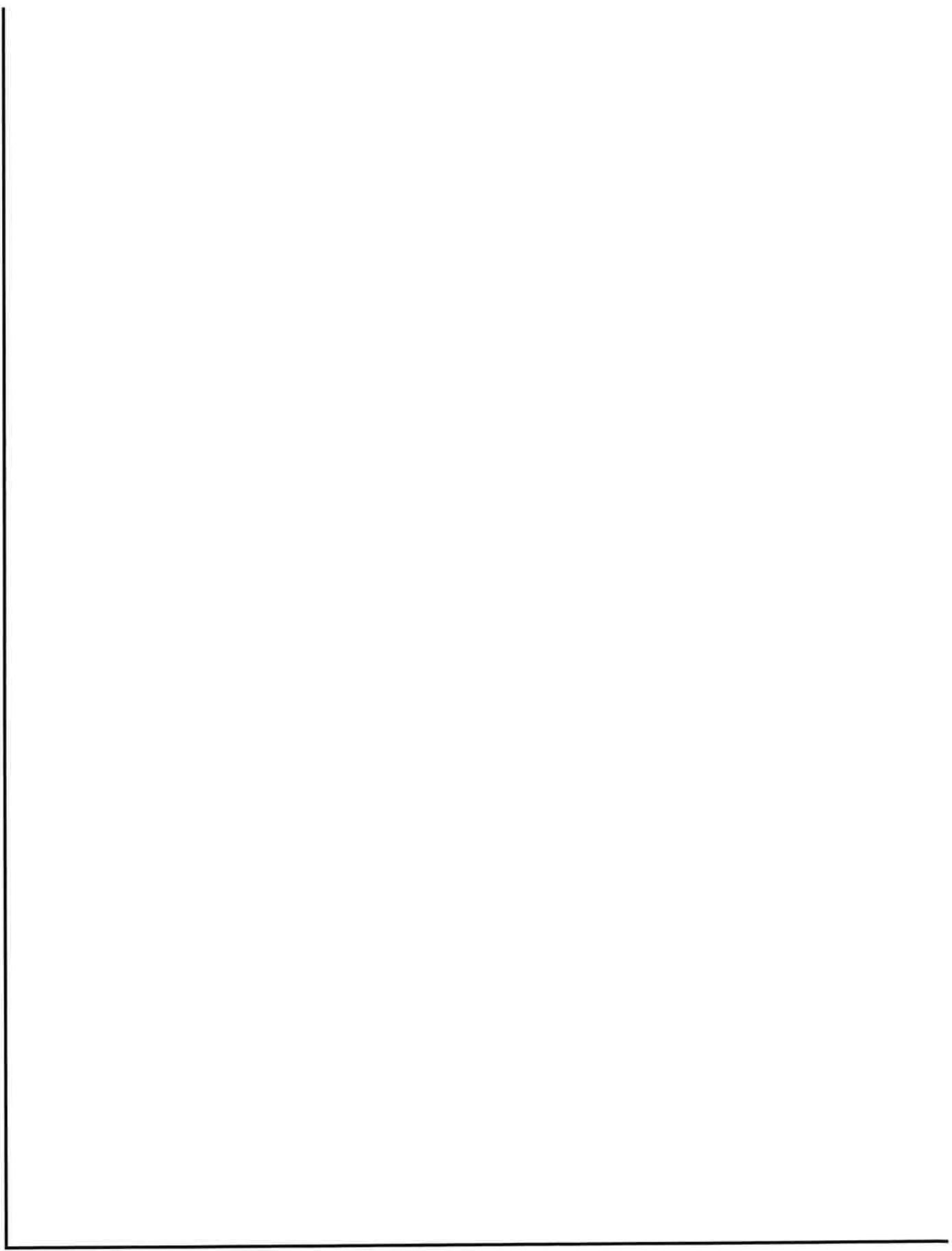
/ns

Encl. (1)

cc: Public Works







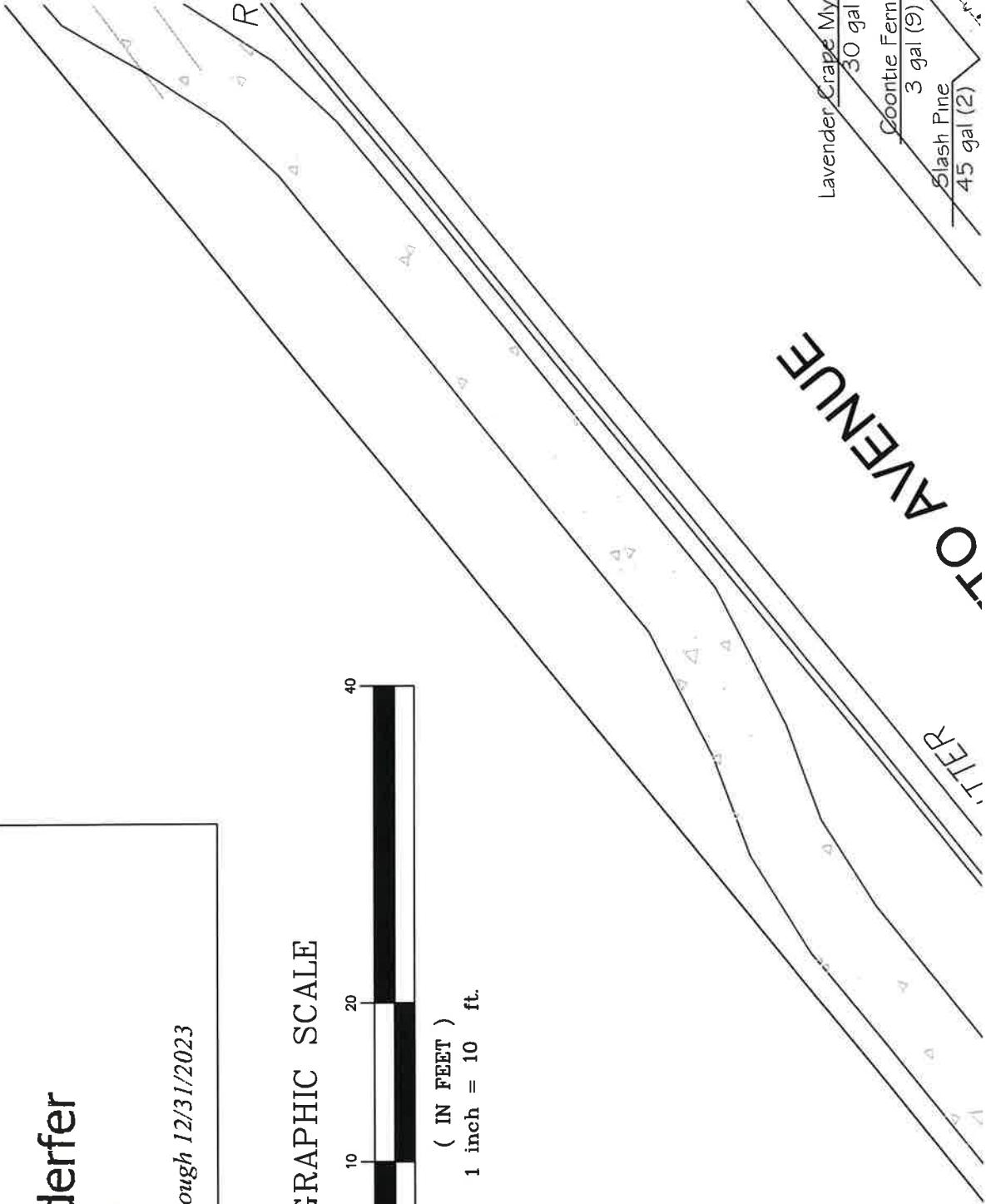


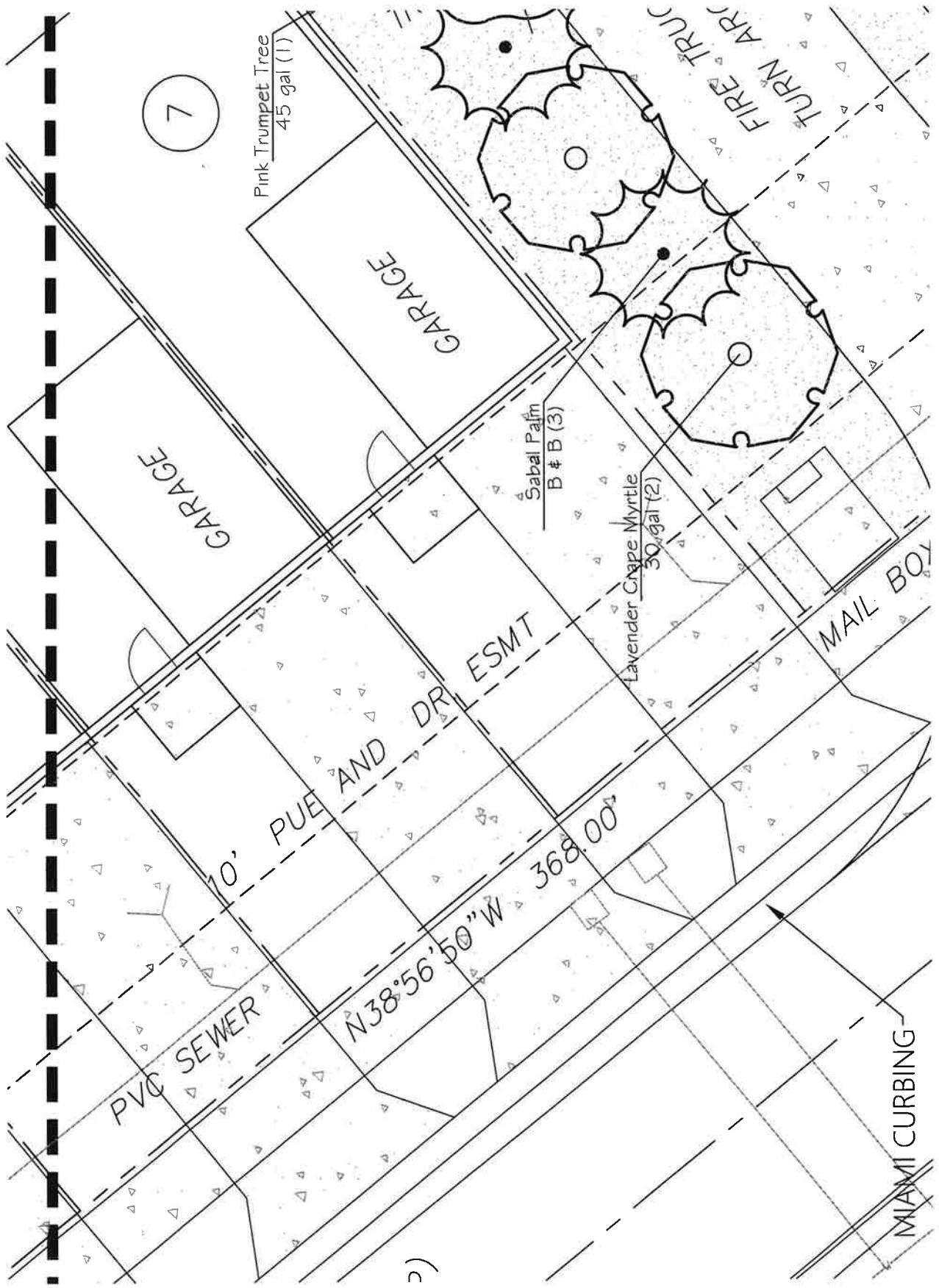
FNGLA FNGLA Certified
Horticulture Professional
CERTIFIED PROFESSIONAL

Brian K. Alderfer
HC3 02184

Certification valid through 12/31/2023

GRAPHIC SCALE





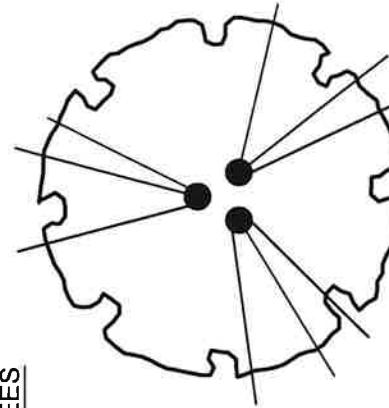
PLANT SCHEDULE

CON

COMMON / BOTANICAL NAME

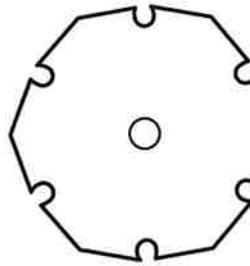
SYMBOL

TREES



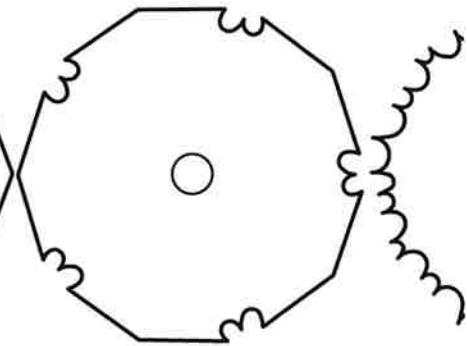
Red Maple / *Acer rubrum*

45



Lavender Crapé Myrtle / *Lagerstroemia indica 'Muskogee'*

30



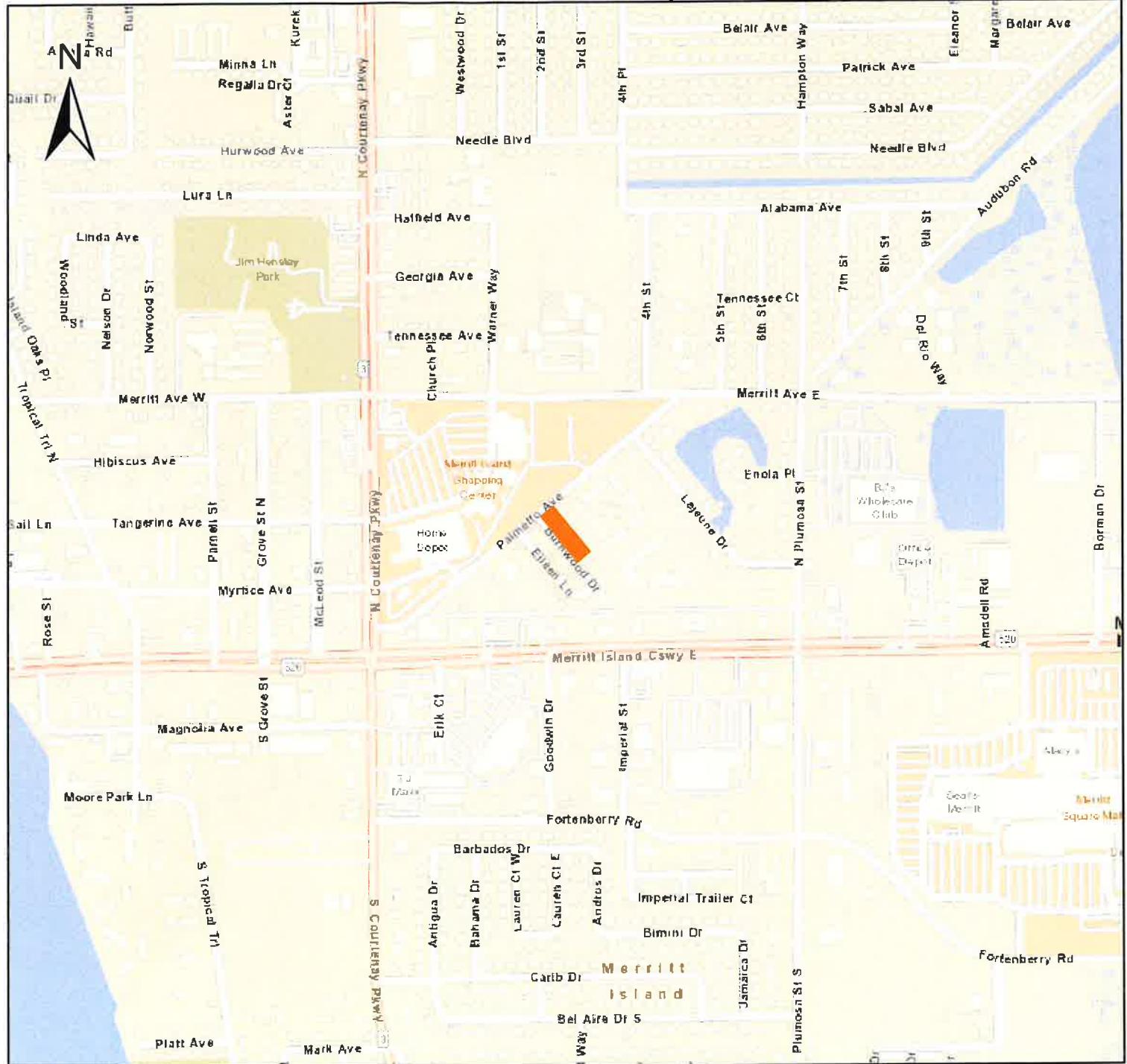
Southern Magnolia / *Magnolia grandiflora*

65

GENERAL LANDSCAPE NOTES

- 1.) LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING PROJECT SITE CONDITIONS AND QUANTITIES INDICATED ON THESE PLANS, BEFORE PRICING WORK.
- 2.) ALL PLANT MATERIAL SHALL BE FLORIDA GRADE NO. 1 OR BETTER AS SPECIFIED IN "GRADES AND STANDARDS FOR NURSERY PLANTS PARTS I AND II" 1998 EDITION DIVISION OF PLANT INDUSTRY, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, AND SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMAN STANDARDS FOR NURSERY STOCK. ALL SIZES SHOWN FOR PLANT MATERIAL ON THE PLAN ARE TO BE CONSIDERED MINIMUM. ALL PLANT MATERIAL MUST MEET OR EXCEED THESE MINIMUM REQUIREMENTS FOR BOTH HEIGHT AND SPREAD. ANY OTHER REQUIREMENTS FOR SPECIFIC SHAPE OR EFFECT AS NOTED ON THE PLAN SHALL ALSO BE REQUIRED FOR ACCEPTANCE. ALL TREES TO BE SINGLE TRUNKED, UNLESS OTHERWISE NOTED ON PLANS.
- 3.) LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND VERIFYING THE CONDITION OF UNDERGROUND UTILITIES THAT EFFECT PLANTING PROCEDURES OR IRRIGATION SYSTEM INSTALLATION. IF ANY CONFLICTS OCCUR BETWEEN PROPOSED LOCATION OF TREES FOR ON THE DRAWING AND ANY UNDERGROUND UTILITIES OR SUBSURFACE STRUCTURES, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE DESIGNER. IF THE LANDSCAPE CONTRACTOR DAMAGES ANY STAKED OR IN PLACE UTILITIES BY HIS OWN NEGLIGENCE, THEY SHALL BE REPAIRED AT THE LANDSCAPE CONTRACTOR'S EXPENSE.
- 4.) LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE DESIGNER OR OWNER OF ANY CONDITIONS THAT WOULD PREVENT THE HEALTHY GROWTH OF PLANT SPECIES CALLED FOR ON THE DRAWINGS. THIS NOTIFICATION MUST OCCUR PRIOR TO CONTRACT AWARD.
- 5.) IF ANY DISCREPANCIES OCCUR BETWEEN QUANTITIES CALLED FOR ON THE PLANT LIST AND THOSE INDICATED ON THE DRAWINGS, THE GREATER QUANTITY SHALL GOVERN.
- 6.) PLANT MATERIAL SHALL BE SOUND, HEALTHY AND VIGOROUS, WELL-BRANCHED AND DENSELY FOLIATED WHEN IN LEAF. THEY SHALL BE FREE OF DISEASE, INSECTS, EGGS, OR LARVAE, AND SHALL HAVE HEALTHY, WELL DEVELOPED ROOT SYSTEMS. THEY SHALL BE FREE FROM PHYSICAL DAMAGE OR ADVERSE CONDITIONS THAT WOULD PREVENT THRIVING GROWTH.
- 7.) PLANT MATERIAL MUST BE CONTAINER GROWN OR B&B (UNLESS TRANSPLANTED) AS INDICATED IN THE PLANT LIST. ALL PALMS SHALL BE FIELD GROWN
- 8.) PLANT MATERIAL SHALL CONFORM TO THE VARIETIES INDICATED IN THE PLANT LIST.
- 9.) SUBSTITUTION OF PLANT MATERIALS WILL NOT BE PERMITTED UNLESS AUTHORIZED BY THE OWNER AND/OR OWNER'S REPRESENTATIVE. IF PROOF IS SUBMITTED THAT ANY PLANT SPECIFIED IS NOT OBTAINABLE, A PROPOSAL WILL BE CONSIDERED FOR USE OF THE NEAREST EQUIVALENT SIZE OR VARIETY WITH CORRESPONDING ADJUSTMENT OF CONTRACT PRICES.
- 10.) PLANT MATERIAL LOCATIONS AND BED OUTLINES SHALL BE STAKED OR FLAGGED ON SITE BY THE LANDSCAPE CONTRACTOR AND SHALL BE ADJUSTED IF REQUIRED TO FIT ACTUAL AS-BUILT CONDITIONS ON SITE AND APPROVED BY THE LANDSCAPE DESIGNER OR OWNER PRIOR TO INSTALLATION. PROPOSED PLANTINGS SHALL NOT BE PLACED IN THE FLOWLINE OF SWALES OR LOCATED WHERE THEY WILL IMPEDE WATER FLOW.
- 11.) A CRISP LINE, EITHER STRAIGHT OR CURVING, SHALL SEPARATE PLANT BEDS FROM SODDED OR SEEDED AREAS. ALL PLANTING BED AREAS TO HAVE 6" OF DARK, FRIABLE TOP SOIL OR BED MIX CHURNED INTO EXISTING SOIL.

Location Map



Buffer Boundary in Dark Orange

Subject Property in Orange

Disclaimer: 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.

Scale: 1:12,000
1 inch equals 1,000 feet



Print Time: 8/14/2024 12:24 PM



Jackson, Desiree

From: Smith, Susan
Sent: Thursday, September 5, 2024 9:31 AM
To: Jackson, Desiree
Cc: Commissioner, D2
Subject: D2 Disclosure Item J1 Clover Townhomes

Hello Desiree,
Please see the below disclosure for item J.1. – Clover Townhomes.

- On 4/10/2024, Commissioner Goodson met with Schwabb Construction/Tina Schwab, Rick Kern, Mike D'Christopher and Larry Lallo regarding the Clover Townhomes. The purpose of the meeting was to brief the Commissioner on the townhouse project and the requested waivers.

Thank you,



Susan Smith
Legislative Aide
Brevard County Commissioner Tom Goodson District 2
2575 North Courtenay Parkway Suite 200
Merritt Island, FL 32953
Ph: (321) 434-6601
E-mail: Susan.Smith@brevardfl.gov

0/6



Space Coast Florida

Nature | Beaches | Space

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[Details](#) [Reports](#)

File #:	6675	Status:	Agenda Ready
Type:	New Business - Development and Environmental Services Group	In control:	Planning and Development
File created:	3/22/2024	Final action:	
On agenda:	9/5/2024		
Title:	Waivers of Subdivision Requirements, Re: Clover Townhomes (24WV00002, 24WV00003, 24WV00004, 24WV00006, 24WV00007) (District 2) Developer: Schwab Construction Group, Inc.		
Attachments:	1. Site Plan and Landscape Plan.pdf , 2. Location Map.pdf		

[History \(0\)](#) [Text](#)
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24WV00007

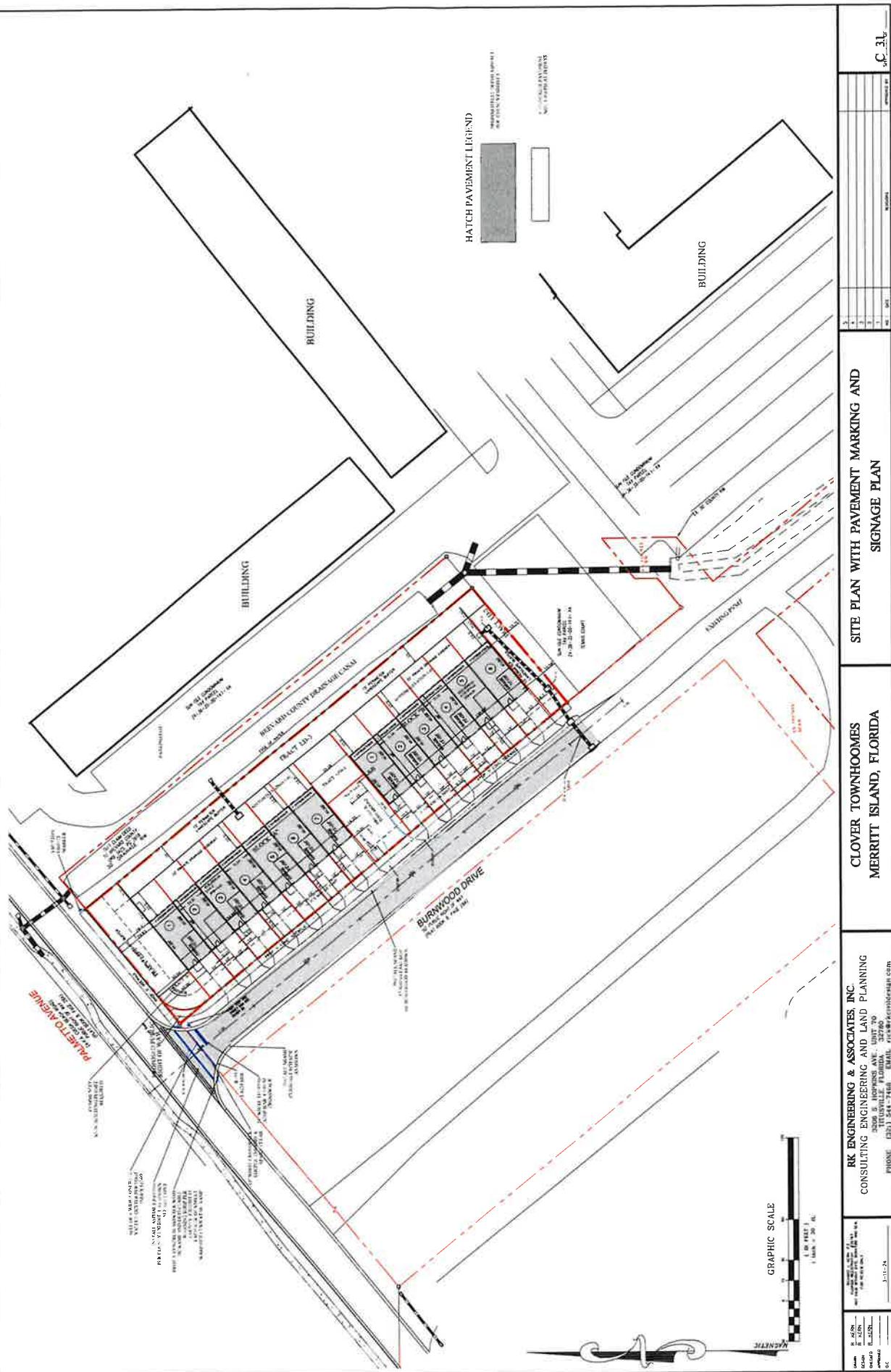
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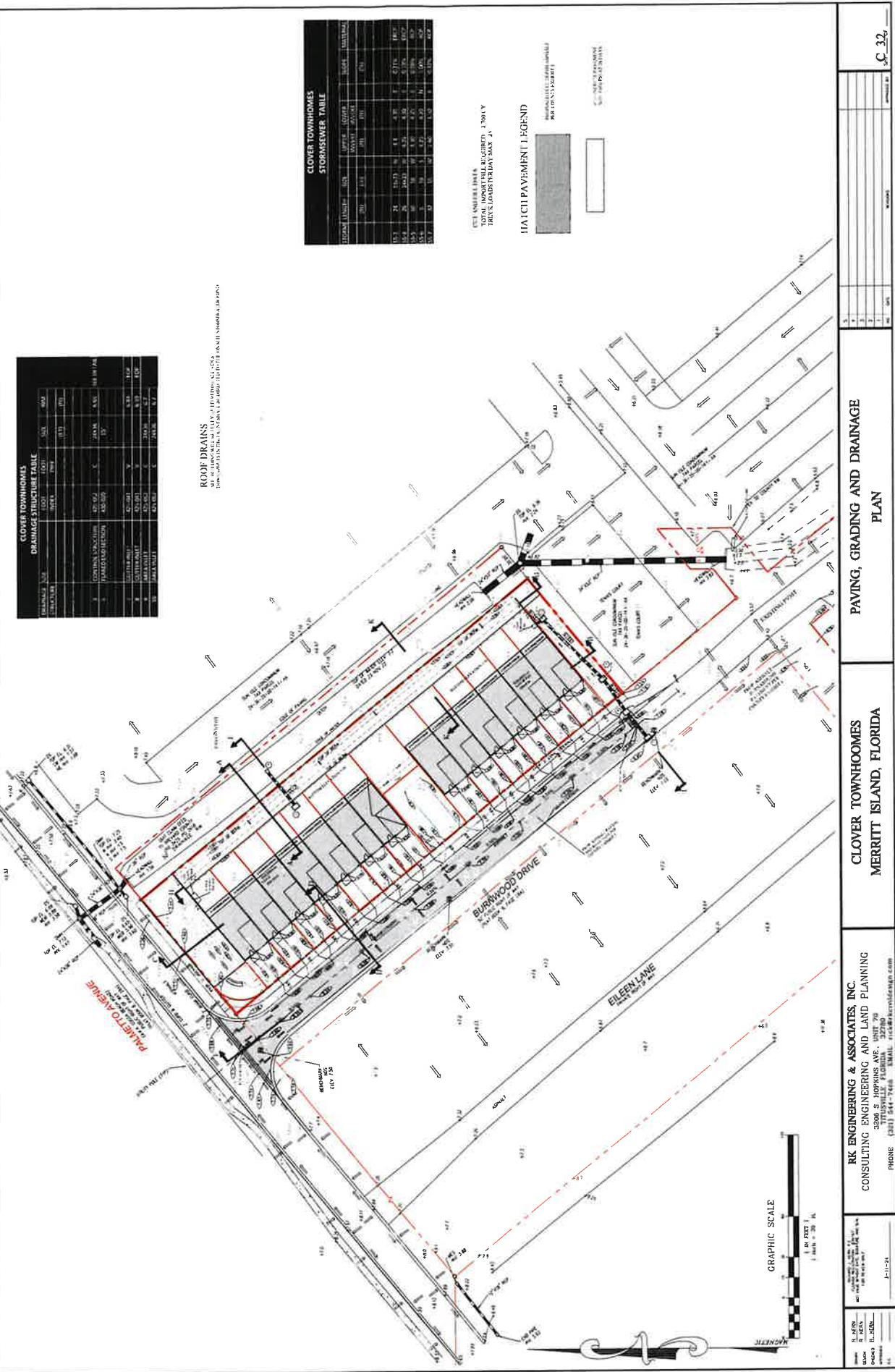
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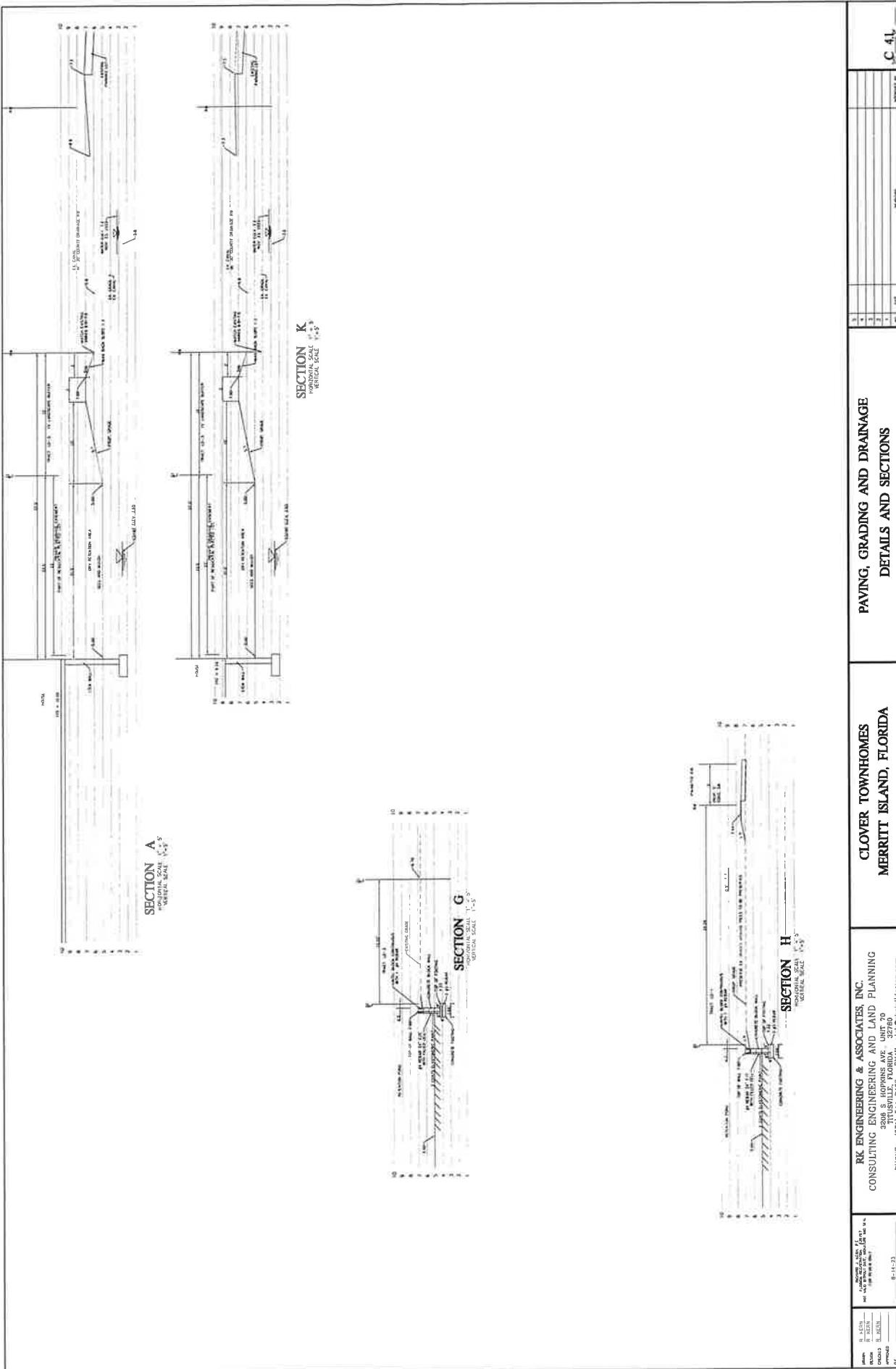
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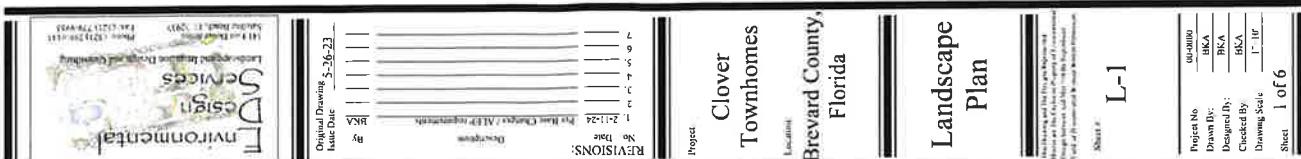
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Clerk to the Board Instructions:



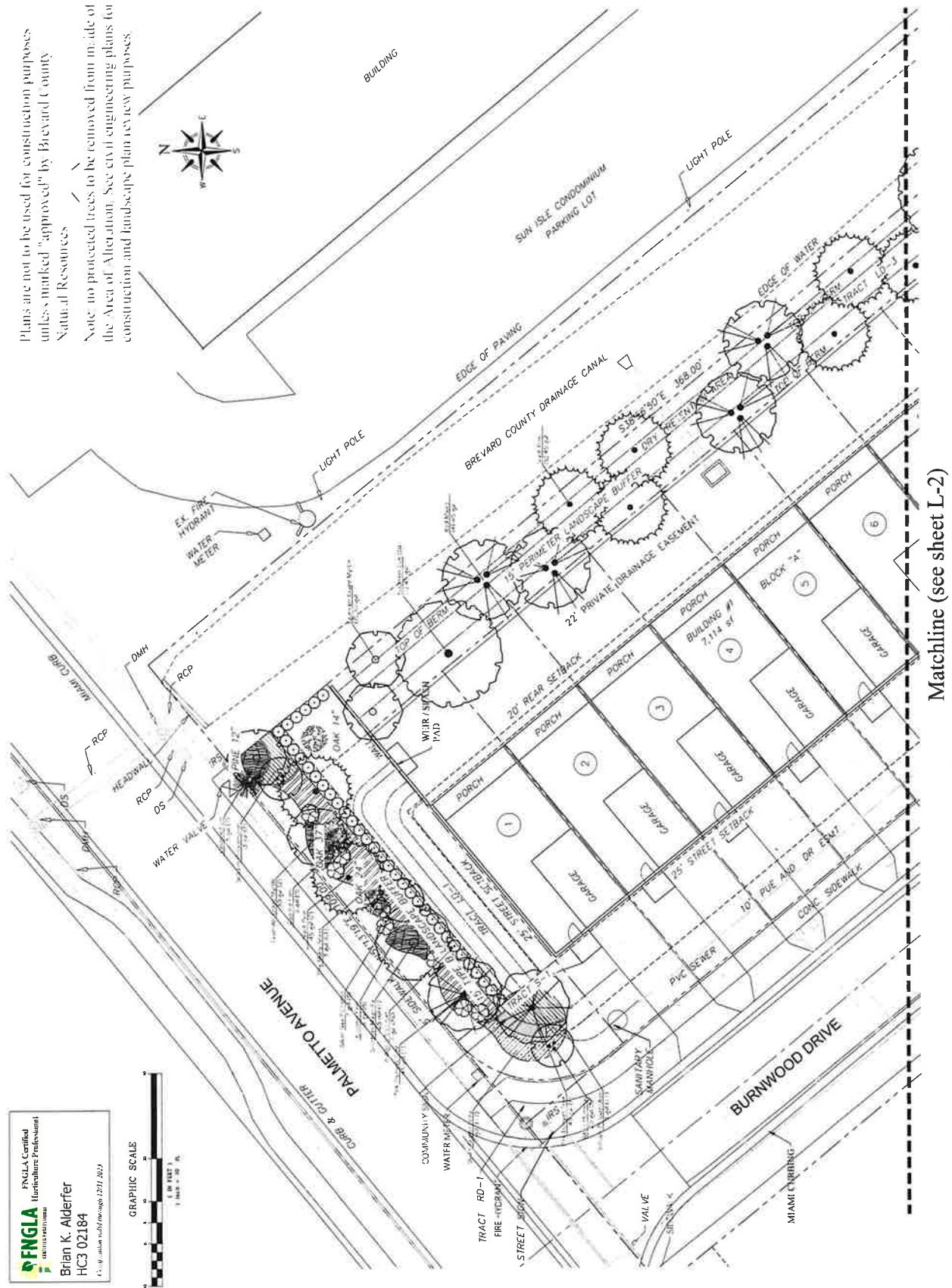


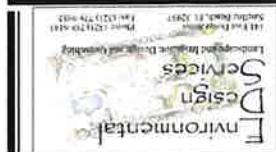




Plans are not to be used for construction purposes unless marked "approved" by Brevard County Natural Resources. Note: no protected trees to be removed from inside of the Area of Alteration. See civil engineering plans for construction and landscape plan review purposes.

Note no protected trees to be removed from inside of the Area of Alteration. See civil engineering plans for documentation and boundaries of new boundaries.





Original Drawing 5-26-23
Drawing Date: 5-26-23
Drawing No.: 5-26-23
Project No.: HKA
Revision No.: 2-11-24
Drawing Type: As-Built
Drawing Date: 5-26-23
Drawing No.: HKA

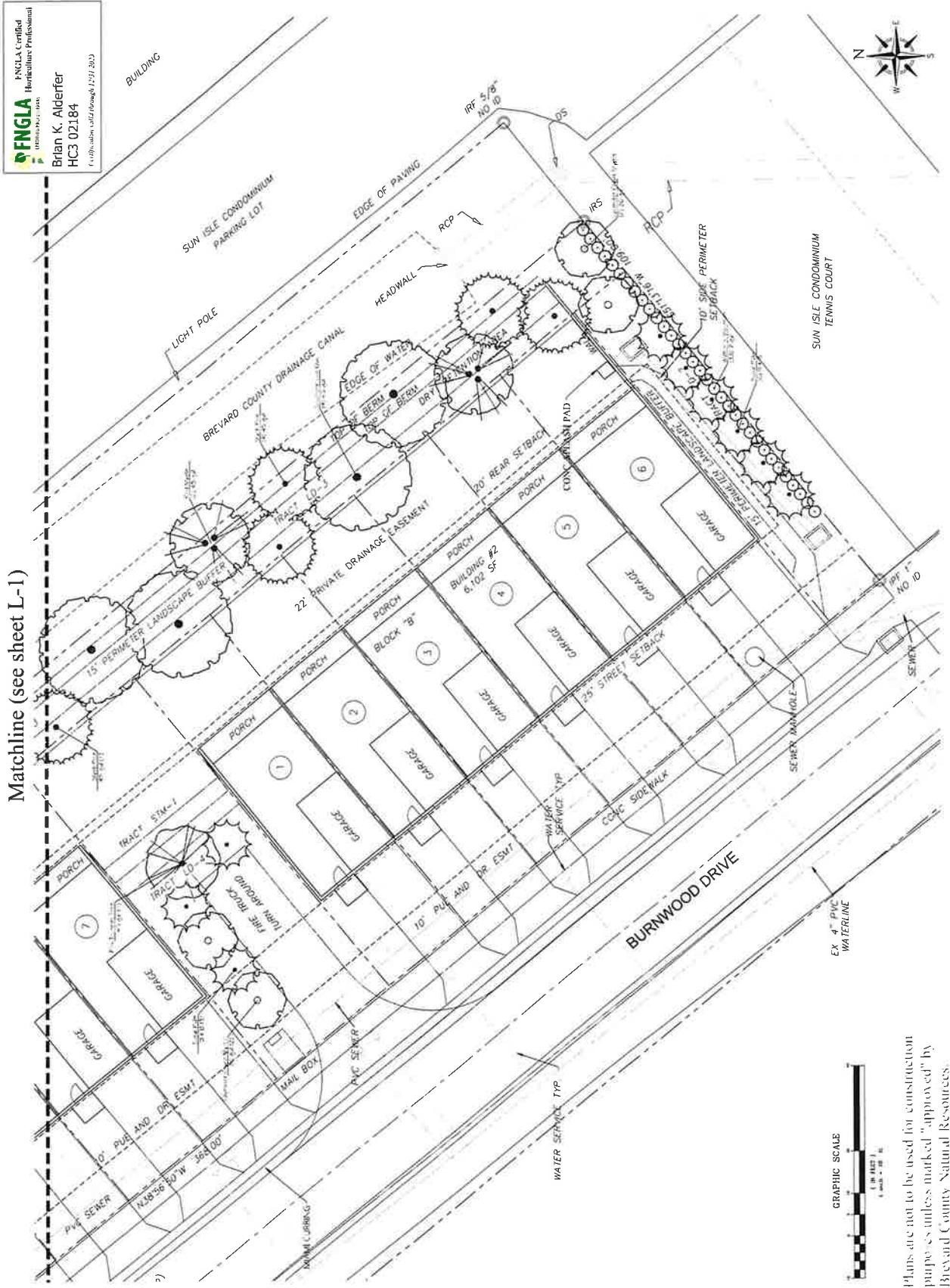
Project: Clover
Townhomes
Location: Brevard County,
Florida

Landscape
Plan

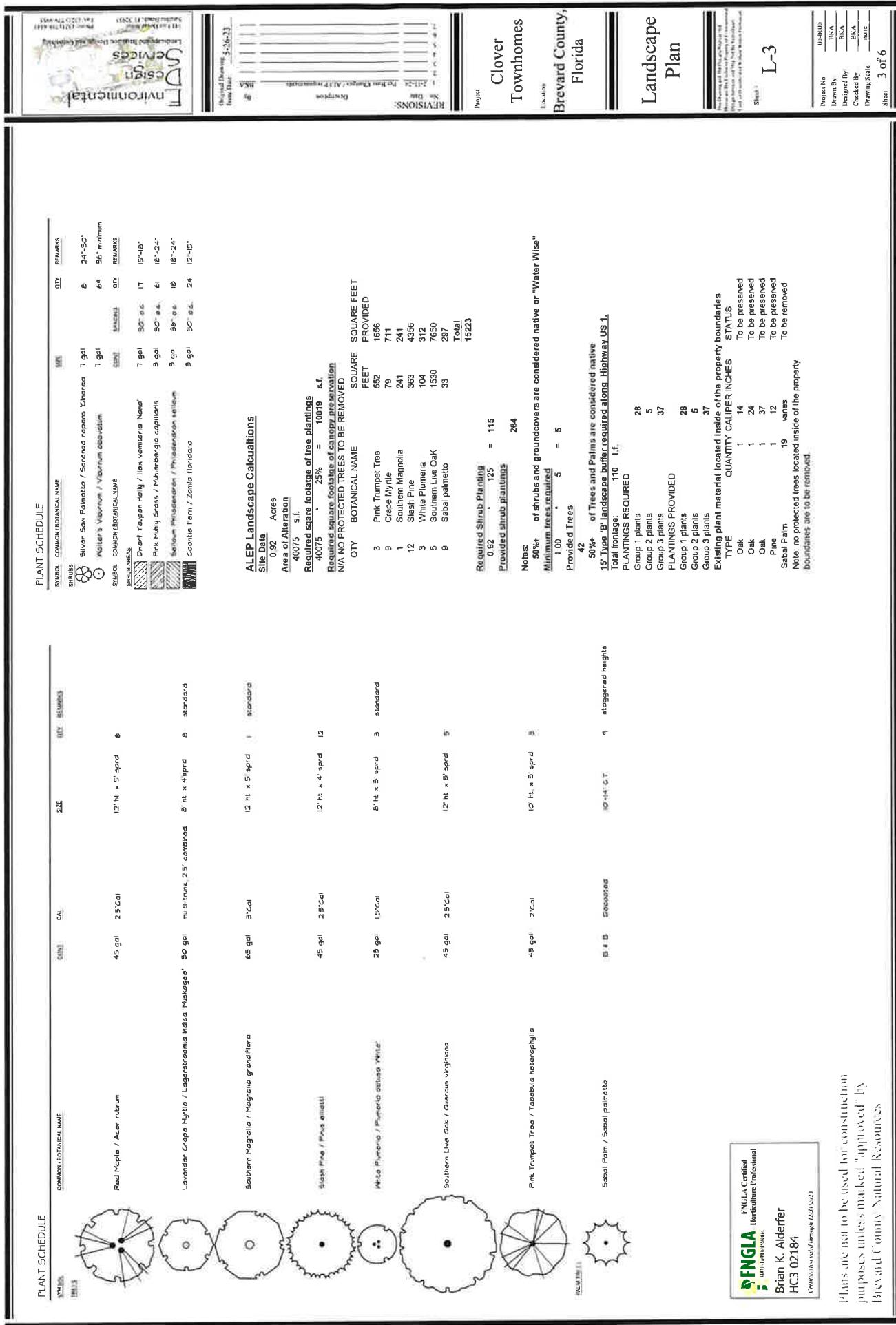
L-2

Sheet 1 of 6
Drawing Scale: 1" = 1'-0"
Drawing ID: HKA
Checked By: HKA
Drawn By: HKA
Project No.: HKA

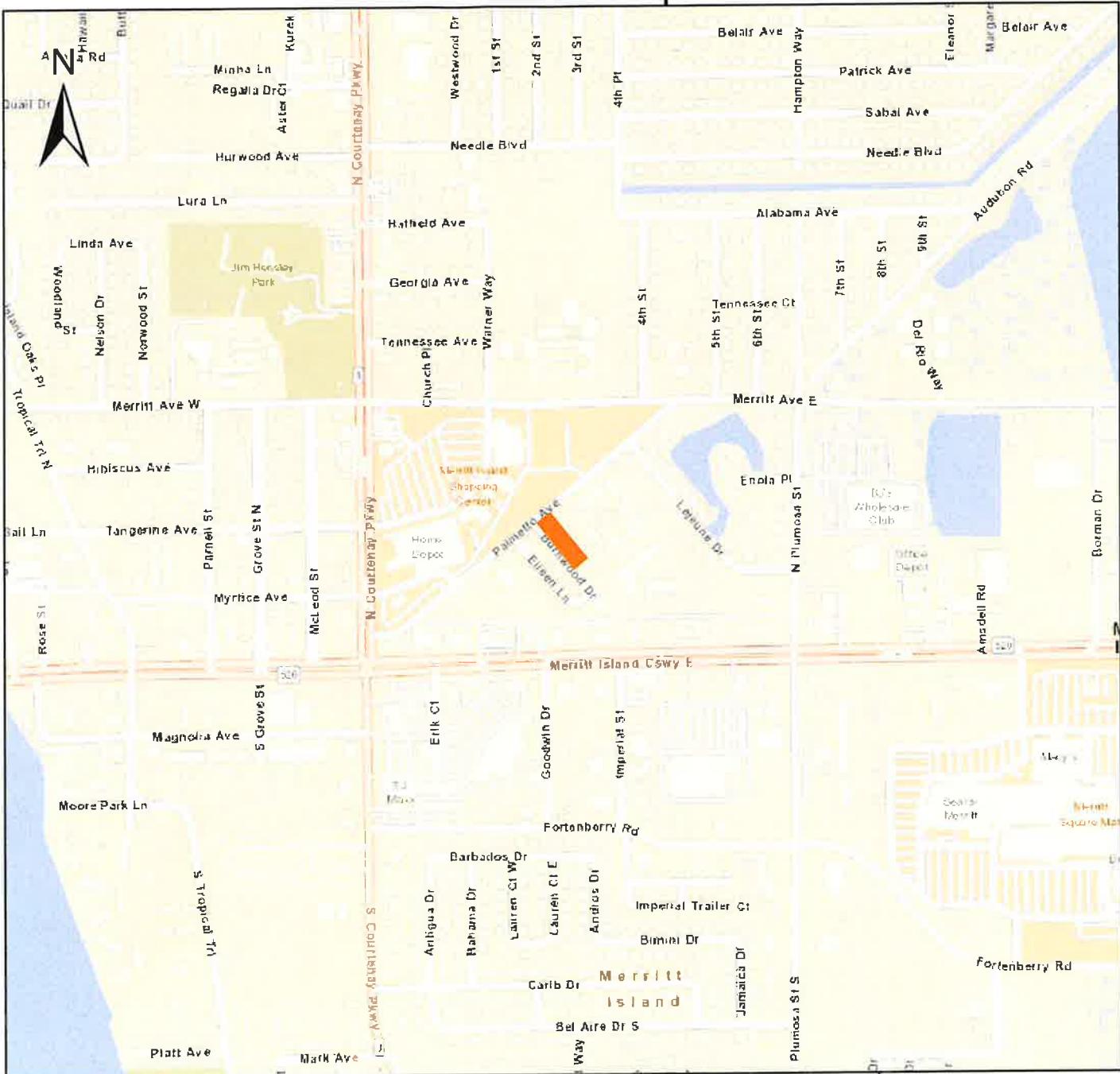
Matchline (see sheet L-1)



Graphic Scale
0 50 100 150 200
1" = 1'-0"
Plans are to be used for construction
purpose only unless marked "Approved" by
Brevard County Natural Resources.



Location Map



Buffer Boundary in Dark Orange

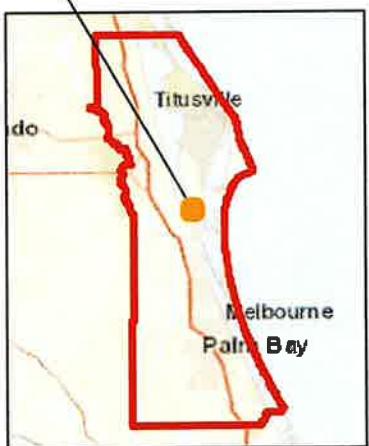
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Susan Smith
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Brevard County Commissioner Tom Goodson District 2
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Merritt Island, FL 32953
Ph: (321) 454-6601
E-mail: Susan.Smith@brevard.fl.gov