



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

7/9/2024

Subject:

Waiver of Subdivision Perimeter Buffer, Re: Meadow Pointe (22SD00010) (24WV00016)
Developer: DRMP, Inc. District 1

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

The applicant requests a waiver to Section 62-2883(d), of the subdivision requirements to allow improvements to be made to the stormwater system that will encroach into the required fifteen-foot perimeter buffer. Staff has reviewed the request and does not object to the requested waiver subject to the project development being consistent with the current subdivision plan including the project landscaping plan as outlined below and specified in the plans.

Summary Explanation and Background:

Section 62-2883(d) requires that for the development of proposed residential subdivisions, a minimum 15-foot perimeter buffer shall be required. Such buffer shall remain undisturbed along all property boundaries and shall be platted as a common tract, separate from individual lots. Landscape improvements may be constructed within said buffer tract subject to review and approval by the county. The buffer tract is intended to provide screening between the boundaries of residential developments and adjacent properties.

Meadow Pointe is a proposed residential subdivision located on the north side of State Route 46, one-quarter mile west of Interstate 95. The proposal is for 193 detached single-family residential lots on 113.8 acres. The project is bounded by State Route 46 to the south, as well as two commercial parcels zoned BU-1 (general retail commercial), bounded to the east by property zoned BU-2 (retail, warehousing, and wholesale commercial) and occupied by the Pilot Travel Center. The property is also bounded by vacant, GU-zoned (general use) property to the north and east, and by single-family mobile home development zoned TR-1 and vacant land zoned GML (government managed lands) to the west.

The applicant asserts that the ability to avoid grading within portions of the buffer tract is not possible due to the design constraints associated with the existing and proposed drainage systems. The existing FDOT outfall onto the subject property requires rerouting of the historical drainage, and that rerouting requires grading within the perimeter buffer. The applicant also asserts that improvements to the FDOT outfall will facilitate drainage improvement for adjacent properties.

Staff from Public Works Engineering and from the Natural Resources Management Department have worked with the applicant through the subdivision plan review process to reach agreement regarding the details of the waiver request, and has no object to approval assuming the approval is conditional upon the design depicted in the subdivision plan and the preliminary plat including the landscaping plans specified therein. Pursuant to Section 62-3207 of the Code, Staff requests that it be evaluated by the Board of County Commissioners. Board approval of this waiver does not relieve the developer from obtaining all other necessary jurisdictional permits.

Reference: 24WV00016, 22SD00010

Contact: Tim Craven, Planner III, 321-350-8266

Clerk to the Board Instructions:



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

July 10, 2024

MEMORANDUM

TO: Tad Calkins, Planning and Development Director Attn: Tim Craven

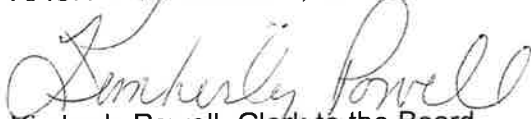
RE: Item F.2., Waiver of Subdivision Perimeter Buffer for Meadow Pointe (22SD00010)
(24WV00016) - Developer: DRMP, Inc.

The Board of County Commissioners, in regular session on July 9, 2024, granted a waiver of Section 62-2883(d) of the subdivision requirements to allow improvements to be made to the stormwater system that will encroach into the required fifteen-foot perimeter buffer for Meadow Pointe - Developer: DRMP, Inc.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ns



BOARD OF COUNTY COMMISSIONERS

**Planning and Development
Planning and Zoning**
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

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 to Subdivisions, Minor Subdivisions, and Site Plans. Fees for Waivers are \$775.00.

Application Type:

☒ Subdivision Waiver ☐ Site Plan Waiver ☐ Other

If other, please indicate

Tax Account Numbers:

2100183

Tax Account 1

Tax Account 2

Project Information and Site Address:

Meadow Pointe Subdivision JACKSON FAMILY TRUST/CB DAVIS FAMILY TRUST

Project Name

Property Owner

27603 SR 46

SORRENTO

FL

32776

Street

City

State

Zip Code

Applicant Information:

Mike Roche

Starlight Homes Florida L.L.C.

Applicant Name

Company

1064 Greenwood Blvd., Ste. 124

Lake Mary

FL

32746

Street

City

State

Zip Code

407-708-0171

tina.lee@ashtonwoods.com

Primary Phone

Secondary Phone

Email Address

Engineer/Contractor (if different from applicant):

Scott Nickle, VP

DRMP, Inc.

Engineer or Project Manager

Company

100 Parnell St.

Merritt Island

FL

32922

Street

City

State

Zip Code

321-453-0010

snickle@drmp.com

Primary Phone

Secondary Phone

Email Address

Description of Waiver Request and Code Section:

Applicant is requesting a waiver of Section 62-2883(d) requiring a 15 foot wide perimeter buffer to remain undisturbed. A 15 foot wide perimeter buffer tract is proposed and preservation of any existing vegetation is proposed wherever possible, however there is a portion that the existing vegetation cannot be preserved.

If you wish to appeal any decision made by County staff on the wavier, you may request that the Board of County Commissioners make a determination. The Board's decision approving or disapproving the waiver or interpretation is final.



Owner/Applicant Signature

Scott Nickle, VP

Print Name

Land Development Application Document Submittal Requirements

Waivers for Site Plans or Subdivisions require an application, waiver criteria (listed below), an 8 ½-inch x 11 inch vicinity map, and a fee of \$775.00.

Waiver Criteria for Subdivisions and 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.

Due to the unique nature complexity of the subject property and proposed development design constraints associated with existing and proposed drainage systems, ability to avoid grading within portions of the buffer tract is not possible. There is an existing FDOT drainage outfall onto the applicant's property and the project requires rerouting of the FDOT historical drainage within a portion of the perimeter buffer.

See attached exhibit identifying affected locations

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

This waiver request does not impact or negatively effect adjacent properties. In fact, since a portion of the proposed project involves rerouting the FDOT stormwater outfall onto the property, it is likely that granting of the waiver would facilitate improvement of drainage for adjacent properties.

3. The conditions, upon which a request for waivers 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.

As stated in the response above, the subject property has unique characteristics associated with a historical FDOT outfall onto the property and serves other adjacent properties. The applicant is proposing to relocate the FDOT outfall within his property to provide appropriate stormwater conveyance.

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 requested waiver is consistent with intent and purpose of the zoning regulations and land use plan. A 15 foot wide buffer will still be provided and for any areas requiring removal of vegetation, replacement plantings will be provided, consistent with County requirements.

5. Delays attributed to state or federal permits.

N/A.

6. Natural disasters.

N/A.

7. County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)

Office Use Only

Request Date

Fees

Board Date

Original Project Number

Waiver Number

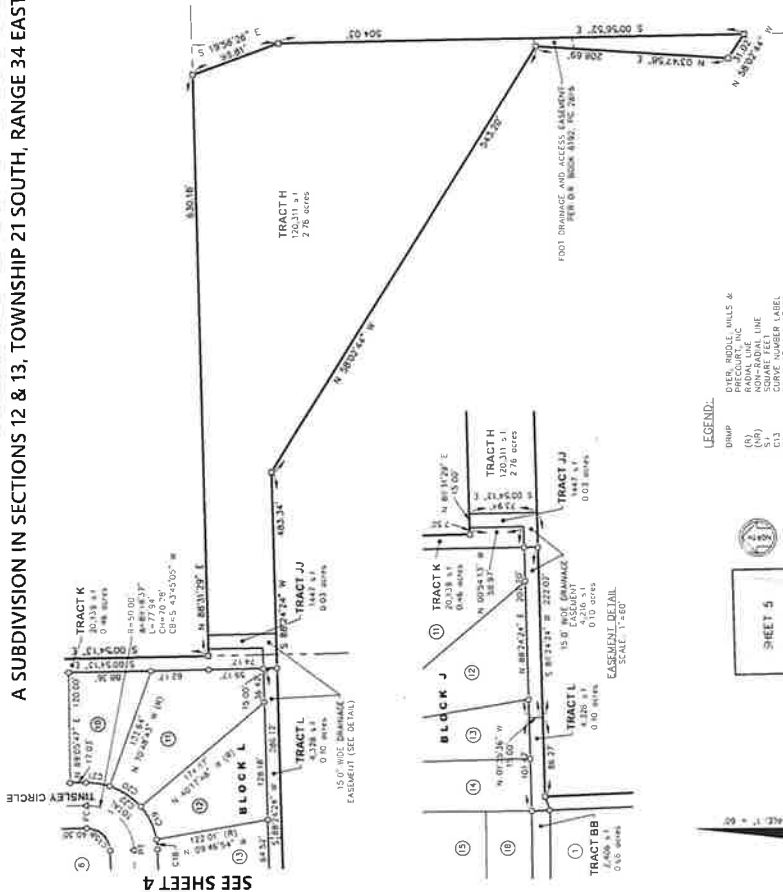
Coordinator Initials

Reference Files

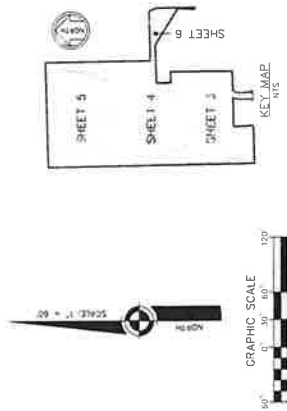
County Manager/Designee Approval

A SUBDIVISION IN SECTIONS 12 & 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA

PLAT BOOK _____ PAGE _____
SHEET 6 OF 6
SECTIONS 12,13 TWP 21 S., RANGE 34 E.



LEGEND:



LOT AREAS		LOT AREAS	
LOT #	Area (sq. ft.)	LOT #	Area (sq. ft.)
1	1,111	1	1,111
2	1,111	2	1,111
3	1,111	3	1,111
4	1,111	4	1,111
5	1,111	5	1,111
6	1,111	6	1,111
7	1,111	7	1,111
8	1,111	8	1,111
9	1,111	9	1,111
10	1,111	10	1,111
11	1,111	11	1,111
12	1,111	12	1,111
13	1,111	13	1,111
14	1,111	14	1,111
15	1,111	15	1,111
16	1,111	16	1,111
17	1,111	17	1,111
18	1,111	18	1,111
19	1,111	19	1,111
20	1,111	20	1,111
21	1,111	21	1,111
22	1,111	22	1,111
23	1,111	23	1,111
24	1,111	24	1,111
25	1,111	25	1,111
26	1,111	26	1,111
27	1,111	27	1,111
28	1,111	28	1,111
29	1,111	29	1,111
30	1,111	30	1,111
31	1,111	31	1,111
32	1,111	32	1,111
33	1,111	33	1,111
34	1,111	34	1,111
35	1,111	35	1,111
36	1,111	36	1,111
37	1,111	37	1,111
38	1,111	38	1,111
39	1,111	39	1,111
40	1,111	40	1,111
41	1,111	41	1,111
42	1,111	42	1,111
43	1,111	43	1,111
44	1,111	44	1,111
45	1,111	45	1,111
46	1,111	46	1,111
47	1,111	47	1,111
48	1,111	48	1,111
49	1,111	49	1,111
50	1,111	50	1,111
51	1,111	51	1,111
52	1,111	52	1,111
53	1,111	53	1,111
54	1,111	54	1,111
55	1,111	55	1,111
56	1,111	56	1,111
57	1,111	57	1,111
58	1,111	58	1,111
59	1,111	59	1,111
60	1,111	60	1,111
61	1,111	61	1,111
62	1,111	62	1,111
63	1,111	63	1,111
64	1,111	64	1,111
65	1,111	65	1,111
66	1,111	66	1,111
67	1,111	67	1,111
68	1,111	68	1,111
69	1,111	69	1,111
70	1,111	70	1,111
71	1,111	71	1,111
72	1,111	72	1,111
73	1,111	73	1,111
74	1,111	74	1,111
75	1,111	75	1,111
76	1,111	76	1,111
77	1,111	77	1,111
78	1,111	78	1,111
79	1,111	79	1,111
80	1,111	80	1,111
81	1,111	81	1,111
82	1,111	82	1,111
83	1,111	83	1,111
84	1,111	84	1,111
85	1,111	85	1,111
86	1,111	86	1,111
87	1,111	87	1,111
88	1,111	88	1,111
89	1,111	89	1,111
90	1,111	90	1,111



100 PARKFIELD STREET - SUITE A
ANN ARBOR, MICHIGAN 48106
Phone: (313) 761-6000
Telex: 240487
Cable: 35223

[illegible]MEADOW POINTE
SUBDIVISION

PRELIMINARY PLAT



PROJECT NUMBER	23-05943-0009
SCALE	1" = 60'
SHEET	FINALITY 06-2022

C19.0