



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

H.I.B.

12/5/2019

### Subject:

Waiver Request, RE: Waiver of Wall Requirement for Think Green Brevard Business Complex 19WV00017

### Fiscal Impact:

NONE

### Dept/Office:

PLANNING & DEVELOPMENT DEPARTMENT/LAND DEVELOPMENT

### Requested Action:

The applicant is seeking a waiver to Section 62-3202(h)(10) of the requirement to construct a six foot high masonry or solid wall along the northern property line which abuts residentially zoned properties and utilize landscaping in lieu of the wall.

### Summary Explanation and Background:

The developer requests a waiver of the requirement to construct a six-foot high masonry or solid wall along the northern property line, and wishes to rely on the required 'Type A Landscape Buffer' and a stand of existing trees to buffer the development from the residential homes. Section 62-3202(h)(10) of the code requires a six foot high masonry or solid wall, including but not limited to concrete block walls, pre-cast (solid) walls, or foam core/steel support with stucco finish when a site plan within BU-1, BU-2, or industrial zoning abuts a residential zoning classification as a condition of site plan approval. In addition, Section 62-4342(1) requires a 20-foot landscape buffer which shall be completely opaque from the ground to a height of at least six feet separating commercial or industrial developments from residential uses. The Think Green Brevard Business Complex property is currently zoned IU/AU. The adjacent properties to the north are residentially zoned RU-1-11 and RU-2-10, and are developed with single family residences.

The currently proposed site development plan for the 13.58-acre Think Green Brevard site is located at the northwest corner of Parrish Road and U.S. Highway 1 between Cocoa and Mims, and includes a 4,000 s.f. reception hall and a ±4,000 s.f. proposed bar and outdoor covered patio building. The applicant has submitted a request for alcoholic beverages (full liquor) in conjunction with the new uses, which may include consuming alcohol outside and outdoor music at the venue. The proposed buildings will be located at least 150 feet from the northern property line. A proposed chapel area consisting of a covered open patio and new wooden deck attached to existing accessory structures will be located approximately 250 feet from the northern property line.

Landowners of the properties adjacent to and affected by this request have been notified by mail of the waiver request and date of the Board meeting.

A copy of the proposed Landscaping Plan sheet from the Site Plan 18SP00037 currently under review by County Staff is attached.

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 responses are 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. **The adjacent residential property is much lower than this site. Constructing a wall would serve no purpose.**

*Staff finds that the subject property is several feet higher than the adjacent residential property to the north.*

Criteria 2: The granting of the waiver will not be injurious to the other adjacent property. **Preserving existing vegetation in lieu of a wall will not be injurious to adjacent properties.**

*Staff finds the adjacent properties to the north are zoned RU-1-11 and RU-2-10 and improved with single family residences.*

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 existing heavy vegetation and a 4-6-foot grade differential are particular to this site and not a result of owner actions.**

*Staff defers to the Board of County Commissioners.*

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.

**Wall waiver is consistent because adequate landscape buffer is to be provided.**

*Natural Resources Management staff has completed a site visit and is working with the applicant to approve a Type A landscaping buffer.*

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*

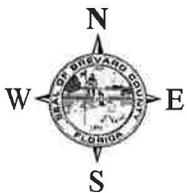
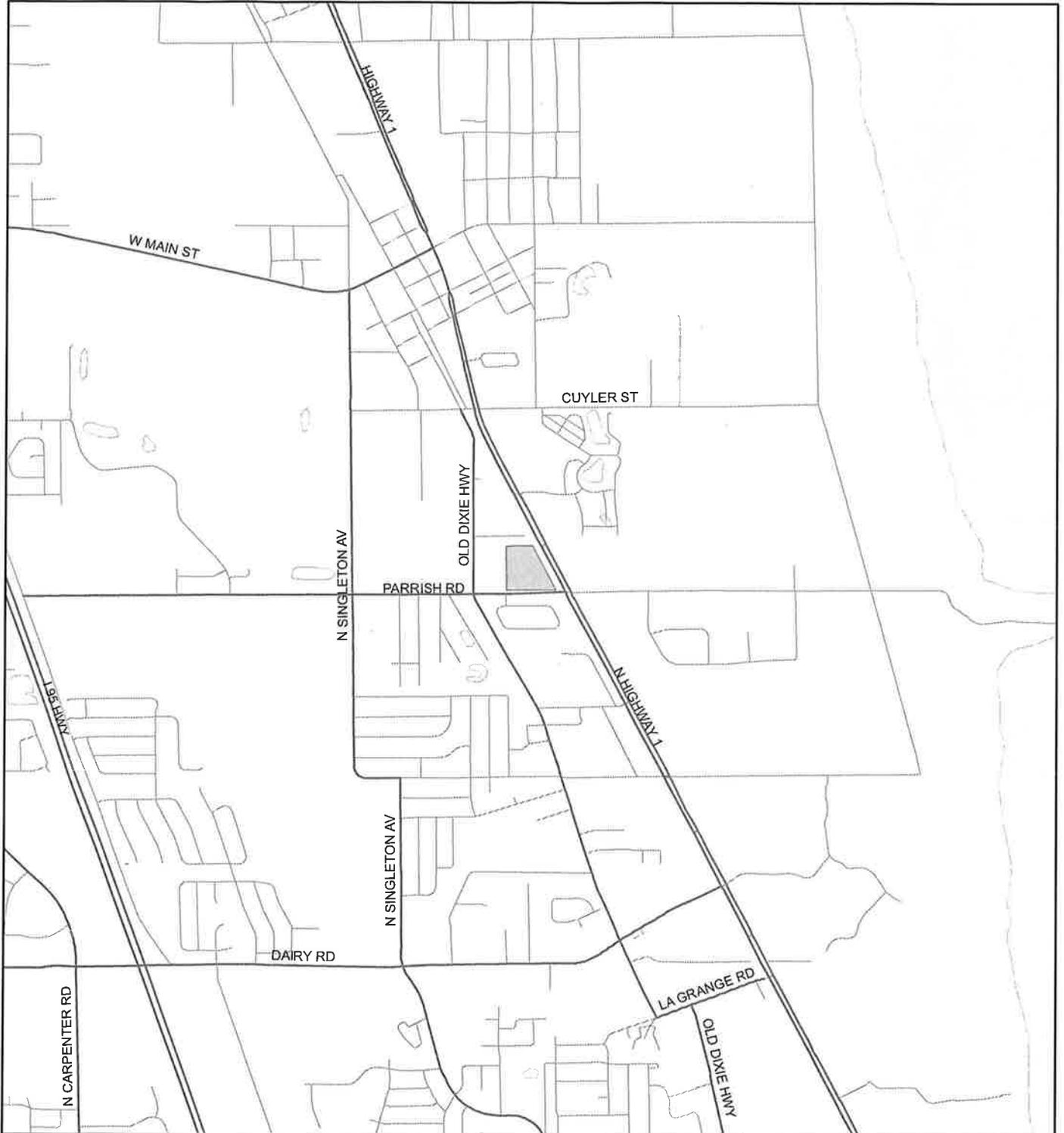
## **Clerk to the Board Instructions:**



# LOCATION MAP

THINK GREEN BREVARD, LLC

19WV00018



1:24,000 or 1 inch = 2,000 feet

 Subject Property

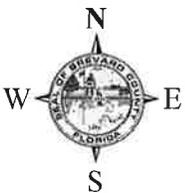
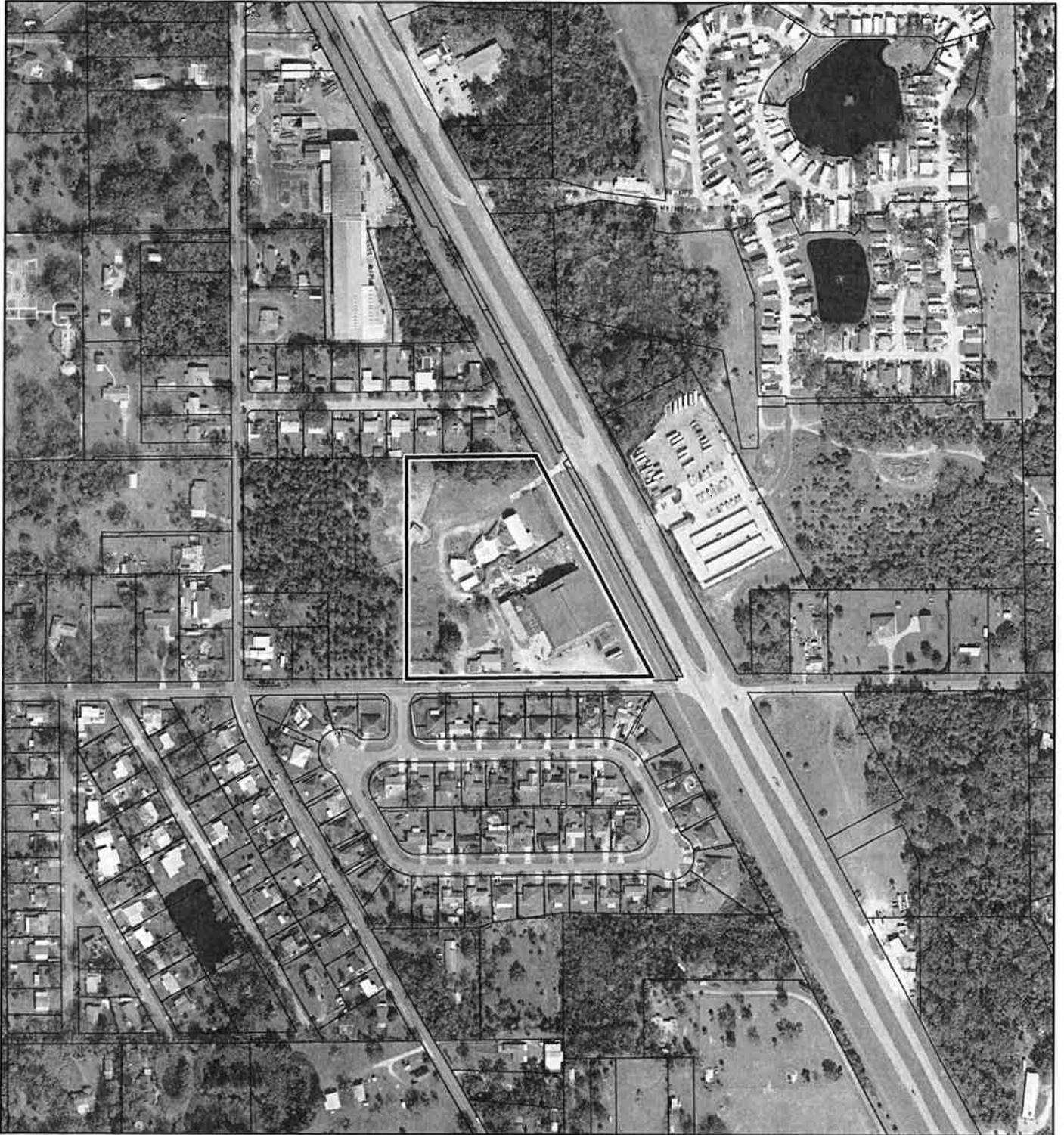
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/20/2019

# AERIAL MAP

THINK GREEN BREVARD, LLC

19VV00018



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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 BoCC - GIS Edited: 11/20/2019

 Subject Property

 Parcels