

Meeting Date  
**October 5, 2017**



| AGENDA   |               |
|----------|---------------|
| Section  | Consent       |
| Item No. | <i>II.A.1</i> |

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

|              |  |
|--------------|--|
| SUBJECT:     | WAIVER REQUEST SUBDIVISION SIGN RE: BRIDGEWATER NORTH AT VIERA<br>WAIVER # 17WV00009<br>DEVELOPER: LENNAR<br>FISCAL IMPACT: NONE<br>DISTRICT 4 |
| DEPT/OFFICE: | PLANNING & DEVELOPMENT DEPARTMENT/LAND DEVELOPMENT   |

*PR*

**Requested Action:**  
 The applicant is requesting a waiver of Section 62-2889(b)(5) of the subdivision sign requirements to allow a 16 foot high, 575 square foot subdivision entry sign.

**Summary Explanation & Background:**  
 Section 62-2889(b)(5) limits subdivision signs to no higher than four feet in height, and no greater than 100 square feet overall. On December 15, 2009 the Board approved the Viera West PUD Alternative Development Standards which allow subdivision signs up to no higher than 15 feet in height, and no greater than 150 square feet overall. The developer is requesting a waiver to construct an entry sign at the Bridgewater North subdivision in Viera, that is 16 feet high at the top of the columns, and approximately 575 square feet overall. The proposed sign is one foot higher and 425 square feet larger than what the Subdivision Code and Alternative Development Standards allows.

Bridgewater North at Viera is a new subdivision located on the west side of the south extension of Lake Andrew Drive, south of Cuddington Drive, containing 207 lots on 147 acres. The proposed subdivision entry way and sign will be on Flagler Place at the intersection with Lake Andrew Drive.

Staff has not granted approval of waiver request #17WV00009, 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*:

Reference: 16SD00002, 17WV00009  
 Contact: Rebecca Ragain, Assistant Director 321-633-2072 Ext. 5-2362

*novus ✓*  
*Dm —*  
*web —*

Clerk to the Board Instructions:  
 Exhibits Attached: Location map, Application, Letter and email from applicant, plans

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

|                                       |   |   |
|---------------------------------------|---|---|
| County Manager<br><i>Frank Abbate</i> | Assistant County Manager<br>John Denninghoff<br><i>John Denninghoff</i> | Department Director / Extension<br>Tad Calkins<br>Planning & Development Department Ext. 5-2069<br><i>Tad Calkins</i> |
|                                       | Interim Assistant County Manager<br>Jim Liesenfelt                      |   |



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

October 6, 2017

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director Attn: Rebecca Ragain

**RE:** Item II.A.1., Waiver Request #17WV00009 of Subdivision Sign for Bridgewater North at Viera – Lennar

The Board of County Commissioners, in regular session on October 5, 2017, approved waiver request #17WV00009 by Lennar, of Section 62-2889(b)(5) of the subdivision sign requirements to allow for a 16 foot high, 575 square foot subdivision entry sign at Bridgewater North, Viera.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

**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.

Special conditions and circumstances exist for this property that are not applicable to other properties in the same zoning district. Drivers approach to the project on Lake Andrew Drive is buffered for 1500 LF by a native preserve area immediately adjacent to the road right-of-way. The enhanced project entry sign is located 250 LF beyond the end of the native preserve tree stand. At the posted travel speed of 40 mph, a driver has 5 seconds to recognize the sign and move into the turning lane. Drivers need to see and interpret signage rapidly to ensure the safety of themselves and others on the roadway. Therefore, granting this waiver will benefit the public. At the current condition, Flagler Drive is at the terminus of Lake Andrew Drive and there is no northbound approaching traffic. Once Lake Andrew Drive is extended to the south, there will be no other entrances to the Bridgewater project from Lake Andrew Drive and the larger sign will allow northbound motorists to easily identify the subdivision entrance and maneuver to the future turn lane more easily. The sign is located properly to not cause any site distance constraints for future northbound or turning traffic.

*Staff finds that there is a 6.18 acre preservation tract platted along the west side of Lake Andrew Drive, along the southbound approach to Flagler Place and the proposed subdivision sign. The applicant has not indicated that there will be any constraints buffering the ability to see the sign from the future northbound traffic along Lake Andrew Drive. The sight distance analysis has been reviewed by staff, and the proposed location does not interfere with the sight zone from the proposed sign location on Flagler Place in either the northbound or southbound direction.*

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

The Viera Company controls the Viera West development community. The Viera West Architectural Review Committee (ARC) has reviewed the enhanced entry sign design and supports approval of the requested sign height waiver. See Exhibit 2 for ARC Review approval letter. Property to the north abuts the native preserve area. The identification sign for the property to the north is located approximately 1 mile from the proposed sign location. Property to the east, west and south are currently undeveloped agricultural uses. I believe the initial reference to the property to the east, west and south as undeveloped agricultural uses is in reference to property beyond the boundaries of the Bridgewater project and is accurate. The proposed location of the sign is well within the actual Bridgewater project limits and would not even be visible from any adjacent non-Bridgewater projects except for the undeveloped lands to the east, across from the 150' wide Lake Andrew Drive R/W. The proposed sign and the granting of the waiver would have no adverse impact to the existing agricultural uses nor any future development of those lands.

*Staff finds that the property to the north is zoned PUD and is under development as Valencia at Addison Village. The property to the south is planned as a future subdivision within the PUD but plans have not been submitted to the county for review. The proposed subdivision on this property is adjacent to the future Pineda Causeway Extension to the west. The property to the east is zoned PUD and currently undeveloped. The location of the sign is along the Lake Andrew Drive on the east side of the Bridgewater subdivision. The Viera Plan Review Committee has approved the requested subdivision sign.*

**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 granting of this waiver is based on site specific land form conditions not generally applicable to other property. The native preserve area location in proximity to the entry sign is unique to Lake Andrew Drive. The approaching curve angle of the Lake Andrew Drive generally directs the view toward the native preserve area. Exiting the curve, the eye is generally directed away from the site entry. The preserve area is approximately 200 feet wide, and greatly diminishes visibility through the existing native trees and scrub. The applicant has made reasonable adjustments to the existing site grade to raise the sign location and meet the existing grade of Lake Andrew Drive.

*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.

The granting of this waiver will be consistent with Brevard County Code of Ordinances and Chapter 62 Land Development Regulations and requirements of Article IX – Signs, as it protects and provides for the health, safety, welfare and general well-being of citizens of the county and will contribute to the overall aesthetic and economic well-being of the community. The granting of this waiver will be consistent with Viera West PUD Alternative Development Standards as evident in the ARC review and approval. The granting of this waiver will provide for reasonable use within the intent of the regulations and ordinances.

*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.*

# 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, and Site Plans.

## APPLICATION TYPE

- SUBDIVISION WAIVER
- UNPAVED ROAD WAIVER
- SITE PLAN WAIVER
- OTHER

### Land Development Use Only

Request Date: \_\_\_\_\_ Fees \$ \_\_\_\_\_ Board Date: \_\_\_\_\_  
Original Project # 16SD00002 Waiver # 17NV00009  
Coordinator Initials: \_\_\_\_\_ Reference Files: \_\_\_\_\_  
County Manager/Designee approval \_\_\_\_\_

Tax Parcel Identification: Twp. 26S Rng. 36 Sec. 21 S/D \_\_\_\_\_ - Blk/Par \_\_\_\_\_ - Lot(s) \_\_\_\_\_ (List all parcels)

Tax Account # ('s): 2604323, \_\_\_\_\_, \_\_\_\_\_ (List all account numbers)

Project Name: Bridgewater North at Viera Property Owner: Lennar Corp.

Site Address: Corner of Flager Dr. and Lake Andrew Dr.

### ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Nelson Bennett Company: Lennar  
Address: 8895 N Military Tr. Ste. 101-B E-Mail Nelson.Bennett@Lennar.com  
City: Palm Beach Gardens State FL Zip 33410  
Phone 561 345 6705 Fax \_\_\_\_\_ Cell 561 895 6705

### ENGINEER/CONTRACTOR (if different from applicant):

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

### DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Waiver of maximum allowable sign surface area from 150 to 420 SF; BCLDC Art. 9. Sec. 62-3316.B(2). Waiver from maximum allowable sign height from 8' to 12'; Viera West PUD ADS, Pg. 17A.b (3).

Owner/Applicant Signature: \_\_\_\_\_ Print Name: Nelson Bennett

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 \$775.

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 | Alternative Plan Design |  |   |   | 8 1/2 x 11 vicinity map |   | Fees |
|----------------------|-------------|-----------------------|-------------------------|--|---|---|-------------------------|---|------|
| Waiver - Site Plan   | 1           | Y                     | -                       |  | - | - | 1                       | - | Y    |
| Waiver - Subdivision | 1           | Y                     | -                       |  |   |   | 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.  
Please see attached justification statement for waiver criteria response to items 1-4.

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

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- 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.

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- 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.

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- Delays attributed to state or federal permits.

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- Natural disasters.

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

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## JUSTIFICATION STATEMENT

Village 1 Bridgewater

Sign Waiver Application

*Initial Submittal: January 9, 2017*

### REQUEST

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting approval of the proposed entry sign for the property located approximately 2 miles south of Wickham Rd. on the west side of Lake Andrew Dr. The requested waivers are from the Brevard County Code of Ordinances and the Viera West Overlay District:

- Article 9 Sec. 62-3316. B. Freestanding Signs (2) Size: The maximum allowable sign surface area for each freestanding sign shall be 150 square feet.
- Viera West PUD Alternative Development Standards, pg. 17A. b. (3) – The wall or fence shall not exceed eight feet in height and shall be of one uniform architectural design.

### SITE CHARACTERISTICS

The Property is a 409 acre project planned for a phased development of five villages. The Phase 1 waiver request is for the main project entry sign located at the west side of Lake Andrew Dr., approximately 2 miles south of Wickham Rd. The subject property is currently under developed open pasture land. The project entry context is a large relative scale with mature canopy trees. See Exhibit 1 for site location map.

### SURROUNDING PROPERTIES

The surrounding area is a mix of agriculture and single family home development. Property to the east, west and south is currently undeveloped. Property to the north is being developed as single family homes.

### WAIVER STANDARDS

The Brevard County Land Development Waiver Application for site plans requires that four (4) criteria related to waivers are addressed prior to administrative approval by the Director of Planning and Zoning. The Applicant is in compliance with all four (4) criteria standards, as provided below.

#### Waiver # 1 – Sign Size

The applicant is requesting a waiver from Article 9. Sec.62-3316.B.(2). The Applicant desires to increase the maximum allowable sign surface area from 150 to 420 SF for enhanced visibility due to site specific conditions.

#### Waiver # 2 – Sign Height

The applicant is requesting a waiver from Viera West PUD Alternative Development Standards, Pg. 17A. b. (3). The Applicant desires to increase the maximum allowable sign height from 8' to 12' for enhanced visibility due to site specific conditions.

**1. The particular physical conditions, shape or typography of the specific property involved cause an undue hardship to the applicant if the strict letter of the code is carried out.**

Special conditions and circumstances exist for this property that are not applicable to other properties in the same zoning district. Drivers approach to the project on Lake Andrew Dr. is buffered for 1500 LF by a native preserve area immediately adjacent to road right of way. The enhanced project entry sign is located 250 LF beyond the end of the native preserve tree stand. At the posted travel speed of 40 mph, a driver has 5 seconds to recognize the sign and move into the turning lane. Drivers need to see and interpret signage rapidly to ensure the safety of themselves and others on the roadway. Therefore, granting this waiver will benefit the public.

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

The Viera Company controls the Viera West development community. The Viera West Architectural Review Committee (ARC) has reviewed the enhanced entry sign design and supports approval of the requested sign height waiver. See Exhibit 2 for ARC Review approval letter. Property to the north abuts the native preserve area. The identification sign for the property to the north is located approximately 1 mile from the proposed sign location. Property to the east, west and south are currently undeveloped agricultural land uses.

**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 by the applicant.**

The granting of this waiver is based on site specific land form conditions not generally applicable to other property. The native preserve area location in proximity to the entry sign is unique to Lake Andrew Dr. The approaching curve angle of the Lake Andrew Dr. generally directs the view toward the native preserve area. Exiting the curve, the eye is generally directed away from the site entry. The preserve area is approximately 200 feet wide, and greatly diminishes visibility through the existing native trees and scrub. The applicant has made reasonable adjustments to the existing site grade to raise the sign location and meet the existing grade of Lake Andrew Dr.

**4. 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 granting of this waiver will be consistent with Brevard County Code of Ordinances and Chapter 62 Land Development Regulations and requirements of Article IX – Signs, as it protects and provides for the health, safety, welfare and general well-being of citizens of the county and will contribute to the overall aesthetic and economic well-being of the community. The granting of this waiver will be consistent with Viera West PUD Alternative Development Standards as evident in the ARC review and approval. The granting of this waiver will provide for reasonable use within the intent of the regulations and ordinances.

*Based on the above justification and attached information, the petitioner respectfully requests approval of these two waivers for signage.*



7380 Murrell Road, Suite 201 | Viera, Florida 32940  
P: 321.242.1200 | F: 321.253.1800 | [VIERA.com](http://VIERA.com)

3/17/17

Nelson Bennett  
WCI Communities

VIA E-MAIL

RE: **Bridgewater At Viera  
Entry Monument  
Breakers Row Avenue  
WCI Communities**

Dear Nelson,

The Plan Review Committee (PRC) has reviewed the application for the above referenced project.

**The request to construct the entry monument as per the attached plans has been approved as noted.**

**Please note all construction must be in accordance with the Central Viera Residential Guidelines and Brevard County rules and regulations. If the Residential Guidelines and the County rules conflict, the more stringent of the two shall apply.**

Any information contained herein pertains to the conformance of the submitted plans to the Plan Review Guidelines (PRC) only. The PRC disclaims any responsibility of any loss or injury due to a defect in the design or construction of any improvement contained in the approved plans.

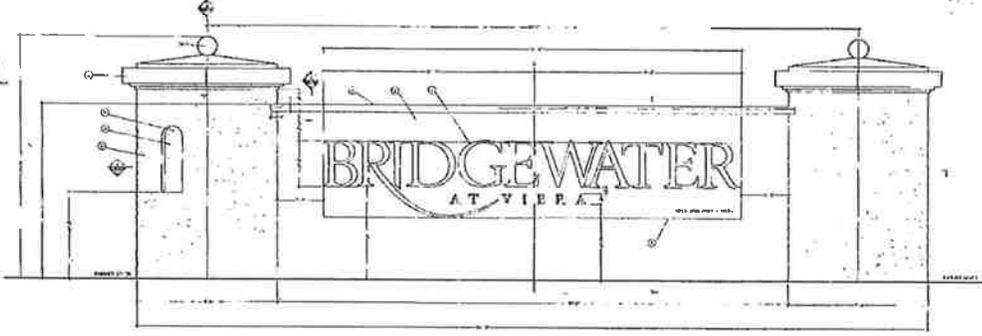
If you should have any questions, please contact **Karen Esposito at 321.242.1200, extension 4565.**

Sincerely,  
Plan Review Committee

Mary Ellen McKibben  
Chairperson

MEM/kee  
Attachment

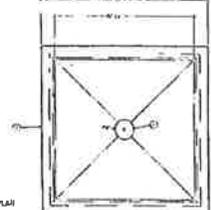
1. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE PLAN REVIEW COMMITTEE.  
 2. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.  
 3. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF VIEIRA'S STANDARDS AND SPECIFICATIONS.  
 4. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF VIEIRA'S STANDARDS AND SPECIFICATIONS.



SIGN WALL DETAIL  
 ELEVATION SCALE 1/4" = 1'-0"

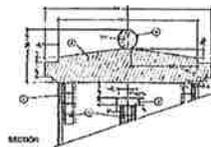
PLAN REVIEW COMMITTEE  
 APPROVED  
 APPROVED AS NOTED  
 DISAPPROVED

BY: *[Signature]*  
 DATE: 5/16/17



PLAN

NOTES:  
 1. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE PLAN REVIEW COMMITTEE.  
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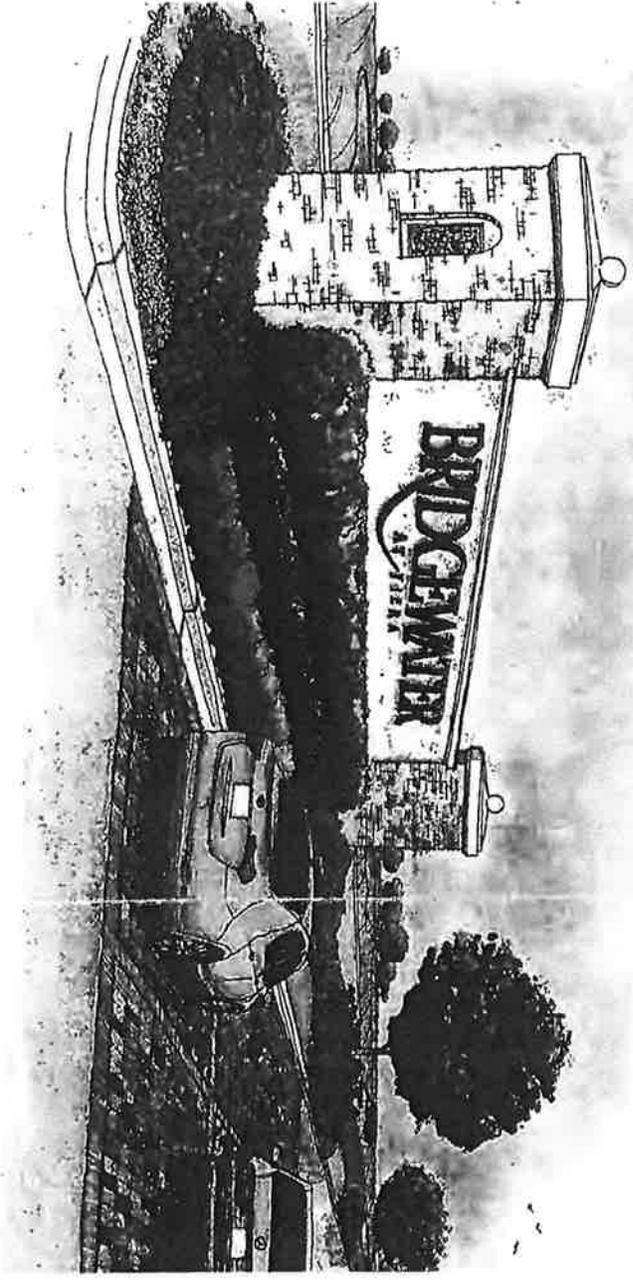
SECTION

COLUMN AND SIGN WALL CAP DETAILS  
 SCALE 3/4" = 1'-0"

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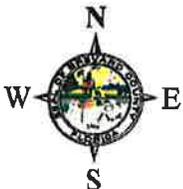
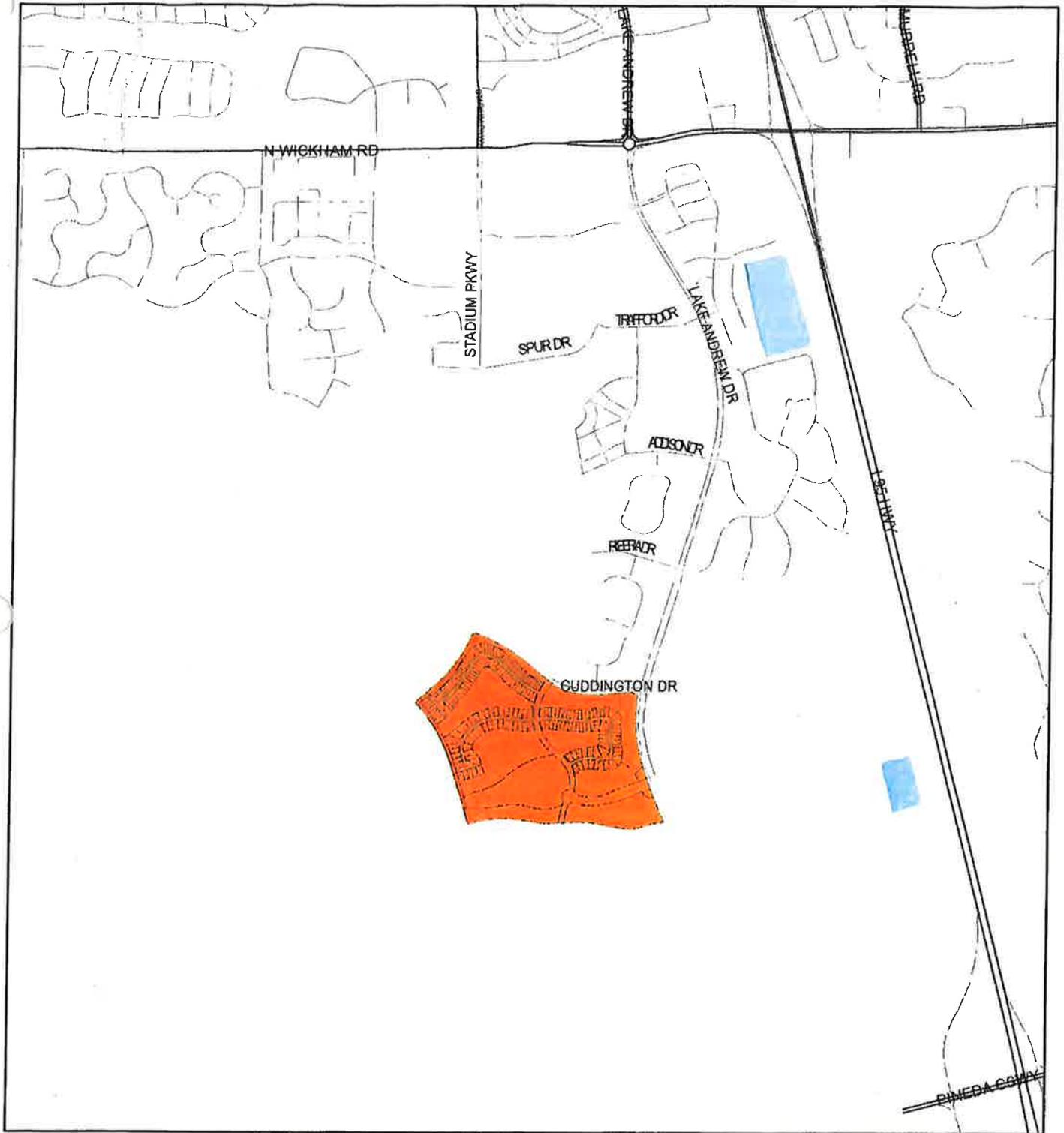


SIGN WALL DETAIL  
 SECTION SCALE 1/4" = 1'-0"



ENTRY ILLUSTRATIVE SKETCH

LOCATION MAP  
BRIDGEWATER NORTH at VIERA  
17WV00009



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: 7/26/2017