



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.3.

12/21/2021

Subject:

Waiver Request, Re: Waiver of Wall Requirement for Gregori Construction, Inc. (21WV00018)(District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

The applicant is requesting that the Board of County Commissioners grant a waiver of Section 62-3202(h)(10) which requires a 6-foot masonry or solid wall when commercial developments are adjacent to residential zoning classification to avoid placing the wall in an existing wetland.

Summary Explanation and Background:

Section 62-3202(h)(10) stipulates that site plans within BU-1, BU-2, or industrial zoning classifications shall construct a minimum of 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 the subject property abuts a residential zoning classification.

The applicant is proposing to develop a construction office and storage facility. The property abutting the subject property to the south is zoned RRMH-1 (Rural Residential Mobile Home) and is developed with a single-family mobile home.

The applicant indicates that a wetland exists on the property near the southeastern boundary in the area where the property abuts the residentially-zoned property. The applicant asserts that the required 6-foot wall would negatively impact the wetland by requiring the removal of the existing natural vegetation that currently provides a natural buffer.

Pursuant to Section 62-4342 of the Landscaping, Land Clearing and Tree Protection Code, a Type A compatibility buffer may be utilized in lieu of the required wall. Type A buffers must be completely opaque from the ground up to a height of at least six feet, except where located within 25 feet of a road, where it shall be four feet in height. The Natural Resources Management (NRM) and Planning and Development (P&D) Departments concur that given the existing vegetation on the property, the wall would likely provide no additional visual screening benefit for the adjacent residents. NRM Staff has inspected the site for compliance with Type A buffer requirements and approved the attached plan to enhance the buffer.

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

December 22, 2021

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

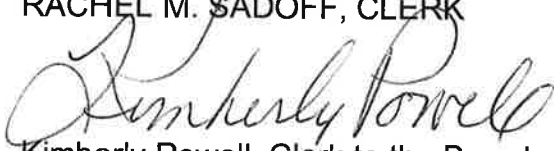
RE: Item F.3., Waiver Request for Waiver of Wall Requirement for Gregori Construction, Inc.

The Board of County Commissioners, in regular session on December 21, 2021, approved a waiver of Section 62-3202(h)(10) to require a six-foot masonry or solid wall when commercial developments are adjacent to residential zoning classification to avoid placing the wall in an existing wetland.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/cld

6" = 1' PROJECT CONTOUR, 1" = 10' WALL ELEVATIONS
AND CURBS TYPE A OR B, PROPERTY LINE
ADJUSTING AS NECESSARY TO PRESENTATION
WHEN AN UTILITY OR A ENCROACHMENT
IS SHOWN, THE UTILITY OR ENCROACHMENT
SHALL BE SHOWN TO THE CENTERLINE OF THE

OVERLAP STORAGE AREA
3,700 SF FF +33.18

VUA #2: 16,000sf
driveways req'd
675sf add'l landscape
for VUA #2

41,000 bahia sod

1 beautyberry
530 bahia sod
15 liriodendron
6 dwarf pines
1 plumtree
3 coccinea
1 magnolia
25 dwarf jessamine
1 eugenia
12 liriodendron

NEW STORAGE NO. 4
FF = +33.00
ALL ROOF DRAINAGE
TO DRAINAGE
TO DRAINAGE

NEW STORAGE NO. 5
FF = +33.00
ALL ROOF DRAINAGE
TO DRAINAGE
TO DRAINAGE

NEW STORAGE NO. 6
FF = +33.00
ALL ROOF DRAINAGE
TO DRAINAGE
TO DRAINAGE

8,200sf bahia sod

3 saw palmetto
5 beautyberry
2 wax myrtle
3 fraxinus

VUA #1: 27,315sf
req'd 675sf add'l
landscape

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

11,500 sf conservation area as per the limits shown;
tree canopy, understory and root protection area; the
area shall be contained with protective fencing prior to
site clearing along the perimeter of the hatched
extents shown here; see LP-3 for protective fencing
detail. Fencing can be permanent with protective
signage stating, "Protected Conservation Area" or the
fencing can be removed and replaced with just the
protective signage, posted every 100 ft.

0.336 sf tree protection area as per the limits
shown; NO TREE PRESERVATION CREDIT GIVEN; tree
canopy, understory and root protection area; the area
shall be contained with protective fencing prior to site
clearing along the perimeter of the hatched extents
shown here; see LP-3 for protective fencing detail.
Fencing can be permanent with protective signage
stating, "Protected Tree Area" or the fencing can be
removed and replaced with just the protective
signage, posted every 100 ft.

47,300sf bahia sod

1 wax myrtle
1 coccinea
6 dwarf pines
4 beautyberry
5 fraxinus

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

675sf add'l
landscape
for VUA #1

GRAPHIC SCALE
1" = 10' 0"

North

20' TYPE

ZONING RR NH-1

INDIAN RIVER GARDEN

GREGORI CONSTRUCTION

LANDSCAPE PLAN PREPARED FOR:

INDIAN RIVER GARDEN

PREPARED FOR:

INDIAN RIVER GARDEN

INDIAN RIVER GARDEN

INDIAN RIVER GARDEN

62

INDIAN RIVER GARDEN

INDIAN RIVER GARDEN

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INDIAN RIVER GARDEN

INDIAN RIVER GARDEN

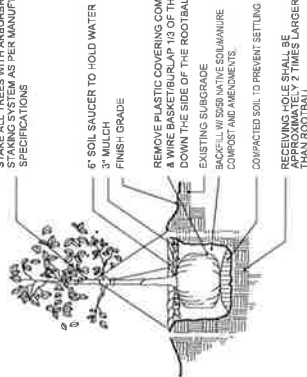
INDIAN RIVER GARDEN

INDIAN RIVER GARDEN

INDIAN RIVER GARDEN

INDIAN RIVER GARDEN

**STAKE ALL TREES WITH ARBORBRACE
STAKING SYSTEM AS PER MANUF.
SPECIFICATIONS**



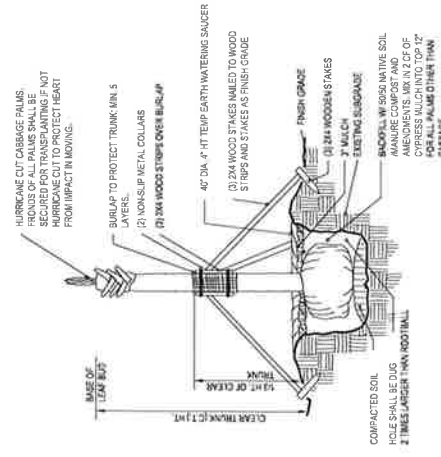
NTS



NOTE: SHRUBS SHALL BE PLANTED 1' ABOVE GRADE DEPENDING UPON SITE CONDITIONS.

N.T.S.

Seitens der Autoren und ihres Paares wurde eine Strecke von 18' (1000 yds.) walk and 40' (2000 yds.) run, and 36' (2000 yds.) run and 24' (1000 yds.) run.



NTS

General or Landscape Contractor to perform a Proctor Density Test and Soil Compaction test prior to beginning planting (indicate frequency/water use). If compaction test is not performed, the contractor will be required to perform a test following the following the test and retest until it is 75-80% maximum. Contractor is to perform a proctor compaction test for planting during rain in all landscape areas.

If a soil compaction test is not taken from 5% organic content, and/or is used if there was less than 50% trees, no landscape shall be recommended to those parameters.

The process will be 100% trees, either prior or while and will be incorporated to a depth of 24" throughout the landscape areas by gently filling the existing dirt to the top of the root ball with a minimum of 100% topsoil. Once the test and testing are complete, the contractor will be required to perform a test and retest until it is 75-80% maximum. If not passing a test, the contractor will be required to perform a test and retest until it is 75-80% maximum. Proctor Density Test.

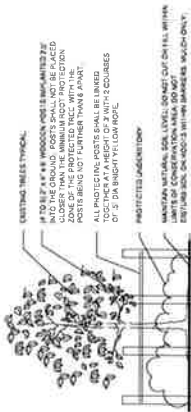
Contractor Landscape architect for any other soil test or testing.

For percolation, a 24" deep hole must be filled with water until it drains completely. Then, the hole is immediately filled again. If the water takes more than 15 minutes to drain, then the Contractor is to consult with the Landscape Architect to determine the appropriate remediation.

Once soils are properly prepared, or if soils compaction and composition testing meet the required percentages and meet the percolation limits, then proceed as per technical details.

Circling and rootbound roots within the rootball of any tree will not be accepted.

A Compost mixed with 50% Mushroom Compost; equal or better



4

[illegible]

Figure 1

Resolution 1992/13 will remain in place (resolution 1991/10).

[illegible]

the area

Any state and federal permits that may be required as a result of land clearing and landscaping activities are the responsibility of the Owner or designer.

Any changes to the approved landscape and/or clearing plan will be confirmed in writing through the BC NRMV prior to planting. Failure to obtain written approval to the approved landscape and/or clearing plan by the BC NRMV may delay issuance of the CO and/or COC.

Per Sec. 52-433b (2)(c) of the Bristol County Zoning, Land Use, and Tree Protection Ordinance, proposed trees shall have protective signage during construction which emphasizes the red protection zone. It shall be the responsibility of the

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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[illegible][illegible]

Vehicle Use Area (VUA) - An approved road or 3400 ft road with a right-of-way

See Sheet LP-1 and LP-2 for Landscape Plans, LP-3 for Landscape Details and LP-4 for Technical Specs

Looking south from top of bank of retention pond toward neighbor:



Looking south where property line runs east and west with abutting neighbor – Photo of wetland area abutting neighbor - Type A buffer is opaque at this location:



Site visit by NRM on October 13, 2021 noted three (3) areas that will require plantings to fill in areas of the Type A buffer that are not completely opaque.

1) Looking South:



2) Looking west:

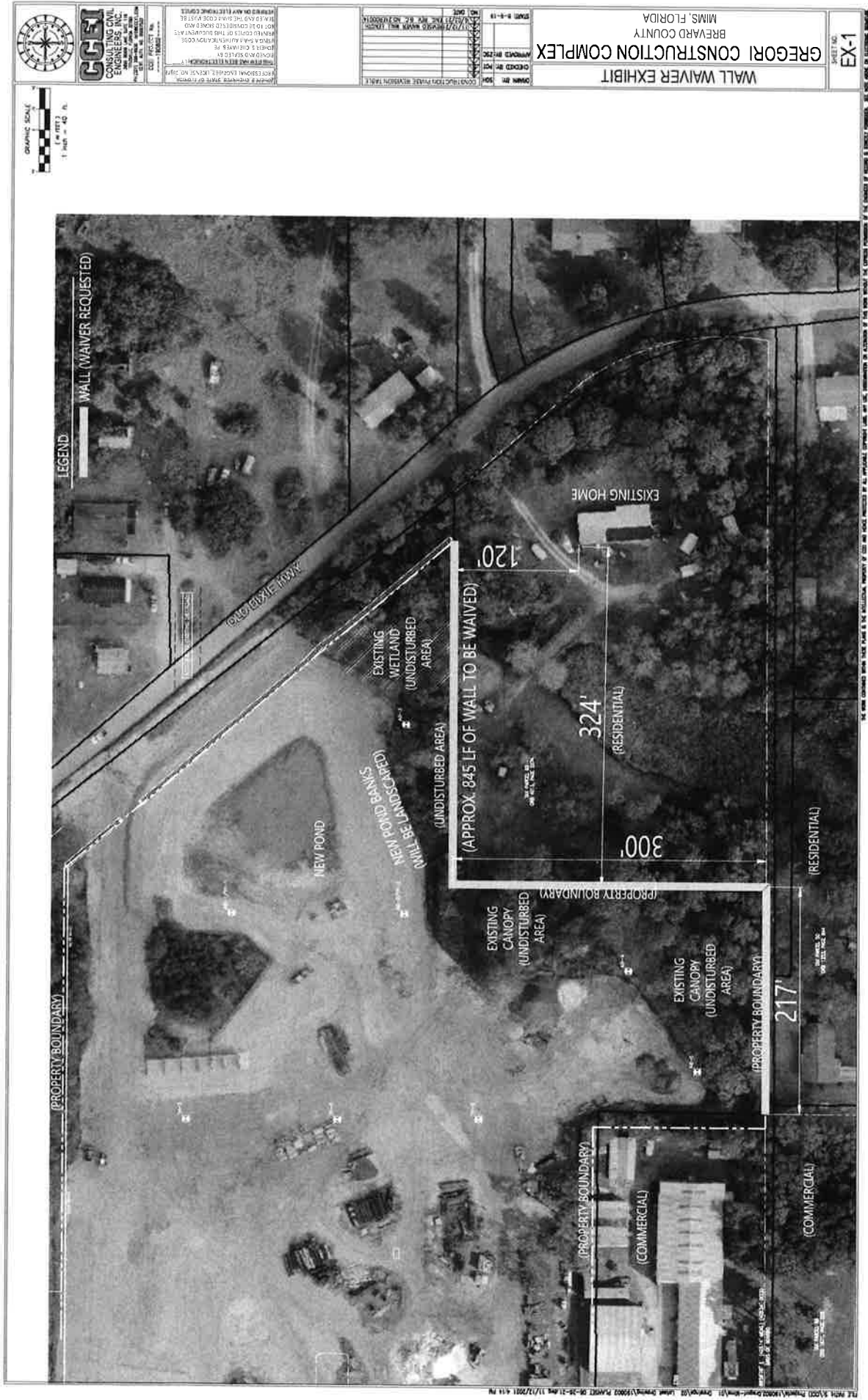


3) Looking East where property line runs north and south with abutting neighbor:



Looking west - Typical view of the Type A buffer – Greater in width than the required 20ft:







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.

Office Use Only		
Request Date	Fees	Board Date
Original Project Number	Waiver Number	
Coordinator Initials	Reference Files	
County Manager/Designee Approval		

APPLICATION TYPE: ☐ Subdivision Waiver ☒ Site Plan Waiver ☐ Other

Wall Waiver

If other, please indicate

Tax Parcel Identification:

21	35	07	00	25	
Township	Range	Section	Subdivision	Block/Parcel	Lot

Tax Account Numbers (list all) 2102549

Gregori Construction Complex
Project Name

Richard & Deborah Gregori Grantor Trust
Property Owner

Site Address:**N/A**

Street	City	State	Zip Code
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CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THE ADDRESS BELOW:**Andrew Gregori**

Richard & Deborah Gregori Grantor Trust

Applicant Name

Company

5279 Wexford Dr. Rockledge FL

Street	City	State	Zip Code
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(321)593-9103

agregori@gregori-inc.com

Phone Number

Cell Phone Number

Fax Number

Email Address

ENGINEER/CONTRACTOR (if different from applicant)

Consulting Civil Engineers, Inc. (CCEI)

Z. Sid Chehayeb, PE

Company

Engineer or Project Manager

3650 Bobbi Lane Suite 119 Titusville

FL 32780

Street	City	State	Zip Code
--------	------	-------	----------

(321)269-9930

sid@cceifl.com

Phone Number

Cell Phone Number

Fax Number

Email Address

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

At the southeast corner of the property, an existing wetland was discovered after the County approved the plans. In coordination with SJRWMD and the County, the plans were modified to incorporate the wetland, modify the pond configuration and add a buffer that the County also approved as a part of the field changes triggered by the presence of the wetland. The modification that occurred should have removed any referencing to the required wall at the south property. Please remove Note No, 15 from the approved plans for the southeast side only. Due to the presence of wetland at the South property line and the presence of existing wooded area and vegetation, the proposed landscape and buffer area, we ask that the construction of the wall be waived as depicted on the attached plan and highlighted in yellow on the East and South Side of the property line that is adjacent to the residential zoning.



Owner/Applicant Signature

Andrew M. Gregori

Print Name

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. The Board's decision approving or disapproving the waiver or interpretation is final.

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.

The wall will be constructed in the middle of the wetland which is not acceptable to SJRWMD and the County.

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

This waiver will not adversely affect adjacent properties. The existing homes are buffered by at significant vegetation, trees and in some cases wetlands and there are no building constructions adjacent to the property line.

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.

This condition is specific to this project.

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.

We believe this waiver is consistent with the intent and purpose of the County Zoning regulations. It is my understanding that Natural Resources is in favor of this waiver and an Engineering Revision is been submitted to the County's Engineer for review.

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)