

Meeting Date
<b>December 1, 2015</b>



AGENDA	
Section	New Business
Item No.	<i>VJ.A.1</i>

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

SUBJECT:	WAIVER OF STORMWATER CRITERIA, RE: NANA'S HOUSE DEVELOPER: BREVARD COUNTY (DISTRICT 5)
DEPT/OFFICE:	Natural Resources Management Department

Requested Action:

The applicant requests that the Board 1) approve a waiver of the Stormwater Criteria, Section 62-3751, Exhibit A, Sections 3.0(c), 4.1, 4.2, 4.3, and 4.4 which require plan preparation, drainage calculations, treatment of a minimum design storm event, minimum retention volume, and pond flow calculations, respectively, and 2) accept 1" of runoff retention as a substitute for code compliance.

Summary Explanation & Background:

The applicant requests that the Board approve a waiver to Stormwater Criteria, Section 62-3751, Exhibit A, Sections 3.0(c), 4.1, 4.2, 4.3, and 4.4. The Stormwater Criteria, adopted in 1991, state the minimum criteria for design, construction, operation and maintenance of all stormwater management systems to minimize flooding impacts and water quality degradation from development.

Problems associated with both the quantity and quality of stormwater runoff from new impervious area are well known. Increasing impervious area increases runoff. This increases flooding magnitude and frequency, accelerates erosion of land and stream channels, contributes to water quality degradation, negatively impacts wetland hydro-period, and reduces aquifer recharge. The Stormwater Criteria set forth standards to minimize and mitigate the harmful impacts of increased runoff volume and peak rates.

To determine potential impacts and mitigating measures, the stormwater criteria requires applicants to use widely accepted engineering methods to provide drainage calculations including: minimum design storm event, minimum retention volume, and pond flow calculations. The calculations are used to demonstrate that discharges from on-site stormwater management will not exceed the amount of stormwater runoff that occurred prior to development from the 25 year storm event (12.5 inches in 96 hours).

The applicant seeks Board approval to retain only 1-inch of runoff, provide no overflow conveyance to a legal positive outfall, and provide no drainage calculations.

The Stormwater Management Criteria set forth four (4) conditions that must be met for the Board to approve a waiver to the regulations. Each criterion is outlined on the attached waiver application, with the **owner's response in bold** and *staff comments italicized*.

*(Continued)*

Clerk to the Board instruction:

Exhibits Attached: Waiver application, Site plan, Location map

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

County Manager

Stockton Whitten

Department Director

Virginia Barker, 633-2016

Natural Resources Management Department



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972

December 2, 2015

MEMORANDUM

TO: Virginia Barker, Interim National Resources Management Director

RE: Item VI.A.I., Waiver of Stormwater Criteria for Nana's House

The Board of County Commissioners, in regular session on December 1, 2015, granted a waiver of the Stormwater Criteria, Section 62-3751, Exhibit A, Sections 3.0(c), 4.1, 4.2, 4.3, and 4.4 that requires plan preparation, drainage calculations, treatment of a minimum design storm event, minimum retention volume, and pond flow calculations, contingent on the applicant meeting with Natural Resources Management Department staff, and providing evidence to satisfy criteria 4.2: that the "granting of the waiver will not be injurious to the other adjacent property."

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

December 2, 2015

MEMORANDUM

TO: Virginia Barker, Interim Natural Resources Management Director

RE: Item VI.A.1., Waiver of Stormwater Criteria for Nana's House

The Board of County Commissioners, in regular session on December 1, 2015, granted a waiver of the Stormwater Criteria, Section 62-3751, Exhibit A, Sections 3.0(c), 4.1, 4.2, 4.3, and 4.4 that requires plan preparation, drainage calculations, treatment of a minimum design storm event, minimum retention volume, and pond flow calculations; ~~accepted one inch of runoff retention as a substitute for Code compliance; and authorized you to meet with contingent on the applicant meeting with Natural Resources Management Department staff and providing evidence to satisfy criteria 4.2: that the "granting of the waiver will not be injurious to the other adjacent property."~~ regarding the waiver provisions.

Formatted: Font: (Default) Arial, 11 pt

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

## Stormwater Engineering Analysis:

*On August 10, 2015, Brevard county stormwater engineering reviewed and commented on permit application 15SP00019 submitted by Mr. Moia of MBV Engineering, Inc. for a property owned by Brevard County. Staff found that the applicant had not demonstrated compliance with the county stormwater criteria (implemented August 23, 1993) in that the stormwater management system design and calculations along with proposed development elevations clearly demonstrating the conveyance of runoff to the proposed/existing stormwater management system and all documentation supporting design parameters including geotechnical test data from any boring(s) along roadways and in any proposed/existing stormwater pond(s) demonstrating compliant post development conditions had not been provided. Each condition for waiver approval is discussed below:*

**Condition 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 ordinance is carried out.

**Site has limited area to support required parking and a fully compliant stormwater management system. The undue hardship is that the site is existing. Even though the building was used as offices, no parking was ever constructed. Since the applicant is now being required to provide parking, there is physically not enough room on the site to meet the county stormwater criteria since the site has an existing septic system and the required parking takes up most of the remaining open area.**

*Explanation of the undue hardship or unreasonable practical difficulty imposed to the property owner (Brevard County) by the Drainage Calculations (Exhibit A, Section 3.0, Part C) and Pond Flow Calculation Methods (Exhibit A, Section 4.3) has not been provided. Staff finds that the Stormwater management criteria sections 3.0(c), 4.2, 4.3, and 4.4 requiring plan preparation drainage calculations and pond flow calculations, respectively, are required to substantiate waiver Condition 1. Staff recognizes that the applicant (not the property owner) has limited resources available for development and that physical condition, shape and topography can result in prohibitively costly design hardships and construction constraints. However, without a site soil condition report, seasonal high water elevation and soil boring analysis to substantiate the particular hardship induced by physical condition, shape or topography of the specific property involved, this site does not appear unlike other sites with limited foot prints (i.e. gas stations, condos, etc.). Other developments conform to the stormwater criteria through commonly applied, readily available, stormwater management systems such as exfiltration systems under the parking area. Although the submitted site plan includes some stormwater retention area, no conveyance to legal positive outfall is shown for preventing overflows from flooding neighboring properties.*

**Condition 2:** The granting of the waiver will not be injurious to the other adjacent property or water body.

**Runoff will be treated and routed to ROW. No other stormwater systems exist in this immediate area. There are no adjacent water bodies to impact and no discharge is proposed to the adjacent properties to the north or west, so no impact will be realized.**

*Drainage Calculations described in Exhibit A, Section 3.0, Part C and Pond Flow Calculation Methods (Exhibit A, Section 4.3) have not been provided. Staff finds that the Stormwater management criteria sections 3.0(c), 4.1, 4.2, 4.3, and 4.4 requiring plan preparation drainage calculations, minimum design storm event, minimum retention volume, and pond flow calculations, respectively, are required to substantiate waiver Condition 2. For example, the flow path, pre and post development time of*

concentration calculations, and calculations showing that the design storm is 100% retained on site have not been provided. Additionally, the applicant has not provided conveyance to legal positive outfall for design storm rainfall over the 1" retention volume sought in this waiver application. In fact, no routing to legal positive outfall for stormwater is shown on the submitted plans. The lack of neighboring stormwater systems does not reduce the need for this site to capture and treat increased runoff generated on-site.

**Condition 3:** The conditions upon which a request for waiver are based, are peculiar 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 proposed system is similar to those previously permitted in the County where a SJRWMD exemption is obtained. Additional properties in the County that have received SJRWMD exemptions were permitted to only retain and treat 1" of runoff for the additional paved areas for small sites like this one. So it is peculiar to only these types of sites.**

*Staff finds that the Stormwater management criteria sections 3.0(c), 4.2, 4.3, and 4.4 requiring plan preparation drainage calculations and pond flow calculations, respectively, are required to substantiate waiver Condition 3. Explanation of the undue hardship or unreasonable practical difficulty imposed to the property owner (Brevard County) by the Drainage Calculations (Exhibit A, Section 3.0, Part C) and Pond Flow Calculation Methods (Exhibit A, Section 4.3) have not been provided. The conditions for which the waiver request is sought directly result from the proposed action of the applicant to use the property for business and therefore subject it to applicable parking requirements. In addition to the absence of site data substantiating condition 1 for hardship, surrounding development does not substantiate the case for site peculiarity. Also, if an undue hardship or unreasonable practical difficulty is particular to this site, it should not be similar to other small sites, as stated by the applicant. Regarding exemptions granted by SJRWMD, it appears that the site features 5,138 square feet of impervious area subject to vehicles (8815 total - 2684 building - 144 dumpster - 849 walkway/patio) which does not meet the 4,000 square feet maximum SJRWMD exemption threshold for cumulative impervious area subject to vehicles constructed on or after September 25, 1991.*

**Condition 4:** The waiver is consistent with the intent and purpose of the county zoning ordinance, the county comprehensive plan, and the requirements of this exhibit.

**This waiver is consistent with the waiver provisions. The waiver request is consistent because the intent to treat the first flush of runoff is being achieved such that water quality is being performed, which is why it has been permitted by the County in the past.**

*The intent of the waiver provisions is that they only be exercised when 1) site conditions cause undue hardship meeting the standard stormwater criteria, 2) the proposed development will not injure adjacent properties or water bodies, and 3) the hardships claimed are peculiar to the property and not the result of actions by the applicant. The applicant has not submitted drainage calculations as needed to substantiate a hardship or to document that injury to neighbors will not occur. And, rather than specify how the hardship claimed is unique to the site, the applicant states the site is similar to other sites that receive exemptions from SJRWMD permitting. However, the proposed plan exceeds the SJRWMD exemption threshold. The application fails to meet conditions 1, 2, and 3 and therefore fails to meet condition 4 which is consistency with the intent, purpose, or requirements of the County.*

*At this time, without specific substantiating information consistent with County Code, Brevard County stormwater engineering cannot support this waiver request.*

# STORMWATER MANAGEMENT CRITERIA WAIVER APPLICATION

This form should be used for all waiver requests or appeals associated with the Brevard County Code of Ordinances, Section 62, Article X, Division 6 as it relates specifically to any land alteration activity or modification of existing stormwater management system other than single family homes and agricultural zoned properties which are under or entering into a soil conservation service conservation plan or a St. Johns River Water Management District (SJRWMD) agricultural discharge permit.

## APPLICATION TYPE

- LAND ALTERATION  
 MODIFICATION OF EXISTING  
 OTHER

### Stormwater Use Only

Request Date: \_\_\_\_\_ Fees \$0.00 \_\_\_\_\_ Board Date: \_\_\_\_\_  
Original Project # \_\_\_\_\_ Waiver # \_\_\_\_\_  
Coordinator Initials: \_\_\_\_\_ Reference Files: \_\_\_\_\_  
County Manager/Designee approval \_\_\_\_\_

Tax Parcel Identification: Twp. 28 Rng. 36 Sec. 24 S/D 01 Blk/Par \_\_\_\_\_ Lot(s) 11.02 (List all parcels)

Tax Account # ('s): 2806930 \_\_\_\_\_ (List all account numbers)

Project Name: Nana's House Thrift Store Property Owner: Brevard County

Site Address: 4090 Minton Rd., West Melbourne, FL 32904

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

Name: Bruce Moja, P.E. Company: MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd., Suite L E-Mail brucem@mbveng.com

City: Melbourne State FL Zip 32935

Phone 321 253-1510 Fax 321 253-0911 Cell \_\_\_\_\_

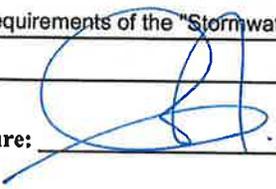
### ENGINEER/CONTRACTOR (if different from applicant):

Company Name: \_\_\_\_\_ Eng. or Proj. Mgr.: \_\_\_\_\_

Address: \_\_\_\_\_ Ph # (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

### DESCRIPTION OF WAIVER REQUEST AND CODE SECTION(S):

Waiver to the stormwater requirements of the "Stormwater Management Criteria" and to require only retention of 1" of runoff.

Owner/Applicant Signature:  Print Name: Bruce Moja, P.E.

If the board approves a waiver, the board may attach such conditions to the waiver as will assure that the waiver will comply with the intent and purpose of the stormwater management criteria. Their decision approving or disapproving the waiver or interpretation is final.

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

**STORMWATER WAIVER CRITERIA SUPPORTING DOCUMENTS SUBMITTAL REQUIREMENTS**

Application type	Application	Waiver Criteria below	Letter of Intent	Topo survey with structure location, legal desc, adjacent water body seasonal high water (SHW) elevation, & flood zone	Proposed site condition plans w/ topo & SHW	Pre & post time of concentration flow path	Soil Boring Analysis	Engineer's report of the pre & post discharge for applicable design storm	Fees
Land Alteration	Y	Y	Y	Y	Y	Y	Y	Y	N
Modification of Existing	Y	Y	Y	Y	Y	Y	Y	Y	N

**STORMWATER WAIVER CRITERIA**

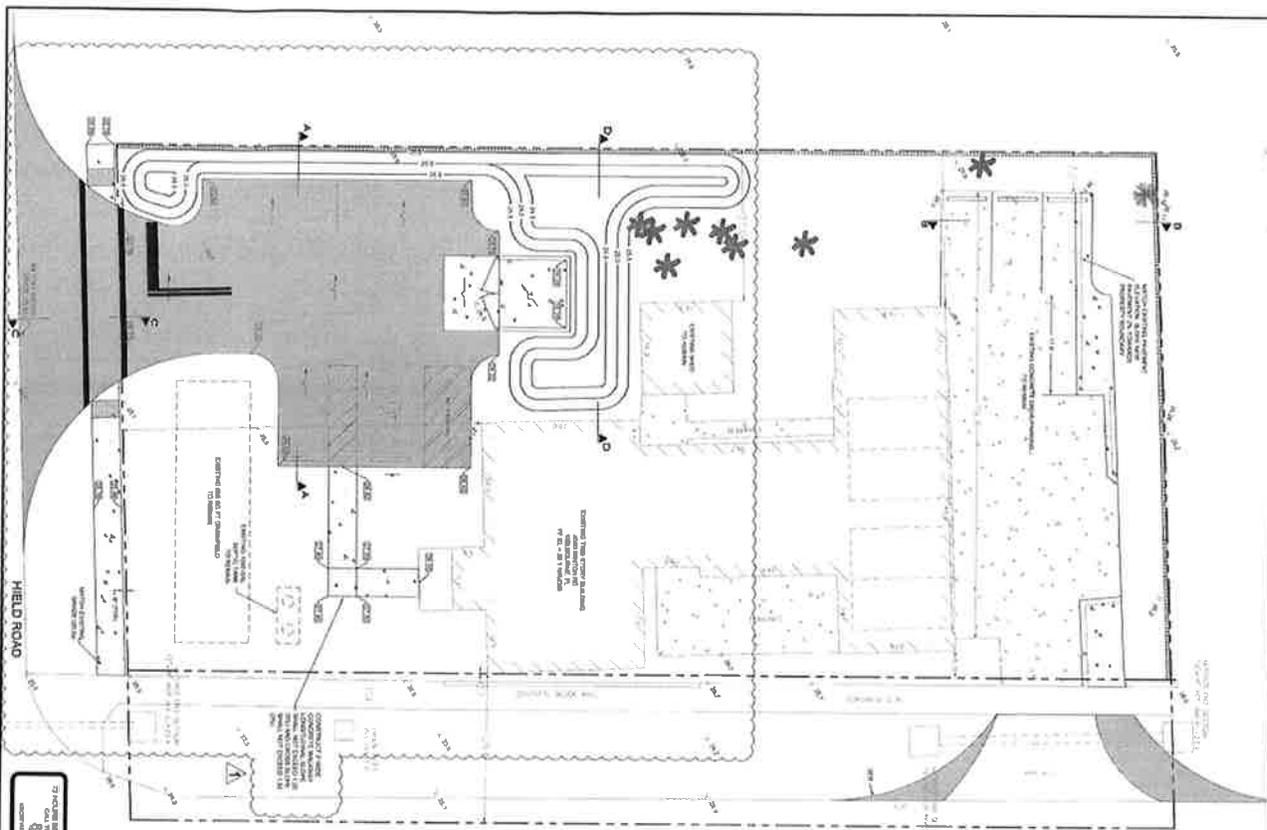
For a waiver to be considered and approved by the board, your request must comply with ALL of the following criteria. Please demonstrate and explain, in detail, how your request meets the following conditions:

- 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 ordinance is carried out.  
Site has limited area to support required parking and a fully compliant stormwater management system
- The granting of the waiver will not be injurious to the other adjacent property or water body.  
Runoff will be treated and routed to ROW. No other stormwater systems exist in this immediate area.
- 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 proposed system is similar to those previously permitted in the County where a SJRWMD exemption is obtained.
- The waiver is consistent with the intent and purpose of the county zoning ordinance, the county comprehensive plan of the county and the requirements of this article.  
This waiver is consistent with the waiver provisions.

List all existing permits associated with the development and/or modification for which the waiver is sought.

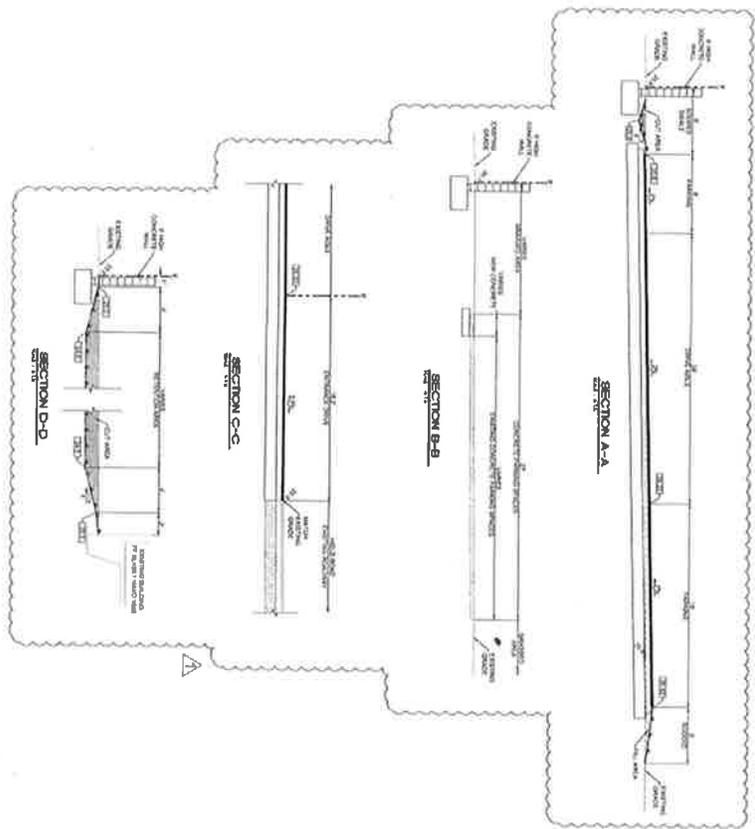
Site Plan Review #15SP00019, which is currently in process.

County stormwater engineer concurrence that an undue hardship was placed on the applicant (completed by staff).



**PAVING, GRADING AND DRAINAGE PLAN**

**STORMWATER CULS**  
 PROPOSED IMPERVIOUS AREA:  
 • 1" OVER (A19)  
 • 208 SQ FT REQUIRED  
 • 8.93 CU FT  
 PROVIDED RETENTION



DATE: 03/18/2015  
 DRAWN BY: J. L. BROWN  
 CHECKED BY: J. L. BROWN  
 PROJECT NO: 15-0018

**NANA'S HOUSE THRIFT STORE**  
 CITY OF PALM BAY FLORIDA

**PAVING, GRADING, AND DRAINAGE PLAN**

**MBV ENGINEERING, INC.**  
 HOVA BOWLES VILLANZAR & ASSOCIATES  
 CONSULTING ENGINEERING, CA #3738

1835 - 20TH STREET  
 VERO BEACH, FL 32940  
 PH. (772) 549-0035  
 FX. (772) 778-1617  
 P91804946, FL - PH (321) 253-1510  
 FT. PIERCE, FL - PH (772) 458-9056

NO.	DESCRIPTION	DATE
1	ISSUED	11-10-14
2	REVISION	03/18/2015
3	REVISION	03/18/2015
4	REVISION	03/18/2015
5	REVISION	03/18/2015

REVISIONS	DATE
REV. FOR COUNTY EDDING	4/26/15

# LIDAR TOPOGRAPHY



Elevations Scale

