



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F. 4.

12/22/2020

Subject:

Waiver of Subdivision Perimeter Buffer, Re: Island Forest Preserve (20WV00021)
Developer: IFP Merritt Island, LLC. District 2

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 stormwater retention within the required 15' perimeter buffer tract along a portion of the eastern property line from East Crisafulli Road extending north to the southernmost residential lot.

Summary Explanation and Background:

Section 62-2883(d) requires that subdivisions provide a minimum 15' buffer, undisturbed along all property boundaries, platted as a common tract separate from individual lots. The buffer tract is intended to provide screening between the boundaries of residential developments. Landscape improvements may be constructed within the buffer subject to review and approval. The developer of Island Forest Preserve is requesting a waiver to allow stormwater retention in the 15' perimeter buffer on the eastern side of the entrance road. The remainder of the project will have the 15' perimeter buffer as required.

Island Forest Preserve is a new subdivision proposed on the north side of East Crisafulli Road in Merritt Island, containing 110 single family lots on 110.34 acres. It is being developed as an open space subdivision with larger conservation tracts on the western side of the project. The project is surrounded by single-family development on AU - agricultural residential zoned properties. The waiver is requested along the entrance road, adjacent to the flag stem for a neighboring property.

Staff has not granted approval of waiver request 20WV00021, and pursuant to Section 62-3207 of the Code, requests that it be evaluated by the Board of County Commissioners. Board approval of this project does not relieve the developer from obtaining all other necessary jurisdictional permits.

Reference: 20WV00021, 19SD00010

Contact: Amanda Elmore, Assistant Director, Ext. 321-307-8996



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 23, 2020

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director Attn: Amanda Elmore

RE: Item F.4., Approval, for Waiver of Subdivision Perimeter Buffer for Island Forest Preserve

The Board of County Commissioners, in regular session on December 22, 2020, approved a waiver to Section 62-2883(d) of the subdivision requirements to allow stormwater retention within the required 15' perimeter buffer tract along a portion of the eastern property line from East Crisafulli Road extending north to southernmost residential lot, and does not relieve the developer from obtaining all other necessary jurisdictional permits.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for: Donna Scott
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.

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

If other, please indicate

Tax Parcel Identification:

23	36	24	750
Township	Range	Section	Subdivision
Block/Parcel Lot			
Tax Account Numbers (list all)			
2316619 2316622 2316620			

Island Forest Preserve

Project Name

IFP Merritt Island, LLC

Property Owner

Site Address:

NONE

Street City State Zip Code

CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THE ADDRESS BELOW:

Chad Genoni

IFP Merritt Island LLC

Applicant Name

Company

4760 N us Hwy1

Melbourne

FI

32935

Street

City

State

Zip Code

321 508 5052

chad@gendev.us

Phone Number

Cell Phone Number

Fax Number

Email Address

ENGINEER/CONTRACTOR (if different from applicant)

RK Engineering

Richard Kern PE

Company

Engineer or Project Manager

3206 S. Hopkins Ave

Titusville

FI

32780

Street

City

State

Zip Code

321-544-7466

rick@rkcivildesign.com

Phone Number

Cell Phone Number

Fax Number

Email Address

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:



Chad Genoni

Owner/Applicant Signature

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 AN 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.

SEE ATTACHED

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

SEE ATTACHED

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.

SEE ATTACHED

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.

SEE ATTACHED

5. Delays attributed to state or federal permits.

NONE

6. Natural disasters.

NONE

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

R.K. ENGINEERING AND ASSOCIATES OF BREVARD, INC.

3206 S. Hopkins Ave, Unit 70, Titusville, Florida 32780
321-544-7466 Email: rick@rkcivildesign.com

Nov. 11, 2020

Ms. Tania Ramos
Brevard County Land Development
2725 Judge Fran Jamieson Way
Viera, Fl 32940

RE: ISLAND FOREST PRESERVE, PERIMETER BUFFER WAIVER

Dear Tania:

- 1. The particular physical conditions, shape, or topography of the specific property involved causes and undue hardship to the applicant if the strict letter of the code is carried out.**

The purpose of this letter is to request a waiver from section 62-2883(d) of the land development code. The waiver is sought from the requirement that the 15 foot perimeter buffer tract remain undisturbed.

The proposed subdivision has a long 2,000 lf entrance road before it reaches any of the proposed lots in the subdivision. This access road runs down a narrow section of the project with wetlands on the west side and an existing ditch on the east side along the east boundary.

The project proposes to provide the code required 15 foot perimeter buffer along the east side of the project in a platted common area landscape tract, LD-1, as required by code. In order to construct the entrance road it has to be located either in the wetlands or in the existing ditch on the east side. The project is going to preserve all the wetlands as well as a buffer along this entrance road. In order to preserve the wetlands, the road will have to clear and fill the existing ditch along the east boundary. The ditch is mostly covered in Brazilian peppers, which are required to be removed by code anyway.

The 15 foot perimeter buffer tract will be fully landscaped with an assortment of Red Maple, Loblolly Bay, Sycamore, Bald Cypress and Southern Oak trees, as well as shrubs. An irrigation system will also be provided to sustain growth.

Some runoff from the neighboring parcel currently flows into this ditch. In order to not block incoming flow it is necessary to provide a swale along the eastern boundary of the project within the perimeter buffer tract LD-1. This swale will also interconnect the stormwater management in the south, ST-3, and north, ST-4, ends of the access road. Therefore this swale will be part of the stormwater management system as well. No stormwater piping is proposed to be in tract LD-1. It will be perpetually maintained by the home owners association as an irrigated landscape buffer tract that also provides a stormwater function. The swale in the tract is very shallow, being only 20 inches deep.

If tract LD-1 could not have the dual use of landscape buffer and stormwater conveyance and treatment, then the road and swale would need to be moved 15 feet further west and impact the wetland and its buffers.

2. Granting the waiver will not be injurious to the other adjacent property.

Granting the waiver will actually be a benefit to the adjacent property. It will allow the proposed Island Forest Preserve project to collect any runoff coming from the adjacent site and not block it. Granting the waiver will also allow the removal of Brazilian peppers and replace with good quality landscaping.

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.

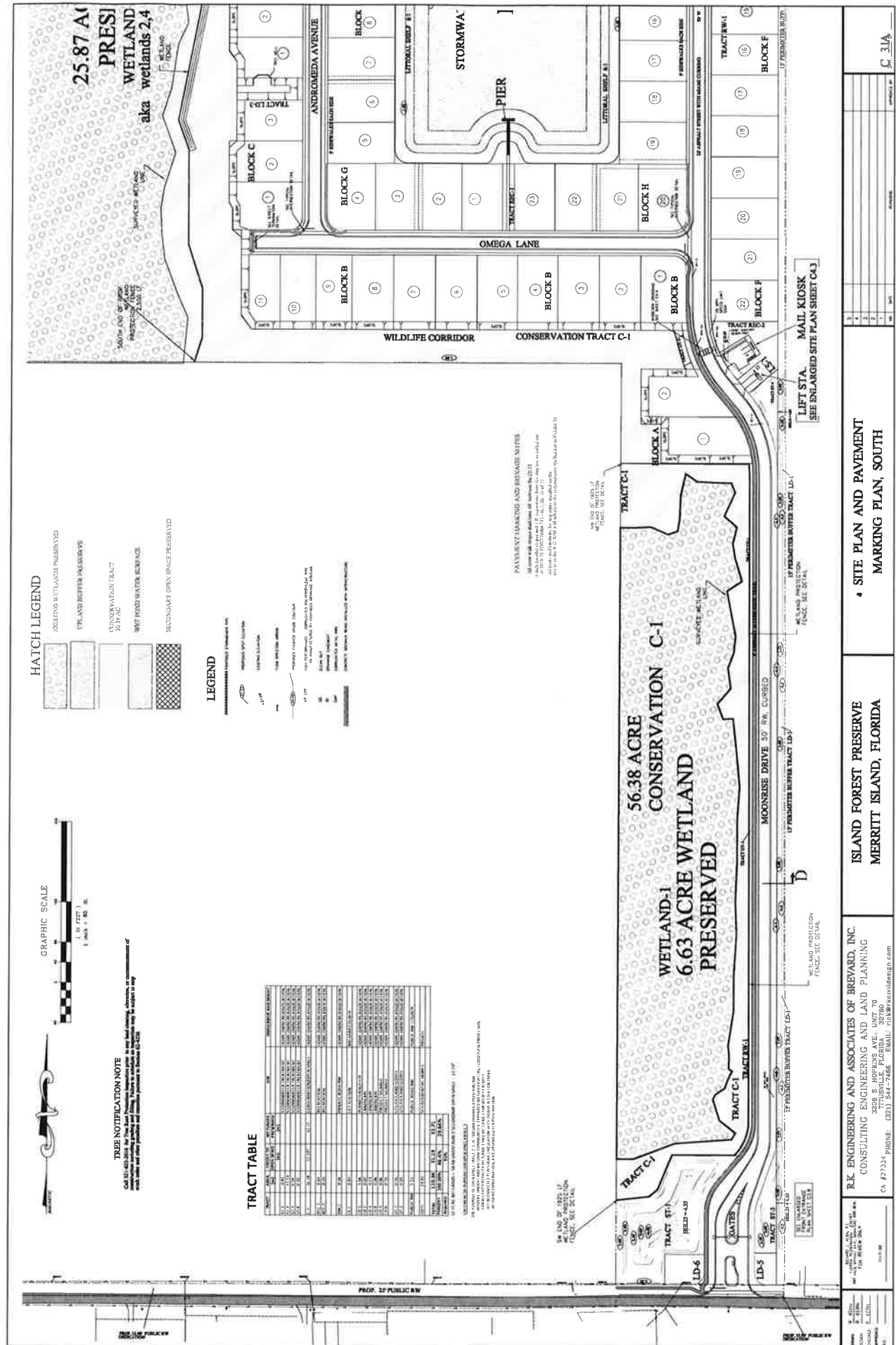
It is the unique size and shape and topography of this site that causes the need for a waiver. The project requires a 2,000 foot long entrance road for which there is only a narrow strip of land with wetlands on the west and a ditch on the east. In order to not impact the wetlands, it is necessary to have a dual function in the perimeter buffer tract which includes stormwater management as well as landscape buffer.

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 proposed waiver is consistent the with county zoning and land use regulations and the land development code.

Sincerely,

Richard J. Kern PE
R.K. ENGINEERING AND ASSOC. OF BREVARD, INC.





REVISIONS	No.	Date	Description
1	5-26-20		As Shown/Comments/revision complete

Project:
Island Forest Preserve

Location:
Merritt Island, Florida

Landscape Plan

Project No.: 00-0000
Drawn By: BKA
Designed By: BKA
Checked By: BKA
Drawing Scale: 1" = 40'

Sheet #
L-2

Sheet
2 of 11

Island Forest Preserve Landscape Calculations

Site Data
Total site area: 110.34 acres
Undisturbed preservation areas:
0.96 flag stem along E. Crisafulli Rd. 25' x 1679'
56.38 conservation tract C-1
-1.15 clearing needed inside of C-1

Site Clearing
54.15 total acres of clearing
56.19 total acres of undisturbed preservation (total site area - total acres of clearing)
244,784 square feet 10% required preserved tree canopy area utilized to meet
2,458,774 square feet 25% required preserved tree canopy area utilized to meet
2,458,774 square feet Total remaining Area of the site after clearing and preservation areas - preservation area used to meet 25% reduction requirements

Required square footage of planned tree canopy (including 25% reduction by preservation area being provided in contiguous tracts)
235,877 = 176,908
75%

Provided square footage of tree canopy preservation
Total: 2,447,608
70% canopy coverage = 1,713,346
Preservation area being provided in contiguous tracts (including 25% reduction by preservation area being provided in contiguous tracts)
235,877 = 176,908
75%

Provided square footage of tree plantings
176,908

QTY	BOTANICAL NAME	SQUARE FEET	SQUARE FEET PROVIDED	% OF OVERALL PLANTING
19	Bucaya sinuata	362	6987	3.95%
5	Alseodaphne	552	2760	1.45%
15	Alseodaphne	123	1945	4.39%
11	Alseodaphne	33	363	3.22%
59	Pinus elliotii	363	21417	17.25%
78	Quercus virginiana	1530	116260	22.22%
20	Taxodium distichum	154	3080	5.85%
16	Alseodaphne	601	12395	5.28%
18	Platanus occidentalis	701	12395	5.28%
	Total		177,286	

Required shrub planting
54 = 125 = 6,769
Credit for preservation of vegetation
132,977 shrubs (total preservation area / 16)
Total required shrubs
132,977

Provided shrub plantings
433
Notes:
50% of shrubs and groundcovers are considered native or "Water Wise"

Required tree planting
54.15 = 271
Provided Trees
342

Notes:
of Trees and Palms are considered native
Type 2B landscape buffer required along East Crisafulli Road
Total footage: 334 L.F.

PLANTINGS REQUIRED
Group 1 plants: 64
Group 2 plants: 14
Group 3 plants: 112

PLANTINGS PROVIDED
Group 1 plants: 84
Group 2 plants: 14
Group 3 plants: 112

Type 'A' buffer
N/A

Mitigation (see Civil Engineering plans for existing tree information)
Specimen trees removed

Caliper	Oak	Pine	Maple	Total Caliper
24"	1	2	72	75
18"	2	3	0	5
Total	3	5	72	80

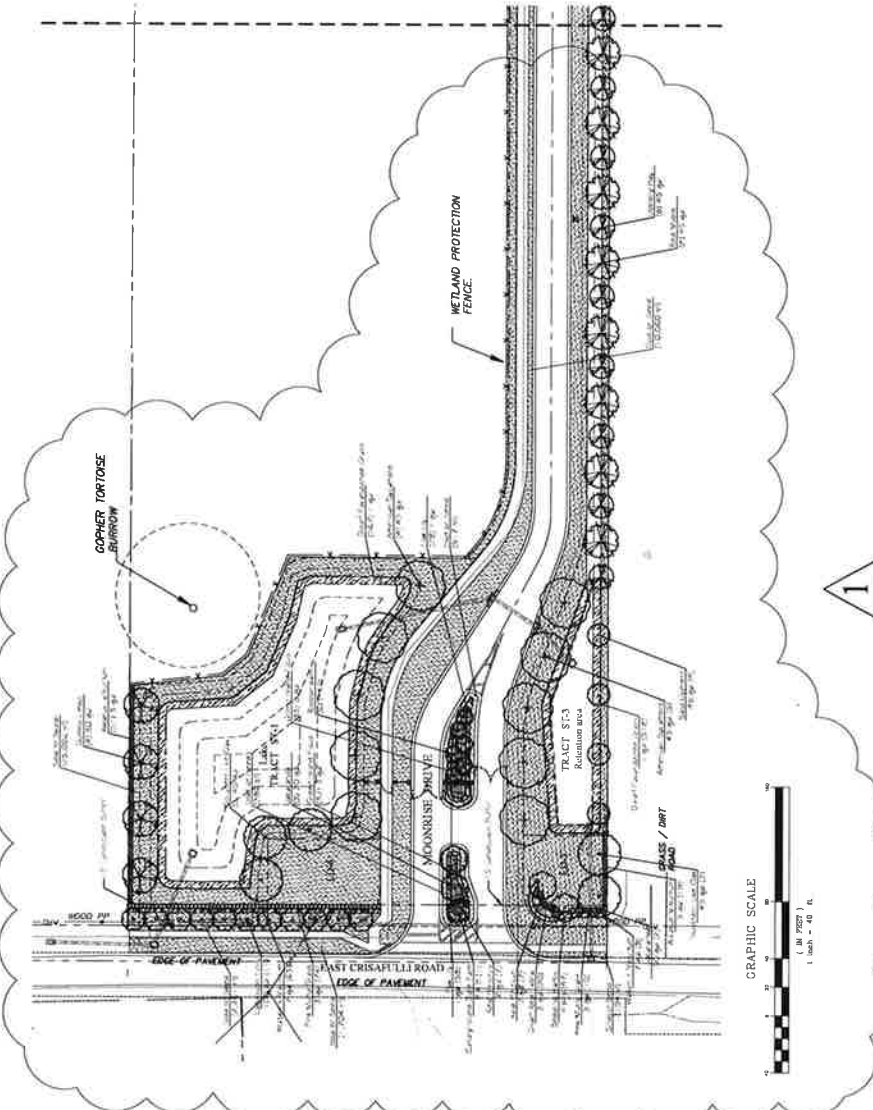
Total caliper inches required
Total: 34

Total trees required
2.5" caliper: 6
4" caliper: 0

Trees provided
2.5" caliper: 7
4" caliper: 11
Totals: 18

Caliper inches
2.5" caliper: 17.5
4" caliper: 44
Totals: 61.5

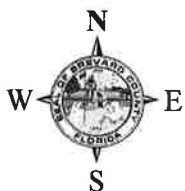
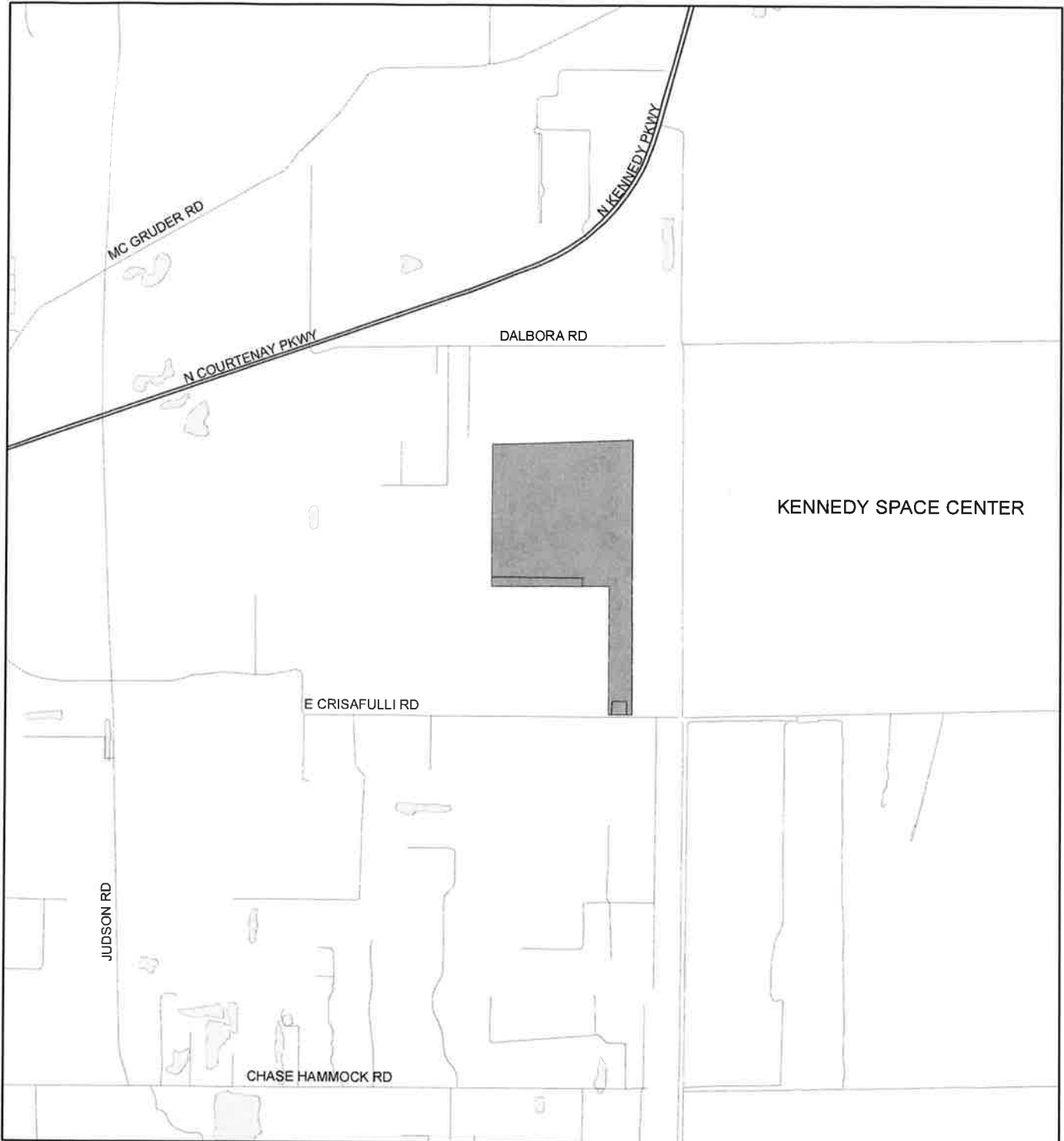
Matchline A (see sheet L-3)



Plans are not to be used for construction purposes unless marked "approved" by Brevard County

LOCATION MAP

SUBDIVISION PERIMETER BUFFER WAIVER - ISLAND FOREST PRESERVE
20WV00021



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: 12/3/2020