

Meeting Date
April 19, 2016



AGENDA	
Section	New Business
Item No.	V.I.A.1

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	WAIVER OF SIDEWALK RE: LOREN COVE SUBDIVISION <i>AR</i> DEVELOPER: THE VIERA COMPANY FISCAL IMPACT: NONE	DISTRICT 4
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT/PUBLIC WORKS DEPARTMENT	

Requested Action:

The applicant requests the approval of a waiver to Section 62-2956 (b) (2) which requires a sidewalk on both sides of the street in a residential subdivision.

Summary Explanation & Background:

The applicant is requesting that the Board approve a waiver to Section 62-2956 (b) (2) that requires a 5 foot sidewalk on both sides of the roadway. The Code provides an alternative for sidewalk on one side of the street, if the sidewalk is 8 feet wide. The applicant is proposing a 5 foot sidewalk on one side of the public street internal to the subdivision and proposes an alternative public meandering sidewalk system within and surrounding this project. The plans show varying widths of sidewalk.

All of the streets within the Loren Cove subdivision are proposed as public streets dedicated to the County. Meandering sidewalks are proposed outside of the right-of-way in various locations in the front yards of individual lots, and a public easement will be required for sidewalks on private property for both maintenance and access. Staff has not approved the waiver, however a recent waiver was granted for a similar request for the Trasona Subdivision within the same area of the Viera DRI. If approved, the Covenants and Restrictions and the HOA documents will provide language to establish that sidewalks will not be installed by the County in the future.

The proposed subdivision is located within the Viera DRI approximately 2000 feet of Wickham Road on the west side of Stadium Parkway. The proposed subdivision contains 152 duplex/townhome units (76 townhouse units and 38 duplex units) on 38.4 acres.

The Land Development Regulations set forth seven (7) criteria for justifying 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*.

Reference: 15SD00016, 16WV00008

Clerk to the Board instruction:

Exhibits Attached: Location maps, waiver application

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager Stockton Whitten		Department Director / Extension <i>Robin M. DiFabio</i> Robin M. DiFabio, AICP Planning & Development Department Ext. 5-2069 John Denninghoff, PE Public Works Department	 Andy Holmes, PE Asst Director Public Works Dept
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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 form of the project, utilizing coving design standards does not warrant sidewalks on both sides of all streets. Requiring strict compliance with the code would prohibit the applicant from constructing the extensive open space pathway system.

Staff has not made the finding of undue hardship.

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

No adjacent property is affected by granting of the waiver requiring sidewalks on both sides of the street.

Staff defers to the Board in the granting of the waiver.

Criteria 3: The conditions upon which a request for waiver are based, are peculiar to the property and do not result from actions of the applicant,

The project is located within the West Viera PUD. The proposed design of the pathway system is proposed to provide an enhancement of the current code by utilizing an innovative design and a sidewalk system that effectively interconnects the residents to the open space and parks within the project. The “coving” concept and the interconnected pathway/open space system are not applicable to other properties.

Staff finds the conditions are based on the applicants preference of design, not peculiar to the property.

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 section,

The intent and purpose of the County regulations is to provide a pathway system that interconnects the community and open spaces and parks. The granting of the waiver allows the developer to construct a much more meaningful, robust and comprehensive pathway system that is consistent with the intent of the regulations.

Staff defers to the Board for determination of this section. However, TVC has stated that, “Consistent with the previous approval of a similar waiver request for Trasona, the Covenants and Restrictions for the HOA documents will include language identifying that a sidewalk will be provided on only one side of the street and that Brevard County has no obligation to construct additional sidewalk improvements within the project.”

Criteria 5 & 6: Delays attributed to state or federal permits & natural disasters.

NA

Criteria not applicable to this application.

Criteria 7: The county land development division and affected agencies concur that undue hardship was placed on the applicant.

Staff defers to the Board of County Commissioners.



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

April 20, 2016

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director

RE: Item VI.A.1., Waiver of Sidewalk in Loren Cove Subdivision – The Viera Company

The Board of County Commissioners, in regular session on April 19, 2016, approved a waiver to Section 62-2956(b)(2), which requires a sidewalk on both sides of the street in a residential subdivision, for Loren Cove Subdivision.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: Public Works Director

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, Easements, and Site Plans; or pursuant to Section 22-48 (b), waiver request of the requirement for the lowest floor elevation of 12 inches above the crown grade of the abutting thoroughfare.

APPLICATION TYPE

- FINISHED FLOOR ELEVATION WAIVER
- SUBDIVISION/UNPAVED ROAD WAIVER
- SITE PLAN WAIVER
- OTHER

Land Development Use Only

Request Date: _____ Fees \$ _____ Board Date: _____
Original Project # 155D00016 Waiver # 16NV00008
Coordinator Initials: _____ Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 26S Rng. 36E Sec. 16 S/D _____ Blk/Par _____ Lot(s) _____ (List all parcels)

Tax Account # (s): 2604316 _____, _____, _____ (List all account numbers)

Project Name: Loren Cove at Addison Village (N4) Property Owner: The Viera Company

Site Address: South of Wickham Road, East of Wyndham Drive, West of Stadium Parkway

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Todd J. Pokrywa Company: The Viera Company

Address: 7380 Murrell Road, Suite #201 E-Mail maryellen.mckibben@duda.com

City: Viera State FL Zip 32940

Phone (321) 242-1200 Fax (321) 253-1800 Cell _____

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: BSE Consultants, Inc. Eng. or Proj. Mgr.: Hassan Kamal, P.E.

Address: 312 S. Harbor City Blvd., Melbourne, FL 32901 Ph # (321) 725 - 3674 Fax (321) 723 - 1159

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Section 62-2956(b)(2) requires sidewalks on both sides of the street. The Waiver is specific to Loren Cove Drive as shown on the enclosed plan. Applicant proposes an alternative pathway/sidewalk system within and surrounding this project.

Owner/Applicant Signature:  Print Name: Hassan Kamal, P.E.

Finished Floor Elevation Waiver - Site information: (for office use only)

Site Address _____ City _____

Parcel Id: _____ Subdivision _____ Flood Zone _____

Public Thoroughfare Name _____

Proposed Finished Floor Elevation _____ Crown of Road Elevation _____

Approved Finished Floor Elevation _____ Date of approval _____

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 \$500, except for Site Plans which are \$200, and residential Finished Floors elevation waivers which are \$115.

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

SCANNED

RECEIVED
MAR 15 2016
BY: _____

LAND DEVELOPMENT APPLICATIONS – DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Waiver Criteria below	Letter of Intent	Survey with structure location, topo, elevation of c/l of road, legal desc, and any adjacent water body elevation.	Floor Plans (if sunken floor or basement)	Health Dept. Report or soil boring analysis	8 ½ x 11 vicinity map	After the fact (FFEW) Engineer's report of 25 year, 24 hr. rainfall	Fees
Waiver - Site Plan	1	Y	-	-	-	-	1	-	Y
Waiver - Subdivision	1	Y	-	-	-	-	1	-	Y
Finished Floor Elev. Waiver	1	N	1	1	1	1	-	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.
The proposed plan includes an extensive "core" pathway system that interconnects the community, parks and open space.
The form of the project, utilizing coving design standards does not warrant sidewalks on both sides of all streets.
Requiring strict compliance with the code would prohibit the applicant from constructing the extensive open space pathway system
- The granting of the waiver will not be injurious to the other adjacent property.
No adjacent property is affected by granting of the waiver requiring sidewalks on both sides of the street. The waiver is only for a portion of the one internal street. All adjacent streets will have sidewalks on both sides of the roads.
- 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 project is located within the West Viera PUD. The proposed design of the pathway system is proposed to provide an enhancement of the current code by utilizing an innovative design and a sidewalk system that effectively interconnects the residents to the open space and parks within the project. The "coving" concept and the interconnected pathway/open space system are not applicable to other properties.
- 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 intent and purpose of the County regulations is to provide a pathway system that interconnects the community and open spaces and parks. The granting of the waiver allows the developer to construct a much more meaningful, robust and comprehensive pathway system that is consistent with the intent of the regulations.
- Delays attributed to state or federal permits.
 N/A
- Natural disasters.
 N/A
- County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)



B.S.E. CONSULTANTS, INC.

Consulting ~ Engineering ~ Land Surveying

Scott M. Glaubitz, P.E., P.L.S.
President

Hassan Kamal, P.E.
Vice President

March 14, 2016

Via Courier

Mr. Tad Calkins
Assistant Director
Brevard County Government Center
Planning & Zoning Department
2725 Judge Fran Jamieson Way
Building A
Viera, FL 32940

**Re: Loren Cove at Addison Village (N4) - Phase 1
#15SD-00016
Sidewalk Waiver Application
BSE File #11281**

Dear Tad:

As a follow-up to our discussion, enclosed please find the Request for Waiver for those sections of 62-2956(b)(2) of the Brevard County Land Development Code. We have also enclosed check #14976 in the amount of \$500.00 for the Waiver Application Fee.

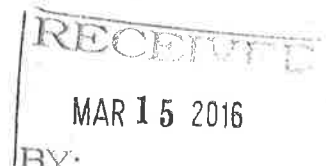
This request is for a Waiver of that portion of the Code which requires sidewalks on both sides of the street. The Waiver is specific to Loren Cove Drive as shown on the enclosed plan. Applicant proposes an alternative pathway/sidewalk system within and surrounding this project.

Internal to the project, the applicant is proposing sidewalks on both sides of the street in the vicinity of the neighborhood center and mail kiosk area on Loren Cove Drive and then a single, meandering sidewalk for the remaining section of the cul-de-sac. This sidewalk is supplemented by a north-south spine sidewalk system that connects through the recreational amenity to an eight (8') foot wide sidewalk along Trasona Drive and an eight (8') foot sidewalk along Spur Drive.

The eastern side of the project includes 8' walks along both sides of Stadium Parkway and the western side of the project includes a 10' and 5' sidewalk along Wyndham Drive.

The routing of the sidewalks and the proposed dimensions are shown on the enclosed excerpts from the proposed construction plans.

Civil ~ Agricultural ~ Transportation ~ Utility ~ Site Planning ~ Environmental
312 South Harbor City Boulevard, Suite #4, Melbourne, FL 32901
(321) 725-3674 ~ Fax (321) 723-1159
Toll Free ~ 1-800-523-4BSE (4273)
info@bseconsult.com



Mr. Tad Calkins

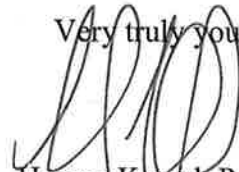
March 14, 2016

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Consistent with the previous approval of a similar waiver request for Trasona, the Covenants and Restrictions for the HOA documents will include language identifying that a sidewalk will be provided on only one side of the street and that Brevard County has no obligation to construct additional sidewalk improvements within the project. The Final Plat(s) for Loren Cove will also include similar language stating that the County has no obligation for additional sidewalk construction within the subdivision (Plat Note 17, Trasona Phase 1 & 2 Plat).

We greatly appreciate your prompt review and approval of the enclosed and if you have any questions, please feel free to call me.

Very truly yours,



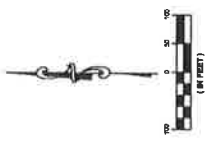
Hassan Kamal, P.E.
Vice President
BSE Consultants, Inc.

HK/alm

11281.county.corr.16-hk13035.mar

cc: Mary Ellen McKibben, Director of Land Development, The Viera Company (*via E-mail*)

Enclosures



LEGEND

- 5'x6" CONCRETE SIDEWALK
- 6'x6" CONCRETE SIDEWALK
- 8'x6" CONCRETE SIDEWALK
- 10'x6" CONCRETE SIDEWALK

SCANNED 16/06/2008



B.S.E. CONSULTANTS, INC.
 CONSULTING - ENGINEERING - LAND SURVEYING
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
 HUNTSVILLE, ALABAMA 35891-1116
 CONTACT: (205) 938-1116 FAX: (205) 938-1118
 COMPANY OF LAND SURVEYORS REGISTERED PROFESSIONAL ENGINEERS



LOREN COVE AT ADDISON VILLAGE

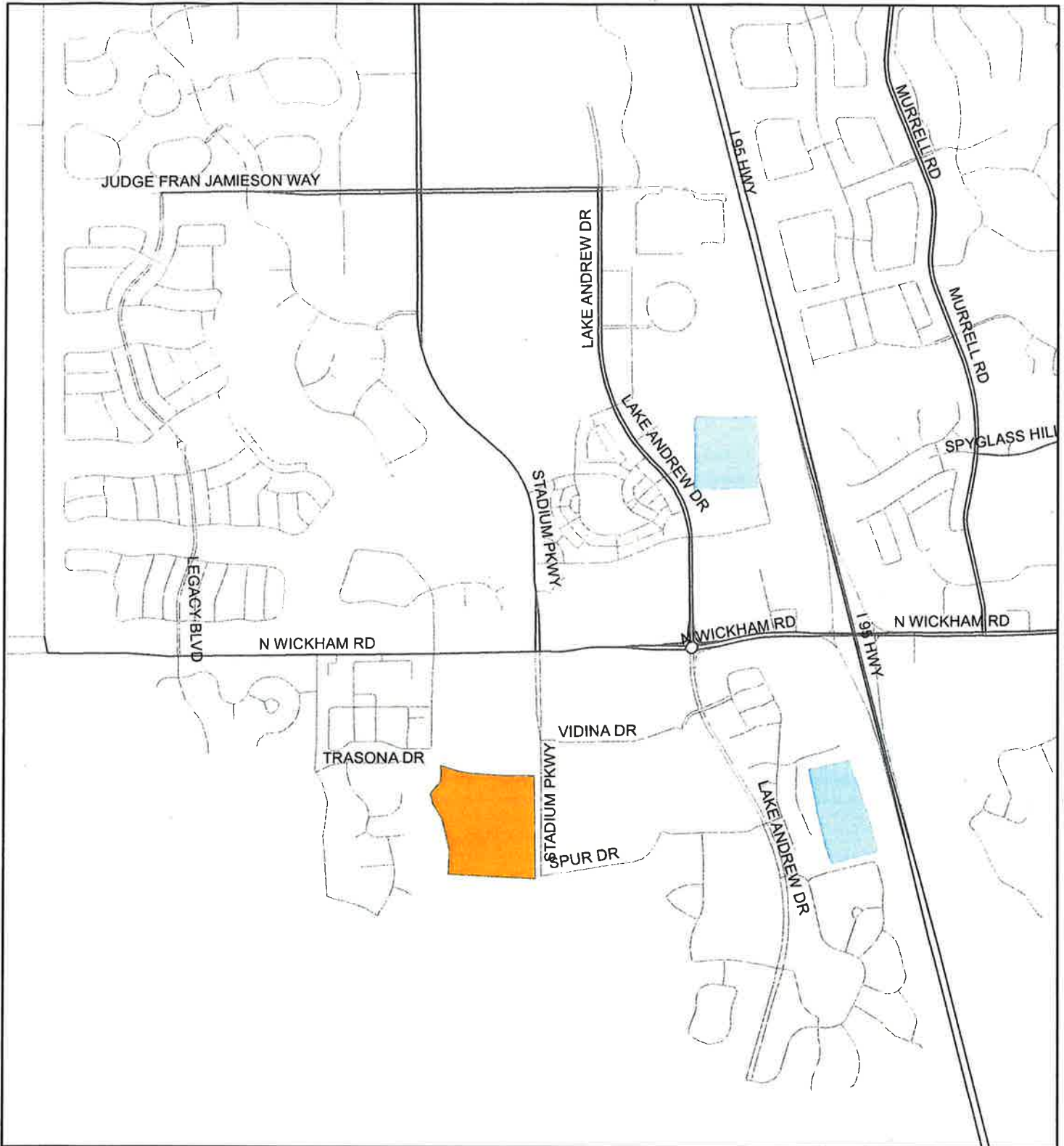
NO.	DATE	DESCRIPTION

SIDEWALK LOCATION EXHIBIT

11/21/11 11:21 AM
 11/21/11 11:21 AM
 11/21/11 11:21 AM

11/21/11 11:21 AM
 11/21/11 11:21 AM
 11/21/11 11:21 AM

LOCATION MAP
LOREN COVE AT ADDISON VILLAGE
15SD00016



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: 3/17/2016