



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 5330, **Version:** 1

Subject:

Waiver Request, Re: Waiver of Wall Requirement for CRS Cocoa-Grissom Pkwy (22WV00021)(21SP00041) (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) 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. This parcel is zoned BU-2 under zoning action 13PZ-00058 and abuts just to the north two residentially zoned properties. The proposed development is for a 10,640 square foot retail store.

The applicant indicates that wetland areas exist on the property near the north and eastern boundaries where the property abuts the residentially-zoned properties. The applicant asserts that the required 6-foot wall would negatively impact the wetland by requiring the removal of the existing natural vegetation within some of the existing wetlands. The applicant is proposing to provide a wall along the north property line, in accordance with sec. 62-3202(h)(10) and sec. 62-2109, that ends at the wetland buffer line located within the northeastern portion of the property. In addition, the applicant is also proposing an enhanced landscape plan to provide the remaining 6-foot opaque buffer to the north-east residentially zoned property. The site plan in addition to this waiver will serve to avoid any impact to the wetland area.

The Brevard County Natural Resource Management Department (NRM) is in support of the waiver as the wall requirement would result in impacts to canopy trees and marsh wetlands that extends off-site to undeveloped parcels. NRM agrees that the proposed landscape plan will provide 6-foot opacity requirements and is to be maintained by owners in perpetuity. This support is granted on the condition that the applicant ensures the protection of the wetlands and their functional values by prioritizing avoidance of impacts, minimization of impacts, and mitigation to meet the "no-net loss" policy in Section 62-3696.

The Board's approval of the waiver is subject to the criteria as depicted in the approved site plan, approved landscape plan, the avoidance of wetland impacts, and maintenance of the proposed wall and vegetation pursuant to the attached landscape plan. Any future development, redevelopment, or alteration of the subject property that negatively impacts the wetland areas will void the wall waiver.

Clerk to the Board Instructions: