



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 6620, **Version:** 1

Subject:

Appeal Request Re: Appeal to Denied Sidewalk Waiver for Storsafe of Rockledge (23WV00020) (22SP00038) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development/ Public Works

Requested Action:

Pursuant to Section 62-3207(b) and subsequent to staff's disapproval of sidewalk waiver 23WV00020, Storsafe of Rockledge, LLC, is requesting that the Board of County Commissioners grant approval of an appeal of staff's denial of sidewalk waiver 23WV00020 to allow 800 feet of sidewalk installation to be postponed in accordance with the attached sidewalk assessment agreement.

Summary Explanation and Background:

On November 28, 2023, the applicant, Storsafe of Rockledge, LLC, submitted a waiver to postpone the requirement to construct a sidewalk along US 1. On December 14, 2023, the waiver was evaluated based on the criteria of Section 62-2956(b)(2) and administratively denied by the recommendation of County staff. Sec. 62-2956(b)(2) Brevard County Code of Ordinances requires that the developer "provide sidewalks adjacent to roadways abutting their project" but provides that "in areas where it can be demonstrated by the applicant that there is no current or future need for sidewalks in the immediate area, the sidewalk requirement may be administratively waived, provided that a sidewalk assessment agreement is entered into by the property owner." This Section further allows for an appeal process in the case of an administrative denial of a requested waiver.

The approved Brevard Storage site development plan (22SP00038) located at 3700 S Highway US 1, containing a 104,375 square foot mini warehouse facility, abuts approximately 800 feet of 1,700 feet of frontage along South Highway US 1 owned by the applicant. The approved site plan includes the approved design of the sidewalk. The adjacent south properties, owned by the same entity, are currently undeveloped. The following concerns were raised by Public Works Engineering, Space Coast Transportation Planning Organization (SCTPO), and Planning and Development:

1. The major traffic intersection between Barnes Blvd and Highway US 1 is within approximately 800 feet of the site per the latest survey received on May 18, 2023. Pedestrian traffic tends to be high near intersections, therefore, safety tends to become a higher priority at these major intersections.

2. SCTPO noted that multiple requests for sidewalks in the area have been received during the public involvement portion of the US1 Corridor Study. SCTPO has also designated this corridor section as a listed priority in need of pedestrian improvements within the Bicycle and Pedestrian Master Plan.
3. There is an existing sidewalk along Barnes Boulevard approximately 800 feet south of the site. The abutting properties to the north and east of the subject property include single family residential development, and there are also single family residential properties along Coquina Road.

On January 16, 2024, the applicant submitted an appeal to staff's administrative denial of the sidewalk waiver. Storsafe of Rockledge, LLC is asking the Board to consider the appeal based on the following concerns raised by the applicant. Staff has assessed these concerns and provided additional information with each concern noted:

1. Applicant's response "...The property being developed has approximately 1,000 intervening feet of future development property between itself and the Coquina/US1 intersection which has no proposed sidewalks at this time."

Staff's assessment: The site plan permit includes work within 750-feet of Coquina Road/US-1 intersection. Almost 550-feet of the 750-feet is owned by the same entity / developer of the subject site plan and is undeveloped and available for future development. When developed including sidewalk together with this application's sidewalk, there would be 1,700 feet of continuous sidewalk at this location with only about 150 feet remaining to get to a major intersection (Barnes Blvd. and US 1).

2. Applicant's response "...The one (and only) parcel of land south of our property on the east side of US1 containing a sidewalk is approximately 2,000' south of the southern border of the current project area (being one of only two properties on the east side of US1 between Coquina [Road] and Viera Blvd containing a sidewalk over a distance of approximately two miles). The next closest sidewalk to the north of the subject property is over one mile distance. The construction of the requested sidewalk at this time would not serve any connectivity purposes given the large distances between the proposed sidewalk and any other pedestrian transit routes."

Staff's assessment: There are portions of sidewalk near the intersection of Barnes Boulevard, Coquina Road, and US 1. which is 1000-feet south of the development and 300-feet south of the developer owned parcels. As noted above by the SCTPO, this major intersection is a listed priority in need of pedestrian improvements within the Bicycle and Pedestrian Master Plan.

3. Applicant's response "...The County has requested a drainage easement through the proposed sidewalk area which would necessitate the County having to demolish and replace the proposed sidewalk in the future."

Staff's assessment: The sidewalk was fully designed as required for site plan approval. The design is reviewed to ensure constructability and future maintenance. The drainage easement that is referenced is a flowage/drainage easement that replaces an existing drainage easement to accommodate for historical drainage and only crosses the sidewalk at one location. There is not a current need for demolition of the drainage system. If demolition or replacement of the drainage system is required in

the future it should only affect a few sidewalk panels.

If the appeal is granted by the Board, the applicant would enter into the sidewalk assessment agreement with the County for the subject property that is under Site Plan Permit 22SP00038. In turn, the construction of the sidewalk would be delayed until the County, in its' sole discretion, determines sidewalks are necessary on the property. The County reserves its right to exercise its' authority regarding future special assessments under Florida law and County Code in lieu of installing the sidewalk at this time.

It should be noted that Board approval of this appeal only applies to the sidewalk installation and does not relieve the developer/owner from obtaining all other necessary jurisdictional permits nor postpone the construction of other infrastructure depicted on the approved site development plan 22SP00038.

Clerk to the Board Instructions: