

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, November 18, 2021 at 7:00 PM in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may view a video of the meeting and/or review the meeting agenda, backup material and minutes on the Indian River County website www.ircgov.com/Boards/PZC/2021.

Present were the following members: **Chairman Dr. Jonathan Day**, District 4 Appointee; **Ms. Beth Mitchell**, District 1 Appointee; **Mr. Alan Polackwich, Sr.**, District 2 Appointee; **Mr. Curtis Carpenter, Jr.**, District 3 Appointee; **Mr. Mark Mucher**, District 5 Appointee; and **Mr. Todd Brognano**, Member-at-Large.

Mr. Jordan Stewart, Member-at-Large; and **Ms. Teri Barenborg**, non-voting School Board Liaison were absent.

Also, present were IRC staff members: Mr. Bill DeBraal, Deputy County Attorney (via conference call); Ms. Susan Prado, Assistant County Attorney; Mr. Phil Matson, Community Development Director; Mr. Ryan Sweeney, Chief of Current Development; and Recording Secretary, Ms. Lisa Plesnarski, Commissioner Assistant.

Call to Order and Pledge of Allegiance

Chairman Day called the meeting to order at 7:00pm and all stood for the Pledge of Allegiance.

Additions and Deletions to the Agenda

There were none.

Approval of Minutes

ON MOTION BY Mr. Todd Brognano, SECONDED BY Ms. Beth Mitchell, the members voted unanimously (6-0) to approve the minutes of the October 28, 2021 meeting as presented.

Public Hearing

Chairman Day read the following into record.

A. Hampton Park PD: Request for conceptual planned development (PD) plan and special exception approval and concurrent preliminary PD plan/plat approval for a 150 single-family detached home project to be known as Hampton Park PD. Meritage Homes, Applicant. Mills, Short, & Associates, LLC, Agent. Located on the northeast corner of 8th Street and 58th Avenue. Zonings: RS-3, Residential Single-Family (up to 3 units per acre) and A-1, Agricultural-1 (up to 1 unit per 5 acres). Land Use Designation:

L-1, Low-Density Residential-1 (up to 3 units/acre). Density: 2.72 units/acre. [PD-21-04-04 / 2004040192-88914] **[Quasi-Judicial]**

The secretary administered the testimonial oath to those present who wished to speak.

Chairman Day asked if any members had any ex-parte communication. There were none.

Ryan Sweeney reviewed information regarding the request for conceptual planned development plan and special exception approval and concurrent preliminary plan approval and gave a PowerPoint presentation, copies of which are available at the Board of County Commissioner's (BCC) office. Mr. Sweeney explained the planned development process. Mr. Sweeney showed a map of the project site located at the north side of 8th Street and east of 58th Avenue. The property has a split zoning of A-1 and RS-3, the entire site having an L1 comprehensive land use designation. Mr. Sweeney showed an aerial view of the site with an overlay of the proposed project layout. The proposed development has a total site area of 55.06 acres after right-of-way dedications. A total of 150 single-family units are proposed at an overall density of 2.72 units per acre. Applicant is requesting increases or reductions in minimum lot size, minimum lot width, minimum building setbacks, maximum building coverage per lot and minimum right-of-way width. To offset those requests the applicant is providing to right-of-way dedications, off-site improvements, acceptance of off-site stormwater, larger perimeter setbacks, shared pedestrian access and preservation of an existing oak hammock. Mr. Sweeney showed the conceptual plan and explained the project layout. The conceptual stormwater plan consists of a single large stormwater pond. Mr. Sweeney showed the traffic circulation plan which proposes a full movement gated driveway connection to 8th Street and widening and restoration of 8th Street. An eastbound left turn lane is required at the entrance. The project exceeds 100 units and, therefore, requires a secondary emergency access that will connect to 9th Street. This is an existing public right-of-way in the adjacent Laurel Oaks subdivision. This will be gated and available to emergency vehicles for vehicular access and will also have a pedestrian gate so that residents from the Laurel Oaks subdivision will have pedestrian access. Mr. Sweeney discussed dedications, improvements and conditions of the project, some of which extend beyond the requirements. These include right-of-way dedication to 8th Street, 8th Street replacement sidewalks, internal sidewalks, and streetlights. Mr. Sweeney went on to discuss environmental issues. The site is an old grove but over time has become wetlands due to the nature of the low lying area. Some of the wetlands require mitigation through purchase of wetland mitigation credits and some are non-jurisdictional wetlands which do not require mitigation. The applicant proposes preservation of a 2.48 acre oak hammock. Other specimen and protected trees will be mitigated through a final tree mitigation plan. Mr. Sweeney showed an overview of the project landscape plan and explained increased buffers and gave perimeter dimensions. Mr. Sweeney showed a chart of the projects proposed waivers as compared to the A-1 and RS-3 zoning district standards. Mr. Sweeney spoke about the projects proposed public benefits. These include 8th Street right-of-way dedications and improvements, off-site stormwater, increased setbacks and

buffers, shared pedestrian access, and preservation of an existing oak hammock. Mr. Sweeney noted the applicant held a town hall style meeting with surrounding property owners on July 27, 2021 at which the builder and staff answered questions. Mr. Sweeney ended his presentation by affirming the staff's recommendation with its associated conditions.

Chairman Day asked if there were any commissioner questions. Ms. Beth Mitchell asked Mr. Sweeney about the difference between jurisdictional and non-jurisdictional wetlands. Mr. Sweeney explained that jurisdictional means they are under the jurisdiction of the Army Corp. and often require mitigation. Non-jurisdictional wetlands are usually under a half acre in size and are typically of low quality. Ms. Mitchell asked about required dedications and improvements, specifically the right-of-way designation. Mr. Sweeney explained a certain amount of right-of-way dedications are required by code. In this case most of the 8th Street frontage for this project is at 80 feet which exceeds the minimum requirement. The eastern side of 8th Street is only 40 feet wide. The requirement is to dedicate 20 feet to make up the 60 feet. Overall the dedication is above the minimum requirement.

Mr. Carpenter asked about the breakdown of lot sizes for the proposed single-family homes. Mr. Sweeney explained that 89 of the lots are 50 feet wide, 55 are 65 feet wide and 6 are 70 feet wide. Mr. Carpenter asked about the lot width of the lots at the adjacent Laurel Oaks subdivision. Mr. Sweeney responded that they are conventional RS-3 zoning so the lots are most likely 80 feet wide.

Mr. Mucher asked where the wetland mitigation will be on this project. Mr. Sweeney explained that these are freshwater wetlands so the mitigation bank they would be purchasing credits from is called Basin 22 and that the developer has preliminarily secured credits for purchase. Mr. Mucher asked why there is a single large stormwater pond yet a lot of width and setback concessions. Mr. Sweeney explained most of the site is within a flood plain and, therefore, fill cannot be imported or exported. The larger pond size is the reason they are seeking setback waivers because much of the site is dedicated to stormwater. Mr. Mucher asked where the stormwater goes from the pond. Mr. Sweeney indicated this would be further explained in the developers presentation.

Mr. Polackwich made an observation that the project is 55 acres, zoned AG-1 and RS-3. The code for those categories does not apply because this is a Planned Development. Mr. Polackwich expressed concern that many projects are not actually complying with the basic code requirements and asked where housing is heading in the community. Apartment unit projects have been approved as well as single-family homes. Mr. Polackwich said he would like to know how many apartment units were approved, how many waived single-family homes were approved, and how many "compliant" single-family homes were approved. Mr. Polackwich went on to say he feels we are heading in the direction of smaller housing units with the end result being increased density. When the zoning is changed to plat-over site plan or planned development this leads to increased density. Perhaps this should be discussed with the BCC, whether or not this is

the direction in which we want to be headed. Mr. Polackwich stated he feels it is important to the community to know where we are headed.

Ms. Mitchell stated she has also been following this in regard to public purpose. She suggested talking with Phil Matson at a later time about where the visioning process is headed. Mr. Mucher stated he shares in their observations and hopes the applicant and staff can convince him of public purpose.

Chairman Day asked if this land is an old citrus grove. Mr. Sweeney responded that it is an old grove and pasture. Mr. Sweeney clarified the wetlands are a result of an abandoned grove, formerly the Hiers Farm property.

Chairman Day opened the Public Hearing.

Wesley Mills, project engineer of Mills, Short & Assoc. gave some background and project information. He explained the wetlands are of low quality due to abandonment of a former citrus grove. This equates to approximately 2.5 credits. Stormwater discharge runoff goes to a retention pond and after stormwater is treated it is discharged into the canal. He stated the project meets or exceeds IRC and St John's requirements regarding stormwater treatment. The water collects, gets treated, and some used as irrigation for landscaping. Water is then slowly allowed to be discharged into the canal. Mr. Mills explained how the project is in a flood plain and cut fill balance is required. When FEMA does their studies they look at the topography of the land and the required storage capacity of the pond is larger than normal because their design allows for flood plain storage. They are requesting reduced lot sizes due to the large pond and to deal with the flood plain factors.

Mr. Carpenter asked about how stormwater gets from the pond to the canal. Mr. Mills responded that the water is piped in after a series of controls. Mr. Mucher asked if there is any other treatment. Mr. Mills responded that fountains aerate the water and the vegetation planted also provides some treatment characteristics. Mr. Mucher asked about the house sizes. Mr. Mills responded the house sizes are approx.. 2200 – 2400 sq. feet, building width being about 40 feet wide. The 70 foot wide lots will have about 20 feet in between houses, 60 foot wide lots 15 feet and 50 foot wide lots approximately 10 feet. Mr. Mucher asked if staff considers 10 foot separation sufficient. Mr. Sweeney responded that 10 feet meets the minimum requirements. Mr. Mucher asked for clarity that emergency equipment can access with the minimum separation and that homes will be serviced by public water and sewer utilities.

Chairman Day asked about maintenance for the passive water movement and if the possibility of excess silt will be prevented. Mr. Mills explained the design of the structures and that they will be accessible to the HOA for maintenance.

Chairman Day asked if anyone from the public would like to speak. There were none.

Mr. Mucher asked about the details of voting for or against a project. Mr. Sweeney explained this project is a planned development special exception and members have discretion to vote how they see fit.

Mr. Brognano pointed out that although this could increase density, there would be a public benefit by creating more affordable homes. Mr. Brognano went on to say that it's nice if the people who service the community can afford to live here.

Chairman Day closed the Public Hearing.

Mr. Carpenter offered some comments. He stated that he lives in a similar development with two large retention ponds. He believes there is some public benefit and pointed out the 2-1/2 acres of preserved green space. He stated he has some concerns about increased density with the planned development but that he enjoys living in a similar neighborhood.

Chairman Day called for a motion.

ON MOTION BY Alan Polackwich, SECONDED BY Mr. Todd Brognano. The members voted (5-1) to approve staff recommendations on this Quasi-Judicial matter. Mr. Mark Mucher opposed.

Commissioners Matters

There were none.

Planning Matters

Mr. Phil Matson, Community Development Director, spoke about holding the first of several visioning workshops. Affordable workforce housing with less density is desired and this is a good option. Mr. Matson believes this project provides public benefit, pointing out that 2.72 units per acre is low density and 2-1/2 acres are to be preserved. Mr. Matson went on to say other benefits are enhancement of flood plain regulations and sidewalk connectivity. An additional benefit is potential reduction of code complains because existing homes are buffered well and backyards are not directly abutted.

Mr. Sweeney gave a tentative meeting date of December 9th for the next meeting. Several public hearings have been advertised, one being for a solar facility.

Attorney's Matters

Susan Prado, Assistant County Attorney, clarified that in the event the Board denies an application it must be for specific reasons.

Adjournment

There being no further business, the meeting was adjourned at 7:54pm.