

**INDIAN RIVER COUNTY, FLORIDA
M E M O R A N D U M**

TO: Jason E. Brown; County Administrator

THROUGH: Phillip J. Matson, AICP; Community Development Director

THROUGH: Ryan Sweeney; Chief, Current Development

DATE: January 3, 2022

SUBJECT: Meritage Homes's Request for Conceptual Planned Development (PD) Plan and Special Exception Approval and Concurrent Preliminary PD Plan/Plat Approval for a Project to be known as Hampton Park PD [PD-21-04-04 / 2004040192 -88914]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of January 11, 2022.

DESCRIPTION & CONDITIONS

Mills, Short & Associates, LLC, on behalf of Meritage Homes, is requesting conceptual planned development (PD) plan and special exception approval, and concurrent preliminary PD plan/plat approval for a project located on the northeast corner of 8th Street and 58th Avenue (see attachment 2). The project site is mostly vacant but has several agricultural barn and/or stable structures, and formerly contained citrus groves and cattle/horse pastures (see attachment 3). All existing structures will be removed from the site during site development.

The project proposes 150 single-family detached homes at an overall density of 2.72 units per acre. The applicant is requesting PD approval to obtain waivers (increases or reductions) in minimum lot size, minimum building setbacks, maximum building coverage, and minimum right-of-way (ROW) width in return for off-site improvements, acceptance of off-site stormwater, increased project open space, larger perimeter setbacks/buffers, and other public benefits.

➤ **Planning and Zoning Commission (PZC) Recommendation:**

At its meeting of November 18, 2021, the PZC voted 5-1 to recommend that the BCC grant conceptual PD plan and special exception approval with the conditions recommended by staff, and approved the concurrent preliminary PD plan/plat subject to BCC approval of the conceptual PD plan and special exception (see attachment 1).

➤ **PD Project Process**

The process involved in review and approval of the subject PD application is as follows:

<i>Approval Needed</i>	<i>Reviewing Body</i>
1. Conceptual PD Plan/Special Exception	PZC & BCC
2. Preliminary PD Plan/Plat	PZC
3. Land Development Permit (LDP)	Staff
4. Final PD (plat)	BCC

At this time, the applicant is pursuing approval of Steps 1 and 2. If approved by the BCC, the special exception, conceptual PD plan, and preliminary PD plan/plat will all be approved and in effect.

ANALYSIS

1. **Project Site Size:** 55.86 acres (gross)
- 0.80 acres (ROW dedication)
55.06 acres (net)
2. **Zoning Classifications:** RS-3, Residential Single-Family (up to 3 units per acre)
A-1, Agricultural-1 (up to 1 unit per 5 acres)
3. **Land Use Designation:** L-1, Low-Density Residential-1 (up to 3 units per acre)
4. **Residential Units:** 150 Single-Family Detached Units
5. **Density:** Proposed: 2.72 units per acre
Maximum Allowed: 3.00 units per acre

Note: The proposed density calculation is based on the net project site size, and does not include any density credit for the project's ROW dedications.

6. **Open Space:** Required: 47.0%
Provided: 48.9%

Note: The required open space calculation is based on a blended average calculation of the RS-3 zoned portion of the site and the A-1 zoned portion of the site.

7. **Phasing:** The project is proposed to be constructed in a single phase.
8. **Utilities:** The project will be served by public water and sewer service provided by County Utility Services. The County Department of Utility Services and the Department of Health have approved these utility provisions.
9. **Stormwater Management:** The project's conceptual stormwater management system design includes a modified Miami curb street design and one large wet stormwater management tract to manage runoff generated from the project. The project's stormwater system will also accept runoff generated by the project's off-site improvements. The Public Works Department has approved the conceptual stormwater management plan and will review the detailed stormwater management plan with the project's land development permit (LDP).
10. **Traffic Circulation:** Access to the proposed development will be provided via a gated full movement driveway connection to 8th Street (see attachment 4). A secondary emergency access is required because the project exceeds 100 residential units. The secondary emergency access is proposed as a 20 foot wide gated stabilized driveway connection to 9th Street through the adjacent subdivision to the east (Laurel Oaks Subdivision). The proposed traffic circulation plan consists of an internal loop road and short cul-de-sac road at the northwest corner of the project site. Traffic Engineering and Fire Prevention staff have reviewed and approved the internal circulation plan and the driveway connections to 8th Street and 9th Street.

The project's traffic impact study (TIS) has been reviewed and approved by the Traffic Engineering Division. Based on the approved TIS, an eastbound left turn lane is required and proposed at the project's 8th Street driveway connection. Also, as part of the PD review process, the applicant is proposing to widen and restore the 8th Street pavement along the project's 8th Street frontage that was not reconstructed with the 58th Avenue/8th Street bridge replacement. The 8th Street widening and restoration will include milling and repaving the subject section of 8th Street to current County standards, and the final restoration details will be reviewed with the project's LDP.

11. Required Dedications and Improvements:

- a. *8th Street ROW dedications:* The County's Thoroughfare Plan classifies 8th Street as an urban collector roadway that requires 90 feet of ultimate ROW. Currently, the western ±1,480 feet of the project's 8th Street frontage has a ROW width of 80 feet, and the eastern ±450 feet has a ROW width of 40 feet. Therefore, through the PD review process, the applicant has agreed to dedicate without compensation, 10 feet of additional ROW along the project's western ±1,480 feet of 8th Street frontage, and 50 feet of additional ROW along the eastern ±450 feet, respectively. The 8th Street ROW dedications must be completed prior to the issuance of an LDP.
- b. *8th Street sidewalk:* The existing sidewalk along project's eastern ±450 feet of 8th Street frontage will be removed and shifted to the north to better align with the new northern 8th Street ROW line. The final design of the 8th Street replacement sidewalk will be reviewed with the project's LDP, and must be installed, inspected, and accepted prior to the issuance of a certificate of completion (C. of C.).
- c. *8th Street turn lane:* As outlined in section 10 of this report, an eastbound left turn lane is required and proposed at the project's 8th Street driveway connection. The final design of the 8th Street left turn lane will be reviewed with the project's LDP, and must be installed, inspected, and accepted prior to the issuance of a C. of C.
- d. *Internal sidewalks:* A five-foot wide internal sidewalk is required and proposed along one side of the project's internal streets. All sidewalks will be included in the project's LDP, and will need to be constructed along the frontage of common areas and individual lots in accordance with the requirements of subdivision ordinance section 913.09(5)(b)2.
- e. *Streetlights:* Streetlights are required and will be maintained by the property owners' association. The proposed streetlight locations are depicted on the provided PD plan. The final design of the streetlights will be reviewed with the project's LDP, and must be installed, inspected, and accepted prior to the issuance of a C. of C.

12. Environmental Issues:

- a. *Wetlands:* Approximately 13.08 acres of intact jurisdictional wetlands exist on the project site. The applicant proposes to fill all 13.08 acres of jurisdictional wetlands, and mitigate the impacts to those wetlands through the purchase of wetlands mitigation credits from an off-site wetlands mitigation bank. There are also approximately 2.05 acres of isolated, non-jurisdictional wetlands scattered throughout the project site that will be filled, but do not require any mitigation. Prior to issuance of land clearing and tree removal permits, the applicant must obtain a County wetlands resource permit and provide documentation that the wetlands mitigation credits have been secured for the project.

- b. *Uplands*: Since the site is over 5 acres, the County’s native upland set-aside requirement potentially applies. Because the site was previously cleared for agricultural use, there are no existing native uplands. Therefore, no native upland set-aside requirements apply to the proposed development.
- c. *Tree Preservation*: Most of the project site is former citrus groves and/or cattle/horse pastures. However, there is an existing ±2.48 acre oak hammock located at the northeast corner of the project site that contains a number of protected and specimen trees. Through the PD review process, the applicant has agreed to preserve the entire ±2.48 acre oak hammock located at the northeast corner of the project site. There are also several protected and specimen trees located in the central portion of the site that will be removed during project development. Removal of any of the specimen trees will require mitigation. The applicant must obtain approval of a final tree protection and tree mitigation plan prior to issuance of an LDP.

13. PD Waivers for Single-Family Lots: Through the PD review process, the applicant is requesting approval of design waivers (increases or reductions) in minimum lot width, minimum lot size, minimum building setbacks, minimum setbacks for accessory structures, maximum building coverage, and minimum ROW width. The following chart summarizes the project’s proposed waivers as compared to the A-1 and RS-3 zoning district standards:

Development Parameter	A-1 Minimum Standards	RS-3 Minimum Standards	Proposed PD Standards		
Lot Width	150’	80’	70’	65’	50’
Lot Size	200,000 SF	12,000 SF	8,050 SF	7,475 SF	5,750 SF
Building Setbacks:					
Front	30’	25’	15’	15’	15’
Side	30’	15’	10’	7.5’	5’
Rear	30’	25’	15’	15’	15’
Accessory Structures (pools, pool decks, decks, or screen enclosures):					
Front	30’	25’	15’	15’	15’
Side	30’	15’	5’	5’	5’
Rear	30’	10’	5’	5’	5’
Maximum Building Coverage	20%	30	47%	47%	47%
Minimum Open Space Per Lot	60%	40	20%	20%	20%
Right-of-Way Width	60’	50’	42’	42’	42’

14. Perimeter PD Buffering: Through the PD review process, the applicant has agreed to provide the following perimeter PD buffers and opaque features:

Perimeter	Buffer Type & Width	Opaque Feature
North	Type “B” / 35’ wide	6’ combination berm & landscape
East	Type “B” / 35’ wide	6’ combination berm & landscape*
South	Type “B” / 25’ wide	6’ combination berm & landscape
West	Type “B” / 33’ wide	6’ combination berm & landscape

Note: The perimeter buffer along the northeast portion of the site will consist of the preserved oak hammock and will not contain a berm, but will be infilled with vegetation (understory trees and shrubs) to form a solid 6’ opaque feature.

15. Public Benefits: For PD projects, applicants must identify certain design criteria and public benefits that the project will provide in exchange for requested waivers or incentives being sought by the applicant. The requested waivers are mitigated by proposed landscape buffers, increased perimeter setbacks, and increased common open space areas provided within the project. The applicant is also proposing the following public benefits:

- a. *8th Street ROW dedications:* As outlined in section 11a. of this report, the applicant has coordinated with County staff and has agreed to dedicate ROW for 8th Street without compensation that is considerably over-and-above the County’s minimum 60’ ROW width requirement.
- b. *Widening and reconstruction of 8th Street:* As outlined in section 10 of this report, the applicant is proposing to widen and reconstruct 8th Street to current County standards, along the project’s 8th Street frontage that was not reconstructed with the 58th Avenue/8th Street bridge replacement.
- c. *Off-site stormwater:* The applicant is proposing treatment and storage of stormwater runoff from the 8th Street widening through the project’s on-site stormwater management system.
- d. *Increased home setbacks and buffers:* The applicant is proposing increased home setbacks and perimeter buffer widths from all project perimeters.
- e. *Shared pedestrian access for adjacent subdivision:* Through coordination between County staff, the applicant, and residents of the adjacent subdivision to the east (Laurel Oaks Subdivision), the applicant has agreed to provide a shared pedestrian access to the project’s proposed sidewalk system via the 9th Street emergency access connection. The 9th Street emergency access connection will be gated to prevent vehicular traffic, but will include a pedestrian gate opening that will allow Laurel Oaks residents to walk through the proposed Hampton Park PD project site. The shared pedestrian access will need to be provided via a platted easement or outlined in the project’s Declarations of Covenants and Restrictions, subject to review and acceptance by the County Attorney’s Office. The shared pedestrian access must be provided prior to or via final plat.
- f. *Preservation of existing oak hammock:* As outlined in section 12c. of this report, the applicant has agreed to preserve the entire ±2.48 acre oak hammock located at the northeast corner of the project site, and has designed the project layout to minimize any impacts to the existing trees.

16. Town Hall Meeting: It should be noted that the applicant hosted a “town hall” style meeting to describe the project design and details to the surrounding property owners on July 27, 2021 at 6:00 PM. The meeting was held at the Vero Heritage Center, and approximately 20 surrounding property owners attended. Staff also attended the meeting to observe and help answer process related questions. No major project design changes have been made as a result of the meeting. However, the applicant did help answer several operational type questions (e.g. proposed HOA rules, projected construction timeframes, etc.).

17. Concurrency: As required under the County’s concurrency regulations, the applicant has applied for and obtained a conditional concurrency certificate for the project. The concurrency certificate was issued based upon a concurrency analysis and a determination that adequate capacity is available to serve this project. The applicant will be required to obtain final concurrency certificates prior to issuance of building permits, in accordance with County concurrency regulations.

18. Surrounding Land Use and Zoning:

- North: Vacant, Rain Tree Corner Subdivision, Venezia Estates / PDTND, A-1, RS-3
- East: Laurel Oaks Subdivision, Single-Family Homes / RS-3, A-1
- South: 8th Street, IRFWCD Canal, Vacant, Single-Family Homes / A-1
- West: IRFWCD Canal, 58th Avenue, Vacant, Single-Family Homes / A-1

All conditions recommended by staff have been accepted by the applicant.

RECOMMENDATION

Staff recommends that the BCC grant conceptual PD plan and special exception approval with the following conditions:

1. Prior to issuance of land clearing and tree removal permits, the applicant shall:
 - a. Provide documentation that the wetlands mitigation credits have been secured for the project.
 - b. Obtain a County wetlands resource permit.
 - c. Obtain Planning staff approval for the tree mitigation plan.
2. Prior to issuance of a land development permit, the applicant shall:
 - a. Dedicate the proposed 8th Street right-of-way dedications.
 - b. Obtain Planning staff approval of a final landscape and buffer plan.
 - c. Obtain Planning staff approval of the final streetlighting design.
 - d. Obtain Public Works approval of the final design of the 8th Street widening and restoration plan including the eastbound left turn lane, the on-site stormwater storage and treatment, and the 8th Street replacement sidewalk.
3. Prior to or via the final plat process, the applicant shall:
 - a. Construct or bond-out the required landscape buffers.
 - b. Construct or bond-out the required project streetlighting.
 - c. Provide a shared pedestrian access for the residents of the Laurel Oaks Subdivision, subject to review and acceptance by the County Attorney’s Office.
4. Prior to issuance of a certificate of completion, the applicant shall:
 - a. Construct the 8th Street widening and restoration improvements including the eastbound left turn lane, the on-site stormwater storage and treatment, and the 8th Street replacement sidewalk.

- b. Install all required perimeter buffers and project landscape improvements.
 - c. Install all required project streetlighting.
5. Internal sidewalks shall be constructed along the frontage of common areas and individual lots in accordance with Section 913.09(5)(b)2. of the County LDRs.

ATTACHMENTS

1. November 18, 2021 PZC Minutes
2. Location Map
3. Aerial
4. Conceptual/Preliminary PD Plan
5. Landscape Plan