

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

TO: Jason E. Brown; County Administrator

THROUGH: Stan Boling, AICP; Community Development Director

FROM: John W. McCoy, AICP; Chief, Current Development

DATE: June 1, 2018

SUBJECT: Harmony Reserve, LLC's Request to Rezone Approximately 2.15 Acres from RS-3, Residential Single-Family (up to 3 units/acre) and RM-6 Residential Single-Family (up to 6 unit/acre), to PD, Planned Development Residential, and to Modify the Conceptual PD Plan Approval for the Project known as Harmony Reserve PD [PD-18-04-02 / 97080101-81067]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of June 12, 2018.

DESCRIPTION & CONDITIONS:

This is a request by Harmony Reserve, LLC, through its agent Schulke, Bittle & Stoddard, LLC, to rezone approximately 2.15 acres and modify the conceptual and preliminary PD plan approvals for the Harmony Reserve PD (Planned Development). The subject 2.15 acres is currently zoned RS-3, Residential Single-Family (up to 3 units/acre) and RM-6, Residential Single-Family (up to 6 units/acres). As part of the rezoning request, a conceptual and preliminary PD plan has been submitted for review and approval. The overall Harmony Reserve PD site is located west of 58th Avenue, between 37th Street on the north and 33rd Street on the south, while the 2.15 acres to be added is located on the south side of 37th Street just west of 59th Avenue.

The purpose of this request is to add two enclave parcels which consist of 2.15 acres and add 16 single-family lots to the overall Harmony Reserve project, raising the total number of units from 397 to 413. The applicant is not requesting any changes to lot sizes, setbacks, or any other lot dimension criteria.

- **Planning and Zoning Commission Action**

At its meeting of May 10, 2018, the Planning & Zoning Commission voted 6-0 to recommend approval of the rezoning and conceptual PD plan modification with the conditions recommended by staff and provided at the end of this report. The Board is now to consider the request and approve, approved with conditions, or deny the request.

- **Development Approval Options Available to the Developer**

There are two options available to the developer to seek approval of the proposed project. Either of the two options, if approved, would allow the applicant to proceed with the desired residential project. The options are as follows:

1. Rezone the property to a conventional zoning district, such as RM-4, RS-6 or RM-6, then seek PD special exception use approval for the proposed development with lot size and setback waivers, or
2. Rezone the site to a PD zoning district that allows the proposed PD plan at a density not exceeding the site's underlying land use designation maximum density, consistent with the existing PD zoning for the remainder of the site. The existing Harmony Reserve project site is zoned PD.

The developer has opted to apply for a PD rezoning (option #2 above) to incorporate the subject 2.15 acres into the overall Harmony Reserve PD project. If the subject application is approved, the site will be rezoned to PD and will be governed by an approved Harmony Reserve conceptual PD plan.

- **The PD Zoning District, Generally**

A number of residential projects have been approved through the PD rezoning process. These include Pointe West, Old Orchid, Woodfield, Waterway Village, and Citrus Springs. Unlike standard zoning districts, PD districts have no prescribed limits regarding lot size or dimensional criteria. Instead, the PD district is based on the underlying land use plan designation for density and use limitations, and on PD compatibility requirements regarding lot sizes and setbacks. In the PD zoning district, setbacks and other typical zoning district regulations are established on a project-by-project basis through approval of a conceptual PD plan. Adopted as part of the PD zoning for a property, the conceptual plan establishes the unit arrangement, lot size, and dimensional standards for the project.

A rezoning to the PD district requires submission of a binding conceptual PD plan which, along with certain PD district requirements, limits uses and sets-forth specific development standards on the site. Thus, a PD rezoning allows a unique PD district to be developed specifically for each development site.

In this case, the proposed Harmony Reserve conceptual PD with the additional 2.15 acres will provide for the phased development of 317 (16 additional) single-family lots and 96 (unchanged) multi-family units (from 397 to 413 units total), as well as a clubhouse, recreation area, and various preservation areas.

In planning staff's opinion, the PD rezoning option is an appropriate mechanism for approving residential development on the subject site, especially since the additional development will be fully integrated into the existing Harmony Reserve PD. Unlike other zoning districts, the PD zoning district allows the county to consider the appropriateness of the proposed development design and project benefits as part of the rezoning request.

- **The PD Rezoning Process**

The PD rezoning review, approval, and development process is as follows:

- STEP 1 Rezoning and conceptual PD plan approval: review and recommendation made by staff and by the PZC. Final action taken by the Board.
- STEP 2 Preliminary PD plan (combination of site plan and preliminary plat) approval: review and recommendation made by staff. Final action taken by the PZC, subject to the Board's action on the rezoning request.
- STEP 3 Land Development Permit or Permit Waiver: reviewed and issued by staff for construction of subdivision improvements (roads, utilities, drainage).
- STEP 4 Building Permit(s): reviewed and issued by staff for construction of buildings.
- STEP 5 Final PD Plat approval: review and recommendation made by staff. Final action taken by the Board.
- STEP 6 Certificate of Occupancy: issued by staff (after inspections) for use and occupancy of buildings.

The applicant is pursuing STEPs 1 and 2 of the process.

Once a PD conceptual plan is approved, only minor modifications to the conceptual plan may be approved at a staff level. Any changes proposed to an approved conceptual plan that would reduce setbacks, intensify the site use (e.g. increase the maximum number of lots), or reduce compatibility elements (e.g. reduce buffering) may be approved only via a process involving public hearings held by both the PZC and the Board, such as this request. This is such a request. If approved by the PZC and the Board, the next step in the process will be the land development permit process.

- **Proposed PD District for the Project Site**

The subject site has an L-2 land use designation. Since the land use designation controls the use of the property by limiting the zoning districts applicable to the property, any rezoning must be compatible with the uses and densities allowed by the property's land use designations. Once a specific PD rezoning is approved for a site, the applicable PD conceptual plan adopted as part of the rezoning will limit the type of specific uses and the densities allowed on the subject site. If approved this will modify the existing PD district. The approved conceptual plan has established the dimensional criteria applicable to the site, which will not change.

Although PD zoning district parameters are flexible, certain standards related to uses, compatibility (buffering), infrastructure improvements, dimensional criteria, and open space areas are set forth in Chapter 915 (P.D. Process and Standards for Development ordinance) of the county's land development regulations (LDRs). The approved criteria which are not proposed to change are as follows:

COMPARISON: RS-3 AND APPROVED PD DISTRICT

| Development Parameters/Waivers | RS-3 | Approved PD District | | |
|---------------------------------------|-----------------|--|---------------|------------------------------|
| Number of Lots | -- | 157 | 144 | 96 |
| Minimum Lot Size | 12,000 sq. ft. | 6,200 sq. ft. | 8,000 sq. ft. | 3,168 sq. ft. |
| Minimum Lot Width | 80' | 50' | 65' | 32' (multi-family villas) |
| Minimum Yard Setbacks: | | | | |
| Front: Living Area | 25' | 20' | 20' | 15' |
| Front: Front-Loaded Garage | 25' | 25' | 25' | 15' |
| Front: Porch | 25' | 13' | 13' | 13' |
| Front: Side-Loaded Garage | 25' | 13' | 13' | 13' |
| Side | 15' | 5' | 7.5' | 5' / 0' (CW) |
| Rear | 25' | 20' | 20' | 5' |
| Pool/Pool Enclosure Setbacks: | | | | |
| Front | 25' | 20' | 20' | 5' |
| Side | 15' | 5' | 7.5' | 5' |
| Rear | 10' | 10' | 10' | 5' |
| Patio and Deck Setbacks: | | | | |
| Front | 5' | 13' | 13' | 13' |
| Side | 5' | 5' | 7.5' | 5' |
| Rear | 5' | 5' | 5' | 5' |
| Maximum building coverage per lot | 30% | 36% (SF lots) / 70% (multi-family villas) | | |
| Maximum impervious area per lot | 60% | 80% (SF lots) / 100% (multi-family villas) | | |
| Minimum open space per lot | 40% | 20% (SF lots) / 0% (multi-family villas) | | |
| Minimum open space project-wide | 40% each lot | 45% entire site: lots and common areas | | |
| Minimum street right-of-way width | 50' | 42' with parallel 5' wide utility easements on each side (10' total) | | |

Note: CW = Common wall setback is 0'

Note: There is no change proposed to the dimensional criteria. The total number of units will increase by 16 single family units from 397 to 413.

Also proposed:

- A reduction in the standard roadside planting area width from 6' to 4', subject to Public Works review and approval during the land development permit process.

USE TABLE

| RS-3 District Uses | APPROVED PD DISTRICT USES |
|--|---|
| Single-Family detached units, accessory dwelling units, places of worship, childcare, recreational uses, and other uses as listed in LDR section 911.07. | Single-family and multi-family residential units and accessory recreational uses. |

It should be noted that, if the PD rezoning is approved, the approved conceptual PD plan will be included as an actual exhibit to the rezoning ordinance. In addition to the above referenced project standards, the conceptual PD plan also regulates buffering, certain design improvements, and the overall subdivision layout.

REZONING ANALYSIS:

The 2.15 acres consist mostly of parcels previously developed with a few residential buildings and a pond. All existing structures will be removed.

- *South, East, & West* of the subject 2.15 acre site is the existing Harmony Reserve PD project with a remaining enclave parcel located further south of the 2.15 acres to be added.
- *North* of the subject 2.15 acre site, across 37th Street, the area is zoned RS-3 and predominately development with large lot single-family sites.

As is standard for residential PDs, the Harmony Reserve development will have a minimum 25' building setback from all project perimeters.

Consistency with the Comprehensive Plan

Rezoning requests are reviewed for consistency with the policies of the comprehensive plan and must also be consistent with the overall designation of land uses as depicted on the Future Land Use Map. Consistency with goals, objectives, and policies is also essential. The goals, objectives and policies are the most important parts of the comprehensive plan. Policies are statements in the plan which identify the actions which the county will take in order to direct the community's development. As courses of action committed to by the county, policies provide the basis for all county land development related decisions. While all comprehensive plan policies are important, some have more applicability than others in reviewing rezoning requests. Of particular applicability for this request are the following policies and objectives.

- Future Land Use Policies 5.3 and 5.4

Policy 5.3: Indian River County zoning districts shall permit a variety of residential building and development styles.

Policy 5.5: Indian River County LDRs shall contain a special Planned Development (PD) zoning district. That district shall be designated as an overlay on the County Zoning Atlas. The PD zoning district is intended to provide for the development of projects which require flexibility in order to maximize open space, conserve natural features, provide alternative designs, incorporate recreational facilities, create a mix of uses, and provide a variety of housing choices.

The proposed PD district is consistent with these policies because the Harmony Reserve PD plan proposes a mixture of residential building types with significant common open space. In addition, the PD plan uses the flexibility provided by the PD process to provide a mix of housing units while still preserving significant environmental features of the site.

- Future Land Use Element Policies 1.11 and 1.12

Future Land Use Element Policy 1.12 states that the L-1, Low Density Residential 1, and L-2, Low Density 2, land use designations are intended for residential uses with densities up to 3 and 6 units/acre, respectively. In addition, Future Land Use Element Policy 1.11 states that these residential uses must be located within an existing or future urban service area.

Because the subject property is located within an area designated as L-2 on the county's future land use plan map and is located within the county's urban service area, and because the proposed PD zoning district provides for residential uses that are less than 6 units/acre in accordance with the site's L-2 designation, the proposed request is consistent with Policies 1.11 and 1.12.

While the referenced policies and objectives are particularly applicable to this request, other comprehensive plan policies and objectives also have relevance. For that reason, staff evaluated the subject request for consistency with all plan policies and objectives. Based on that evaluation, staff determined the proposed PD district is consistent with the comprehensive plan.

Concurrency

A conditional concurrency certificate has been issued for the project. Concurrency is discussed in more detail in the PD Plan Analysis section of this staff report

Compatibility

Compatibility is an important consideration in any PD rezoning request. In this case, it is important to consider compatibility of the proposed project with properties in the area.

The 2.15 acres to be added to the Harmony Reserve PD were previously an enclave with the Harmony Reserve PD bordering the subject site on 3 sides (East, West, and South). The subject site was recently owned by Breath of Heaven Ministries of the Treasure Coast East. Inclusion of the subject site will increase compatibility by creating a more consistent development pattern, and eliminating adjacent enclave parcels.

Environmental Impacts and Concurrency

These issues are evaluated in the analysis section of this report (see below), and have been adequately addressed.

Rezoning Review Standards:

Section 902.12 contains standards for reviewing a zoning change and that section is included as attachment #3. This staff report addresses those standards either specifically or in general terms where appropriate. Based on staff's review, the application and analysis adequately address the applicable review standards in section 902.12.

Conclusion on PD Rezoning:

Subject to the conditions recommended at the end of this report, the requested PD rezoning and associated conceptual and preliminary PD plan are compatible with the surrounding area, are consistent with the Comprehensive Plan, meet all concurrency requirements, and are consistent with the site's L-2 (Low Density 2 (up to 6 units/acre) land use designation and applicable LDRs, including PD regulations.

PD Plan Analysis:

1. **Size:** 122.06 acres (existing gross)
2.15 acres addition
124.21 acres

2. **Zoning Classification:**

Current: RS-3, Residential Single-Family (up to 3 units/acre)
RM-6, Residential Multi-Family (up to 6 units/acre)
Proposed: PD, Planned Development (up to 3.32 units/acre)

3. **Land Use Designation:** L-2, Low Density 2 (up to 6 units/acre)

4. **Density:** 397 units on 122.06 acres; 3.26 units/gross acres (existing)
413 units on 124.21 acres, 3.32 units/gross acres (proposed)

5. **Open Space:** Required: 40.0%
Provided: 45.9% (approved)
45.3% (proposed)

Note: Open space includes areas with private yards and common open space tracts (preservation areas, buffers).

6. **Recreation Area:** Required: 9.17 acres
Provided: 10.78 acres (approved)
11.05 acres (proposed)

Note: Recreation areas include a clubhouse and associated recreation tract, and conveniently accessible common open space areas including some preservation areas.

7. **Phasing:** The proposed 2.15 acre addition will affect phase 3. As approved, the project is proposed to be constructed in 4 phases with each phase containing approximately 100 units per phase. Phase 1 will be located in the south central portion of the site, with phase 2 located to the west along the majority of the overall project's west perimeter. Phase 3 will include the north portion of the project, with phase 4 located along the eastern portion of the overall project. A brief description of the phasing is as follows:

- **Phase 1** includes 68 single-family lots and 26 multi-family villa units, the 33rd Street entry and sidewalk, littoral zone and on-site wetland mitigation, a clubhouse and recreation site, and related stormwater management areas. Phase 1 is platted and subdivision improvements are complete.
 - **Phase 2** includes 64 single-family lots and 24 multi-family villa units, and related stormwater improvements. Phase 2 is platted and subdivision improvement construction is nearing completion (guaranteed by posted security).
 - **Phase 3** will increase in size by 2.15 acres and go from 76 single-family lots to 92 single-family lots and 24 multi-family villa units and will include access to 37th Street and stormwater improvements. At this time, no construction has occurred in Phase 3 and that phase is currently unplatted. If the modified preliminary PD plan is approved for Phase 3, the next step will be for the developer to apply for a land development permit for the Phase 3 subdivision improvements consistent with the approved (modified) preliminary PD plan.
 - **Phase 4** includes 94 single-family lots, 24 multi-family villa units, 58th Avenue sidewalk, and stormwater improvements. At this time, no construction has occurred in phase 4 and that phase is currently unplatted. The next step in the process for Phase 4 will be to apply for a land development permit when the applicant chooses.
8. **Environmental Issues:** The subject 2.15 acres does not have any code related environmental issues due to previous development on the site. All existing structures will be removed, while the existing pond will remain.
9. **Concurrency Management:** The applicant has obtained a conditional concurrency certificate for 16 additional units, which satisfies the requirement for rezoning and conceptual PD plan approval.
10. **Stormwater Management:** As with standard single-family subdivisions, a stormwater management plan is required prior to preliminary PD plan/plat approval. For this project, a preliminary stormwater management plan has been approved by the Public Works Department. The stormwater system will consist of a series of interconnected lakes that collect, hold, and treat stormwater and then discharges the treated stormwater in the Indian River Farms canal located on the south side of 37th Street. The preliminary stormwater plan has been reviewed and approved by Public Works. Review and approval of the final stormwater management plan will be accomplished through the lands development permit review and approval process.
11. **Thoroughfare Plan:** The 2.15 acre addition has frontage on 37th Street which is a Thoroughfare plan road.
- 37th Street is classified as an urban arterial requiring 90' of ultimate right-of-way. Since the project is located on the south side of the sub-lateral canal that separates the site from 37th Street, no additional right-of-way is required for 37th Street with

the exception of a 40' corner clip at the corner of 58th Avenue and 37th Street. The corner clip is shown on the conceptual and preliminary PD plan and is to be dedicated to the County without compensation prior to issuance of the project's first land development permit.

- 12. Traffic Circulation:** There is no change to the overall traffic circulation system or conditions which are described below from the previous approval. Internal access to the two parcels have been provided by extending a cul-de-sac which provides access to the proposed new lots. The internal circulation plan has been reviewed and approved by Traffic Engineering.

The applicant proposes two gated access points to the project, one on 33rd Street and one on 37th Street. No connection to 58th Avenue is proposed. The 33rd Street driveway will be a full movement driveway that will align with 62nd Avenue, provide initial access to the development, and be served by a westbound right-turn lane. The access and turn lane will be constructed in the project's first phase. The 37th Street driveway will be located on the western portion of the project and will serve as a full movement driveway. This driveway will be improved at an interim level in phase 1 to serve as a construction and emergency access driveway during construction of phases 1 – 2, and then will be improved as a permanent project entrance in phase 3, and possible off-site improvements to be re-evaluated prior to the issuance of an LDP for Phase 4 are described below.

All streets are proposed to be private. All access points and the internal circulation has been approved by Traffic Engineering and Fire Prevention.

A traffic impact analysis (TIA) has been reviewed and approved by Traffic Engineering. Based on the TIA, the following improvements are required:

1. A westbound right-turn lane on 33rd Street at the project entrance (phase 1).
2. A westbound left-turn lane on 37th Street at the project entrance (phase 4).

The westbound left-turn lane on 37th Street in phase 4 is subject to an option for the developer to re-analyze the turn lane warrant prior to issuance of a land development permit for phase 4. Unless a re-analysis is approved by Public Works that documents that a westbound left-turn lane on 37th Street at the project entrance is not warranted, the turn lane must be constructed prior to issuance of a certificate of completion for phase 4. If a re-analysis approved by Public Works demonstrates that the westbound turn lane is not warranted, then the turn lane will not be required by the County.

- 13. Utilities:** Connection to public water and wastewater are required and proposed by the applicant. These utility provisions have been approved by the Health Department and the County Department of Utility Services.
- 14. Dedications and Improvements:** The following dedication and improvement is required and related to the addition of the 2.15 acres.

- *Enclave Parcels/Albrecht Acres:* With the inclusion of these two parcels, there is now a single enclave parcel located in the northern part of the project site. That parcel is part of Albrecht Acres, a subdivision which was platted in 1946 but never formally developed. The Harmony Reserve project will re-plate the vast majority of Albrecht Acres. Through the PD final plat process, the Harmony Reserve re-plats that affect portions of Albrecht Acres will need to be structured so as not to eliminate or interfere with any of the rights afforded by the original plat that provide for access and services to the one remaining enclave parcel.

- 15. Landscape and Buffering Plan:** The conceptual landscape plan meets the criteria of Chapter 926 for conceptual plan approval. Detailed landscape plans will be submitted with the land development permit plans and must be approved by staff prior to the issuance of a land development permit. Specific to the 2.15 acre addition, a 25' wide Type B buffer will be provided on all exterior perimeters, including a wider setback adjacent to the north boundary of the enclave parcel.

A conceptual landscape plan has been provided, and a Type "B" buffer is proposed around the perimeter of the entire development including the remaining enclave parcel. The buffer is provided as native upland preservation area (minimum width of 50'), wetland mitigation area with vegetation, or more formal landscape buffers with a minimum 25' width. The 6' opaque feature required and provided around the project perimeter will vary between an all-vegetation barrier and a berm with vegetation. Berming will be avoided where fill would conflict with preserving existing native vegetation. Detailed plans for opaque features will be submitted with the land development permit plans.

Public Benefits of the PD Plan

For all PD projects, planning staff asks applicants to identify the public benefits that their project will provide above and beyond conventional development in exchange for the county approving reduced setbacks and other waivers from conventional standards. In this case, the project will provide substantial open space along 33rd Street and 37th Street, dedicate the ultimate right-of-way for 58th Avenue and 33rd Street, provide stormwater capacity for future improvements to adjacent roads, preserve native uplands in excess of LDR requirements, and provide enhanced perimeter buffers.

To facilitate joint use of the project's stormwater system, the developer will grant an easement to the county for stormwater purposes. Use of the stormwater system will enable the county to design roadway projects within less right-of-way area, resulting in less right-of-way acquisition impacts on property owners in the future. Details of the easement and stormwater capacity provisions will be addressed through the preliminary PD plan and land development permit processes.

In addition to the public benefits described above, the project is designed with internal benefits for project residents, including significant recreational facilities and comprehensive architectural controls.

Conditions

The applicant has agreed to the conditions included in staff's recommendation.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners grant approval of the PD rezoning request and the PD conceptual plan, subject to the conditions that were attached to the original Harmony Reserve PD approval which are re-stated as follows:

1. Prior to issuance of the first land development permit, the applicant shall:
 - a. Dedicate without compensation the ultimate road right-of-way for 33rd Street and 58th Avenue, including the 40' corner clip at 37th Street, as shown on the conceptual PD plan. [Complete]
 - b. Obtain planning staff approval of detailed landscape and opaque feature plans for the common areas and perimeter buffers, as shown on the conceptual PD plan. [Ongoing]
 - c. Document that the site's drainage system has stormwater capacity to handle run-off from improvements to 33rd Street and 58th Avenue, in a manner acceptable to Public Works. [Ongoing]
 - d. Obtain release for the portion of the Murphy Act Easement that affects the project site and lies outside of the ultimate right-of-way for 58th Avenue. [Complete]
2. Prior to issuance of a land development permit for any respective phase, the applicant shall:
 - a. Provide a gopher tortoise relocation permit or clearance letter from the Florida Fish and Wildlife Commission for the affected phase. [Ongoing]
 - b. Provide documentation that wood stork (wading bird) mitigation is adequately addressed by obtaining a jurisdictional permit or clearance letter. [Ongoing]
3. Prior to issuance of a certificate of completion for any project phase or sub-phase, the applicant shall construct required improvements such as sidewalks and buffers that are tied to that specific phase or sub-phase, or otherwise guarantee completion of the improvements as provided for in the LDRs.
 - a. Prior to issuance of a certificate of completion for phase 1, a west bound right-turn lane shall be constructed on 33rd Street at the project's entrance. [Complete]

- b. Prior to issuance of a certificate of completion for phase 4, a west bound left-turn lane shall be constructed on 37th Street at the project's entrance, unless a reanalysis is approved by Public Works that demonstrates that the left-turn lane is not warranted. [Future]
4. Prior to issuance of a certificate of completion for phase 2, the applicant shall complete a community pool and a clubhouse (minimum enclosed building area of 5,000 sq. ft.). [Complete]
5. Prior to or via the final plat process, the applicant shall establish conservation easements over existing native upland and wetland areas, as shown on the conceptual PD plan. [Ongoing]
6. Via the final plats for the portions of the project that are adjacent to 33rd Street and 58th Avenue, the applicant shall dedicate drainage easements to the County to accommodate stormwater run-off treatment for improvements to 33rd Street and 58th Avenue. [Ongoing]
7. The Harmony Reserve project site shall revert to its original RS-3 zoning if project construction has not commenced within 7 years of the date of the conceptual PD plan and PD rezoning approval. [Reverter no longer applicable]
8. Lots on the project perimeter shall be restricted to one story homes. [Ongoing]
9. Via the PD final plat process, the Harmony Reserve re-plats that affect any portion of Albrecht Acres shall be structured so as not to eliminate or interfere with any of the rights afforded by the Albrecht Acres plat that provide for access and services to the enclave parcels. [Ongoing]

ATTACHMENTS:

1. Application
2. Location Map
3. Section 902.12
4. Conceptual PD Plan Existing and Proposed
5. Preliminary PD Plan Existing and Proposed
6. Aerial
7. 5-10-18 Draft PZC Minutes
8. Ordinance