

**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

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

FROM: Ryan Sweeney; Senior Planner, Current Development

DATE: May 30, 2018

SUBJECT: Vero 53 Landings, LLC's Request for Conceptual Site Plan and Special Exception Use Approval for the CERTUS of Vero Beach Adult Congregate Living Facility (ACLF) [SP-SE-17-08-15 / 2016070073 -79431]

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

MCP Design, LLC, on behalf of Vero 53 Landings, LLC, is requesting conceptual site plan and special exception use approval to construct a 64-bed adult congregate living facility (ACLF) to be known CERTUS of Vero Beach. The project site is currently vacant and is located within The Landings Commercial Subdivision located at the northeast corner of 53rd Street and US 1 (see attachment 3). The site is zoned CG, General Commercial, a zoning district which requires special exception use approval for an ACLF.

In this case, the applicant has applied for a conceptual site plan and special exception use approval. A conceptual site plan provides general development plan information, but does not include all the details of a "final" site plan or authorize any construction. The applicant is utilizing the conceptual site plan review and approval process in order to obtain special exception use approval. If special exception use approval is granted by the Board of County Commissioners (BCC), then the applicant will submit a separate and complete final site plan application.

The BCC now needs to consider the special exception use request for the proposed ACLF, conduct a public hearing, and approve, approve with conditions, or deny the request. Pursuant to Section 971.05 of the County LDRs, the BCC is to consider the appropriateness of the requested use for the subject site and compatibility of the use with the surrounding area. The BCC may impose reasonable conditions and safeguards necessary to mitigate impacts and to ensure compatibility of the use with the surrounding area.

Planning and Zoning Commission (PZC) Recommendation:

At its meeting of April 26, 2018, the PZC voted 7-0 to recommend that the BCC grant special exception use approval with the conditions recommended by staff (see attachment 2).

ANALYSIS

1. **Size of Site:** 6.00 acres
2. **Zoning Classification:** CG, General Commercial
3. **Land Use Designation:** C/I, Commercial/Industrial
4. **Building Area:** 48,399 square feet
5. **Impervious Area:** 91,476 square feet or 2.10 acres
6. **Open Space:** Required: 25%
Proposed: 65%
7. **Off-Street Parking:** Required: 32
Proposed: 47
8. **Phasing:** The project is proposed to be constructed in one phase.
9. **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 project utility provisions.
10. **Access and Traffic Circulation:** The project site is located within The Landings Commercial Subdivision which has access that includes a right-in/right-out access road connection to US 1 that is served by a northbound right-turn lane, a signalized full-movement access road connection to 53rd Street (western driveway), and a second right-in/right-out access road connection to 53rd Street (eastern driveway). Access to the project site will be provided via two full-movement driveway connections to the subdivision's east/west access road that connects to US 1 (see attachment 7). The traffic circulation plan includes a two-way drive aisle that loops around three sides of the building/site, a main parking area near the building's main entrance, and several other parking areas provided along the looped drive aisle.

The proposed driveway connections and traffic circulation plan have been reviewed and approved by Traffic Engineering and Fire Prevention. Additionally, Traffic Engineering reviewed and approved the traffic impact study (TIS) submitted by the applicant. Based on the approved TIS, there are no required off-site improvements (e.g. turn lanes, intersection improvements, etc.), and none are proposed.
11. **Stormwater Management:** The entire commercial subdivision, which includes the project site, is served by two existing stormwater ponds located in the adjacent residential development to the east (The Reserve at Grand Harbor PD). Drainage rights were secured via recorded

stormwater easements. Minor stormwater improvements (e.g. stormwater pipes, inlets, and control structures) are shown on the conceptual site plan. Public Works has reviewed and approved the project's conceptual stormwater management design. The final stormwater management design will be reviewed by the Public Works Department via the County stormwater permitting process.

12. Environmental and Archeological Issues:

- a. Wetlands:* County Environmental Planning staff has determined that no jurisdictional wetlands exist on the subject site. Therefore, no wetlands criteria apply to the proposed development.
- b. Uplands:* Since the site is over five acres, the County's native upland set-aside requirement potentially applies; however, County Environmental Planning staff has determined that no intact native upland plant communities exist on the project site. Therefore, no native upland set-aside requirements apply to the proposed development.
- c. Tree Preservation:* The project site was mostly cleared when the commercial subdivision improvements were constructed. However, there are several existing trees located along the northern project boundary. A detailed final tree survey will be required with the project's final site plan application. If any specimen hardwood trees or cabbage palms are located during the final tree survey, and those trees are proposed to be removed, then those trees must be mitigated per the County's tree mitigation requirements. All nuisance exotic trees will be removed during development. County Environmental Planning staff has reviewed and approved the project's conceptual tree protection and tree mitigation plan. The final tree protection and tree mitigation plan will be reviewed by County Environmental Planning staff during review of the final site plan.
- d. Archeological Site:* The project site is located near the "Gifford Bones" archeological site, which generally parallels the North Relief Canal on both sides of US 1. Chapter 933 of the County LDRs provides certain protections for known and suspected archeological sites. Specifically, Section 933.09 requires that if any archeological resources are discovered during any ground-disturbing activities, then the entity conducting those activities must notify County Environmental Planning staff immediately (see attachment 4). Depending on the scope and scale of what is discovered, additional requirements and/or limitations may be imposed by staff, including the temporary suspension of all activities in the immediate and/or surrounding area where the archeological resources are discovered.

At the suggestion of County staff, the applicant also requested a due diligence review by the Florida Department of State, Division of Historical Resources (DHR). The DHR conducted a due diligence review, and recommends that a qualified professional archeologist be present to monitor all ground-disturbing activities during project construction (see attachment 5). That recommendation is consistent with IRC Chapter 933 regulations, and has been incorporated into staff's recommended special exception approval conditions.

As a cautionary measure, and with staff support, the applicant also identified a "no build" area located along the north property line in an effort to avoid potential impacts to archaeological resources. The conceptual site plan shows the "no build" area (see attachment

7), and no hard improvements (e.g. buildings, parking areas, etc.) are proposed within the “no build” area. Even with the established “no build” area, if archaeological resources are discovered anywhere within the project site, then construction activities shall either be redirected or completely stopped, depending on the type of archeological resources.

13. **Landscape Plan:** A conceptual landscape and buffer plan has been reviewed and approved for the subject site (see attachment 8). With respect to buffering, the plan depicts buffer types, locations, and the physical width and components of the buffers/landscape strips on all of the project’s perimeters. The conceptual landscape plan also demonstrates interior parking area landscaping, nonvehicular area landscaping, and foundation plantings. A final landscape plan will be required with the final site plan.
14. **Other Corridors Special Development Regulations:** The site is subject to the Other Corridors special development regulations. These regulations have special standards for building design, colors, materials, landscape, site lighting, and signage. The conceptual plan is consistent with the Other Corridors regulations. Additional details will be provided with the final site plan.
15. **Concurrency:** As required under the County’s concurrency regulations, the applicant has applied for and obtained a conditional concurrency certificate for the project, which is sufficient for conceptual site plan approval. The concurrency certificate was issued based upon a concurrency analysis and a determination that adequate capacity was available to serve the subject project at the time of the determination. In accordance with County concurrency regulations, the applicant will be required to obtain a final concurrency certificate prior to release of the final site plan.
16. **Surrounding Land Use and Zoning:**

North: North Relief Canal, Vacant / RS-3
East: The Reserve at Grand Harbor PD / RM-6
South: 53rd Street, Harbor Point Plaza / CG
West: US Highway 1, Convenience store, Self-storage facility / CG, IL
17. **Specific Land Use Criteria:** Pursuant to LDR section 971.28(3), the specific criteria for the proposed ACLF are addressed as follows:

- a. *The use shall satisfy all applicable regulations of the State of Florida and Indian River County as currently exist;*

NOTE: Through the subject conceptual site plan approval process and the future final site plan approval process, the County LDRs will be met. The facility will be licensed by the State of Florida, and the applicant will be required to show County staff compliance with State regulations through state licensing and/or permitting.

- b. *The approving body shall determine that the proposed use is compatible with the surrounding neighborhood in terms of land use intensity. The maximum allowable land use intensity shall be computed as follows:*

- a. *Regarding single-family zoning districts:*
 $(\text{number of allowable dwelling units}) \times (2.5 \text{ residents per dwelling unit}) \times 1.5 =$
maximum number of residents allowed
- b. *Regarding multi-family and commercial zoning districts:*
 $(\text{number of allowable dwelling units}) \times (2 \text{ residents per dwelling unit}) \times 1.5 =$
maximum number of residents allowed

In no case shall the maximum number of residents allowed on a project site exceed the average maximum number of residents allowed (as calculated by the above formula) on adjacent sites bordering the project site. Averaging for adjacent sites shall be based upon length of the common border between the project site and the adjacent site.

NOTE: The above-referenced formulas were used to calculate the maximum allowable density for the subject 6.0 acre site. That maximum density is 123 residents/beds. The applicant proposes only 64 residents/beds.

3. *To avoid unsafe or unhealthy conditions that may be produced by the overcrowding of persons living in these facilities, a minimum floor area per person shall be required. Floor area requirements shall be measured from interior walls of all rooms including closet space.*
 - a. *Total interior living space. A minimum of two hundred (200) square feet of interior living space shall be provided per facility resident. Interior living space shall include sleeping space and all other interior space accessible on a regular basis to all facility residents.*
 - b. *Minimum sleeping areas. A minimum of eighty (80) square feet shall be provided in each sleeping space for single occupancy. A minimum of sixty (60) square feet of sleeping space shall be provided for each bed in a sleeping space for multiple occupancy.*
 - c. *Bathroom facilities. A full bathroom with toilet, sink and tub or shower shall be provided for each five (5) residents.*

NOTE: The applicant provided a conceptual floorplan that generally demonstrates compliance with the above-referenced criteria, and the applicant will provide a final floorplan with the final site plan that meets the above-referenced criteria.

4. *To avoid an undue concentration of group care facilities within residential neighborhoods, all such facilities within residential zoning districts shall be located at least one thousand two hundred (1,200) feet apart, measured from property line to property line, unless exempted as follows. The separation distance requirement and measurement shall not apply to group home or ACLF uses involving twenty-one (21) or more residents, where such uses are located on major arterial roadways.*

NOTE: Since the project involves more than 21 residents, is located on a major arterial roadway, and is commercially zoned, it is not subject to a special separation distance. Therefore, this criterion is satisfied.

5. *If located in a single-family area, the home shall have the appearance of a single-family home. Structural alterations or designs shall be of such a nature as to preserve the residential character of the building.*

NOTE: The site is not located in a single-family area. Therefore, this criterion does not apply.

6. *If located in the AIR-1 zoning district, the site shall have an L-1 land use designation.*

NOTE: The site is not within the AIR-1 zoning district. Therefore, this criterion does not apply.

7. *The facility shall satisfy all applicable off-street parking requirements of Chapter 954. The facility shall meet or exceed all open space requirements for the respective zoning district.*

NOTE: The conceptual site plan exceeds the parking and open space requirements.

8. *The maximum capacity of such facilities shall not exceed the applicable number permitted by the department of health and rehabilitative services.*

NOTE: The operator will be required to obtain an annual operation permit(s) from the State that will set the State's maximum capacity for the facility. The County approved capacity for the subject special exception application is 64 residents/beds, as requested by the applicant.

9. *Group home permits are transferable. If the type of resident/client changes or the resident capacity increases to such an extent that it would raise the facility to a higher level group home as distinguished by the definition, the facility must be reevaluated for an administrative permit or special exception approval.*

NOTE: This facility is proposed for senior citizens that need assistance. Any change in the type of resident or increase in capacity over 64 residents/beds will require a modification to the special exception use approval.

10. *If a Level III facility is to be located adjacent to an active agricultural operation that typically involves application of fertilizers, herbicides, or pesticides (e.g. citrus groves and field crops), then a buffer meeting the requirements of [subsection] 911.04(3)(c)6 shall be provided between the Level III facility building and the adjacent active agricultural operation.*

NOTE: The site is not located adjacent to an active agricultural operation. Therefore, this criterion does not apply.

11. *Adult congregate living facilities, nursing homes, homes for the aged, total care facilities, group homes, and similar developments shall not be located in the Coastal High Hazard Area.*

NOTE: The site is not located within the Coastal High Hazard Area.

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

RECOMMENDATION

Based on the provided analysis, staff recommends that the BCC grant special exception use approval for an adult congregate living facility (ACLF) to be known as CERTUS of Vero Beach with the following conditions:

1. No hard improvements (e.g. buildings, parking areas, etc.) shall be constructed within the “no build” area as identified by the applicant and as shown on the conceptual site plan.
2. During project construction, a qualified professional archeologist shall be present to monitor all ground-disturbing activities as recommended by the State Division of Historical Resources and consistent with IRC Chapter 933 regulations.

ATTACHMENTS

1. Application
2. Excerpt from April 26, 2018 PZC Minutes
3. Location Map
4. IRC Chapter 933 Regulations
5. Due Diligence Review from the State Division of Historical Resources
6. Aerial
7. Site Plan
8. Landscape Plan