

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

PUBLIC HEARING
CONCEPTUAL/PRELIMINARY
PD PLAN/PLAT
PD REZONING
(QUASI JUDICIAL)

TO: Members of the Planning and Zoning Commission

THROUGH: Ryan Sweeney; Assistant Planning & Development Services Director *TS*

THROUGH: Brandon C. Creagan, LEED Green Associate; Chief, Current Development *BCC* *BS*

FROM: Sibel Bode; Senior Planner, Current Development *BS*

DATE: May 15, 2025

SUBJECT: **K. Hovnanian Southeast Florida Division, LLC's Request for Conceptual Planned Development (PD) Plan and PD Rezoning Approval, and Concurrent Preliminary PD Plan Approval for a Project to be Known as Floresta Gardens PD [PD-24-07-05 / 2001020054 - 96566]**

It is requested that the data herein presented be given formal consideration by the Planning and Zoning Commission (PZC) at its regular meeting of May 22, 2025.

DESCRIPTION & CONDITIONS:

This is a request by K. Hovnanian Southeast Florida Division, LLC, through their agent MBV Engineering, Inc., to rezone approximately 18.08 acres from A-1, Agricultural-1 (up to 1 unit/5 acres) to PD, Planned Development. As part of the rezoning request, a conceptual & preliminary PD plan has been submitted for review and approval (see Attachment 3). The project site is primarily comprised of vacant agricultural land with one single-family home on-site, and is located south of 8th Street, approximately 2,400 feet east of 58th Avenue (see Attachment 1). The purpose of this request is to secure a development approval which allows construction of a maximum of 44 single-family units, at an overall project density of 2.43 units/acre.

Planning and Zoning Commission (PZC) Consideration:

The PZC is now to consider the rezoning of the subject property along with the conceptual and preliminary PD plan for the project to be known as Floresta Gardens PD, conduct a public hearing, and make a recommendation to the Board of County Commissioners (BCC) to approve, approve with conditions, or deny the PD rezoning request and the accompanying conceptual and preliminary PD plan.

Development Options Available to the Developer:

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

1. Rezone the property to a conventional single-family zoning district, such as RS-3, and then seek preliminary plat approval for a conventional RS-3 subdivision; or

2. Rezone the site to a PD zoning district that allows the proposed PD plan at a density not exceeding the project site's current underlying land use designation of L-1, Low-Density Residential-1, which allows a maximum density of up to 3 units/acre.

It was determined by staff that a conventional rezoning to RS-3 would not be feasible, as the project site abuts agricultural property to the north and west, and the applicant is seeking additional waivers and deviations from the standard parameters of the Land Development Regulations (LDRs). While the density of the proposed PD may be similar to the RS-3 zoning district, the difference is that through the PD process, a project is held to stricter standards, and staff has the ability to shape the project to minimize the impact it may have on the surrounding area through things like site design, increased perimeter buffers, and the requirement for public benefits. If the subject application is approved, the site will be rezoned to PD and will be governed by the approved Floresta Gardens conceptual PD plan, which will be included as an exhibit in the project's rezoning ordinance and will control all major design parameters/requirements for the project in the future.

The PD Zoning District Generally:

A number of residential projects have been approved through the PD rezoning process. These include Harmony Reserve, Pointe West, Old Orchid, Woodfield, Waterway Village, Sebastian Landing, and The Griffon North. 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 designation for density and use limitations, and on PD compatibility requirements regarding lot sizes, setbacks, and perimeter buffers. 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 designation for a property, the conceptual PD plan establishes the general unit/building arrangement, lot size, and dimensional standards for the overall project.

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 conceptual and preliminary PD plan proposes the development of a maximum of 44 single-family units at a density of 2.43 units/acre. It should be noted that the project's underlying L-1 land use allows a maximum density of 3 units/acre. However, the proposed PD project will fall slightly under this threshold.

In Planning staff's opinion, the PD rezoning option is an appropriate mechanism for approving this type of residential project within the L-1, Low-Density Residential-1 (3 units/acre) land use designation. 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 BCC.
- STEP 2. Preliminary PD Plan/Plat (combination of site plan and preliminary plat) Approval: Review and recommendation made by staff. Final action taken by the PZC. Must comply with the approved conceptual PD plan and any conditions imposed by the BCC at the

time of PD zoning approval (Step 1)

STEP 3. Land Development Permit (LDP) or LDP Waiver: Reviewed and issued by staff for construction of subdivision improvements (road, 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 BCC.

STEP 6. Certificate of Occupancy: Issued by staff (after inspections) for use and occupancy of buildings.

The applicant is seeking approval of Step 1 and Step 2 at this time. Since the applicant is seeking approval of the rezoning to PD and the conceptual and preliminary PD plan concurrently, any changes proposed to an approved PD plan that would significantly reduce setbacks (by more than 20%), intensify the site use (e.g., increase the maximum number of units), 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 BCC.

Proposed PD District for the Project Site:

The subject site has an L-1, Low-Density Residential-1 (3 units/acre) 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 designation. Once a specific PD rezoning is approved for a site, the applicable conceptual PD plan adopted as part of the rezoning will control the types of specific uses and the densities allowed on the subject site. The conceptual PD plan will also establish the dimensional criteria applicable to the site.

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 LDRs. The applicant is requesting certain PD waivers for lot size, lot width, building setbacks, setbacks for accessory structures, and building coverage. In exchange for these waivers, the applicant is proposing several public benefits, which include additional 8th Street improvements, enhanced tree preservation, an enhanced access and culvert crossing for an adjacent single-family home, additional open space, and an additional 10' pedestrian easement along the northwestern corner of the property. Additional details about the project design is provided in the PD plan analysis section of this report.

PD REZONING ANALYSIS:

Existing Zoning and Land Use Pattern:

The overall project site is approximately 18.08 acres. The project site is primarily improved agricultural pastureland, with one single-family home in the northeastern portion, and a few accessory/farm structures.

- **North** of the project site is 8th Street and several single-family homes on agricultural land, as well as the Hampton Park PD, Laurel Oaks subdivision, and Glendale Elementary. These properties are zoned A-1 and RS-3.

- **East** of the project site are several single-family homes on estate-sized lots, and those properties are zoned RS-3.
- **South** of the project site is the Cypress Lake PD, which is zoned RS-3.
- **West** of the project site is improved agricultural pastureland, with several single-family homes, which are all zoned A-1.

Consistency with the Comprehensive Plan:

Rezoning requests are reviewed for consistency with the goals, objectives, and 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. 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 Policy 2.2: Indian River County shall encourage and direct growth into the 2030 Urban Service Area through zoning, subdivision, and land development regulations. Such regulations shall promote efficient development by requiring utilization of the existing street system, extension of public facilities where necessary, connection to the centralized potable water and sanitary sewer systems where available, and incentives for mixed use projects.

Note: The project site is located within the 2030 Urban Service Area, will connect to the existing street system (8th Street). The project will be served by County water and sewer and will provide an appropriate quantity of single-family unit types. Therefore, the proposed PD district and accompanying conceptual PD plan are consistent with Policy 2.2.

Future Land Use 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.

Note: The proposed PD district and accompanying conceptual and preliminary PD plan are consistent with these policies because the Floresta Gardens PD plan proposes significant common open space, conservation of the upland preserve area at the south end of the project site, and incorporates different buffer widths/types based on adjacent uses and development patterns. Therefore, the proposed PD district and accompanying conceptual PD plan are consistent with Policy 5.5.

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 and accompanying conceptual PD plan are consistent with the comprehensive plan.

Compatibility with Surrounding Areas:

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 immediate area, and those within the general area.

Immediate Area:

The majority of the properties adjacent to the north, south, and east portions of the project site are single-family homes or residential planned developments. The property along the western portion of the project site is currently an improved agricultural pastureland, with several single-family homes located off of 8th Street. All adjacent properties have an underlying L-1, Low-Density Residential-1 land use designation. Based on the adjacent properties' land use designations, a compatibility landscape buffer is not required. However, to ensure compatibility with the surrounding properties, County staff has coordinated with the applicant to provide a 25' Type "B" perimeter buffer along the northern and eastern boundaries, a 31' Type "B" perimeter buffer along the western boundary, an undisturbed open space area around the adjacent single-family home along the northwestern boundary of the project site, and a 50' wide upland preserve area along the southern boundary of the project site. The proposed conceptual and preliminary PD landscape plan shows the proposed buffers accordingly (see Attachment 4).

General Area:

The project site is located between established single-family subdivisions and PDs, an elementary school, stand-alone single-family homes, and improved agricultural pastureland. The proposed Floresta Gardens PD development proposes single-family homes with buffering from the established occupied residential areas, and compatible separation from the other uses and roadways that surround the property. Staff's position is that granting the request to rezone the property to the proposed PD district will result in a development that is compatible with both the immediate area and larger general surrounding area.

Concurrency Impacts:

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

Environmental Impacts:

Environmental issues are addressed in the PD Plan Analysis section of this report.

PD PLAN ANALYSIS:

- 1. Project Area:** 18.08 acres
- 2. Zoning Classification:** Current: A-1, Agricultural-1 (up to 1 unit/5 acres)
Proposed: PD, Planned Development
- 3. Land Use Designation:** L-1, Low-Density Residential-1 (3 units/acre)
- 4. Density:** Proposed: 2.43 units/acre
Maximum: 3.00 units/acre

5. **Open Space:** Required: 40.00%
Proposed: 58.2%

6. **Recreation Area:** Required: 1.36 acres
Proposed: 2.23 acres

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. **Traffic Circulation:** Primary access to the overall project site will be provided by a full access driveway connection to 8th Street (see Attachment 3). 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 TIS submitted by the applicant. Based on the approved TIS, no off-site traffic improvements are required or proposed for this project.

10. **Stormwater Management:** The project's conceptual and preliminary stormwater management design proposes one master stormwater pond and an interconnected system of stormwater pipes that will direct the project's stormwater runoff into that pond (see Attachment 3). Public Works has reviewed and approved the project's conceptual stormwater management design. The final stormwater management design will be reviewed and approved by the Public Works Department via the County land development permit (LDP) review process.

11. **Required Dedications and Improvements:**

- 8th Street Improvements:* The project proposes improvements to 8th Street including a Type F curb along the north and south sides of 8th Street from the east end of Hampton Park to 45' east of the proposed project driveway, and milling and resurfacing of that same segment.
- Internal Sidewalks:* A five-foot wide internal sidewalk is required and proposed along both sides 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.
- Streetlighting:* Streetlights are required and proposed and will be maintained by the property owner. Additional streetlight details will be provided with the preliminary PD plan, and the final design of the streetlights will be reviewed via the project's LDP. All project streetlights must be installed prior to the issuance of a C. of C.

12. **Landscape and Buffering Plan:** The applicant has provided a preliminary landscape plan that meets the criteria of Chapter 926 and is sufficient for conceptual and preliminary PD plan approval (see Attachment 4). A detailed description of each required perimeter buffer is provided above in the PD Rezoning Analysis section of this report. Detailed landscape plans will be submitted with the project's LDP plans, and must be approved by staff prior to the issuance of an LDP.

13. Environmental 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 subject site exceeds 5 acres, the County's native upland set aside criteria apply to the project. Approximately 7.60 acres of intact native upland plant communities exist on the project site, and the project's set aside requirement is 1.14 acres (15% of 7.60 acres). The applicant is proposing to set-aside 1.22 acres of on-site uplands in a single preservation tract located at the south end of the overall project site (see attachment 3). The applicant must dedicate a conservation easement in favor of the County over the 1.22 acres of on-site native uplands prior to issuance of an LDP.
- c. *Tree Preservation:* The project site is partially vegetated with a mixture of exotic vegetation and native trees (live oaks and cabbage palms). Mitigation is required for the removal of any native hardwood tree over 12" DBH, or cabbage palms with 10' or more of clear trunk. All invasive exotic trees will be removed during site development. County Environmental Planning staff has reviewed and approved the project's final tree protection and tree mitigation plan, which includes either providing replacement trees to satisfy mitigation requirements or payment of a fee-in-lieu into the County's tree mitigation fund. Either documentation of replacement trees is to be provided or payment for the project's approved fee-in-lieu of tree mitigation must be provided prior to issuance of land clearing/tree removal permits, and the project's LDP.

14. PD Waivers for Single-Family Lots: Through the PD review process, the applicant is requesting approval of design waivers (increases or reductions) in maximum density, minimum lot size, minimum lot width, minimum building setbacks, minimum setbacks for accessory structures, and maximum building coverage. A table summarizing the project's proposed waivers as compared to the A-1 and RS-3 zoning district standards is provided in Attachment 5. Note that while the project site is located within the A-1 zoning district, the underlying land use designation of L-1 typically corresponds with the standards of the RS-3 zoning district.

15. Perimeter PD Buffering: Through the PD review process, the applicant has agreed to provide perimeter PD buffers and opaque features, as detailed in Attachment 6.

16. Public Benefits: For all PD projects, applicants must identify the public benefits that the project will provide in exchange for requested waivers or incentives being sought by the applicant. For the proposed project, the applicant is requesting certain PD waivers for lot size, lot width, building setbacks, setbacks for accessory structures, and building coverage. Therefore, the proposed public benefits are intended to control project design and compatibility with the surrounding properties, and to offset the requested waivers.

- *Additional 8th Street Improvements:* The applicant will be constructing a Type F curb along the north and south sides of 8th Street and will be milling and resurfacing from 45' east of the proposed driveway to the west Glendale Elementary driveway. In addition to this, the applicant will be providing school zone restriping, signage indicating speed limit changes and driver notification, and replacement of the CMP pipe with 18" RCP under 8th Street at Stations 36 and 78.

- *Enhanced Tree Preservation:* Through coordination with County staff, the applicant has agreed to provide an additional 0.79 acres of the existing native plant community, which will be split up through the undisturbed green space area in the northwestern corner of the property and the upland preserve conservation easement in the southern portion of the project site.
- *Enhanced Access & Culvert Crossing:* Through coordination with County staff, the applicant has agreed to replace the existing CMP culvert for Sublateral B-3 with an RCP culvert, which will benefit the adjacent property owner along the northwestern boundary of the project site. The adjacent property's driveway will also be improved from a stabilized drive to pavement for the connection to 8th Street.
- *Additional Open Space:* Through coordination with County staff, the applicant has agreed to provide an additional 3.29 acres (18.2%) of open space, which is to be split up between green space, recreational area, preserve area, increased buffer area, and other common open space.
- *Additional 10' Pedestrian Easement:* Through coordination with County staff, the applicant has agreed to provide a ten (10) foot pedestrian easement along the northwestern corner of the property, which may facilitate a possible pedestrian connection to future development projects west of the project site.

17. **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 April 29, 2025 at 6:00 PM. The meeting was held at the Imagine Charter School, and approximately 30 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 project-related questions (e.g. proposed HOA rules, projected construction timeframes, etc.).

18. **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 was available to serve this project at the time of the determination.

19. **Required Notice:** For this project, staff was required to publish a legal advertisement in the newspaper, send out notice by mail to all property owners within 300 feet of the project site, and post a project notice sign at the project site.

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

RECOMMENDATION:

Staff recommends that the Planning & Zoning Commission recommend that the Board of County Commissioners grant approval of the PD rezoning request and the conceptual and preliminary PD plan for Floresta Gardens PD, with the following conditions:

1. Prior to issuance of a land development permit, the applicant shall:
 - a. Obtain Planning staff approval of the final landscape and streetlighting plan.
 - b. Obtain Environmental Planning staff approval of the final tree protection and mitigation plan.

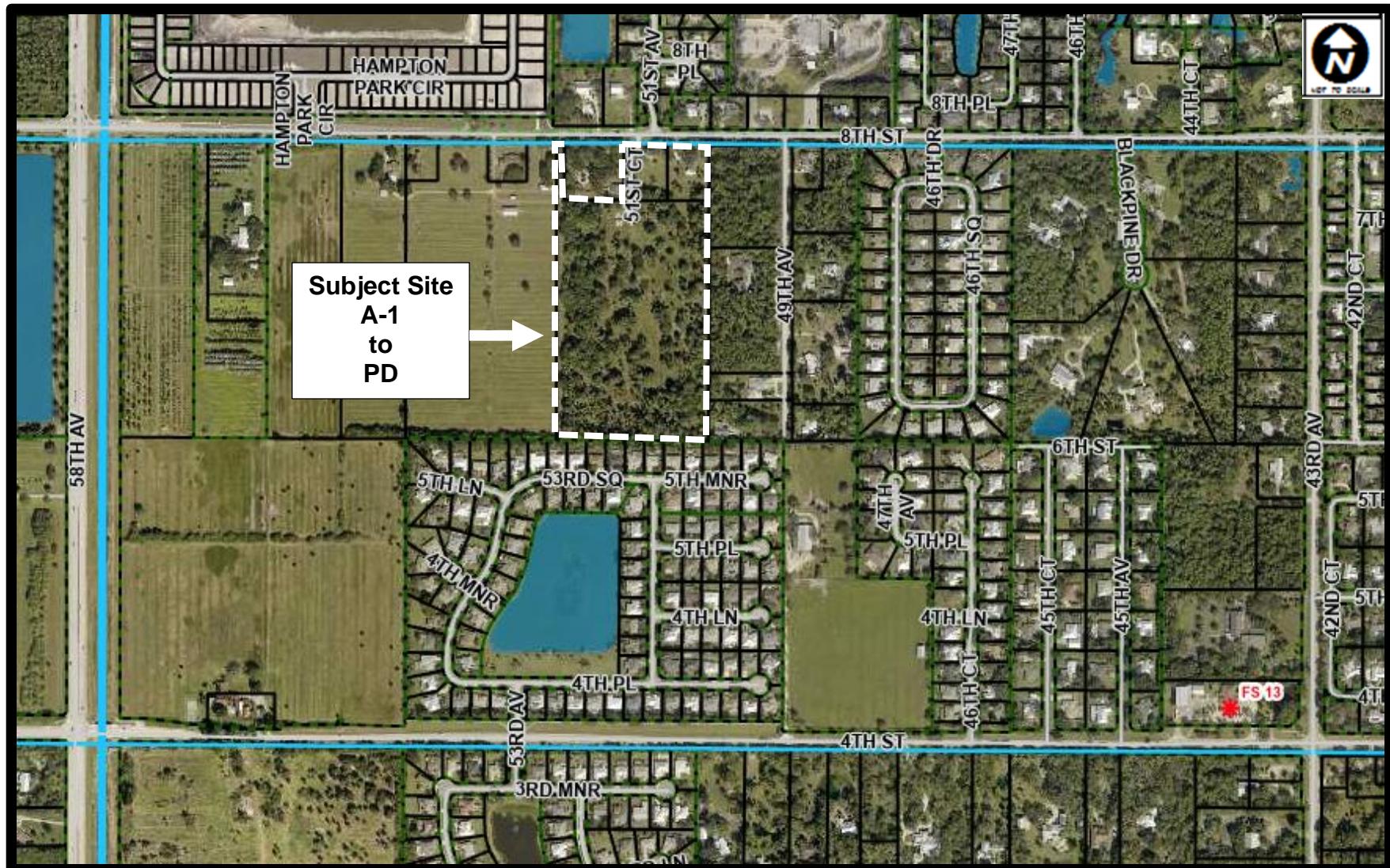
- c. Record a conservation easement in favor of the County over the native upland set-aside area.
2. Prior to issuance of a certificate of completion, the applicant shall:
 - a. Install all internal sidewalks and site improvements.
 - b. Install all required buffers and landscape improvements.
 - c. Install the required streetlighting improvements.
 - d. Install the required offsite improvements.
3. 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. Location Map
2. Aerial
3. Conceptual/Preliminary PD Plan
4. Conceptual/Preliminary Landscape Plan
5. PD Waivers Table
6. Perimeter PD Buffering Table

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY
SUSAN J. PRADO
DEPUTY COUNTY ATTORNEY

Location Map

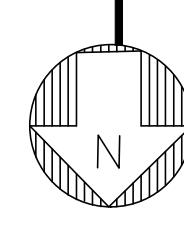


Attachment 1

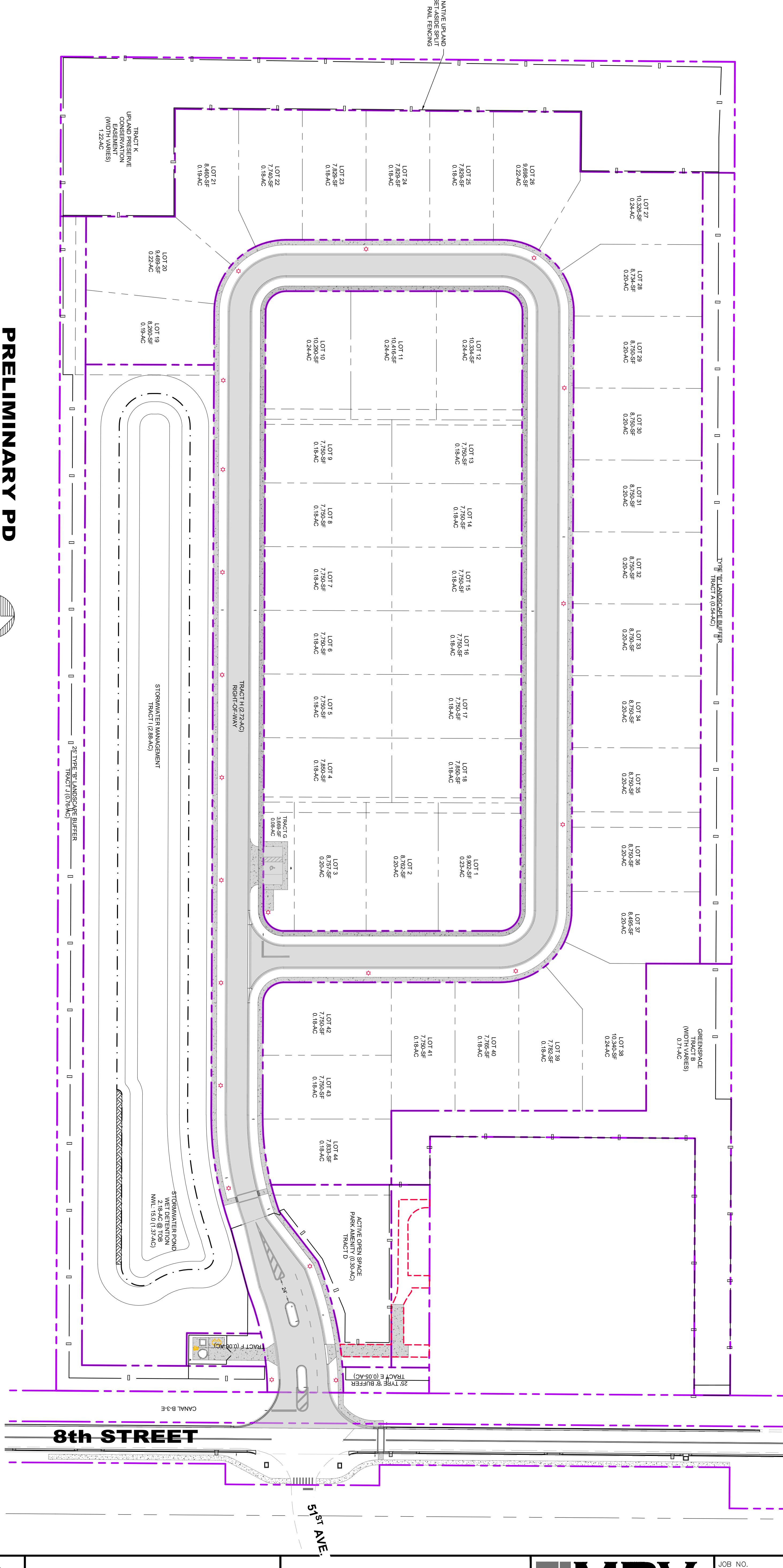
CYPRESS LAKES PHASE II

PRELIMINARY PD

SCALE: NTS



ATTACHMENT 3



FLORESTA GARDENS

INDIAN RIVER COUNTY FLORIDA

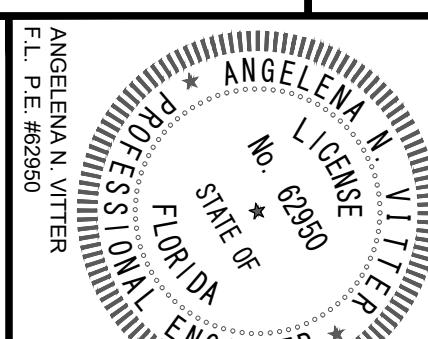
PRELIMINARY PD

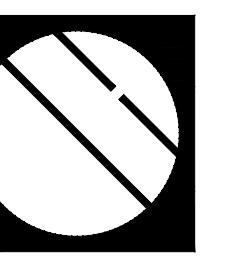
MBV
ENGINEERING, INC.
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JOB NO.	23-0308
DESIGNED	RJW
DRAWN	RJW
DATE	May 25
CHECKED	ANV
DATE ISSUED	05-22-2024

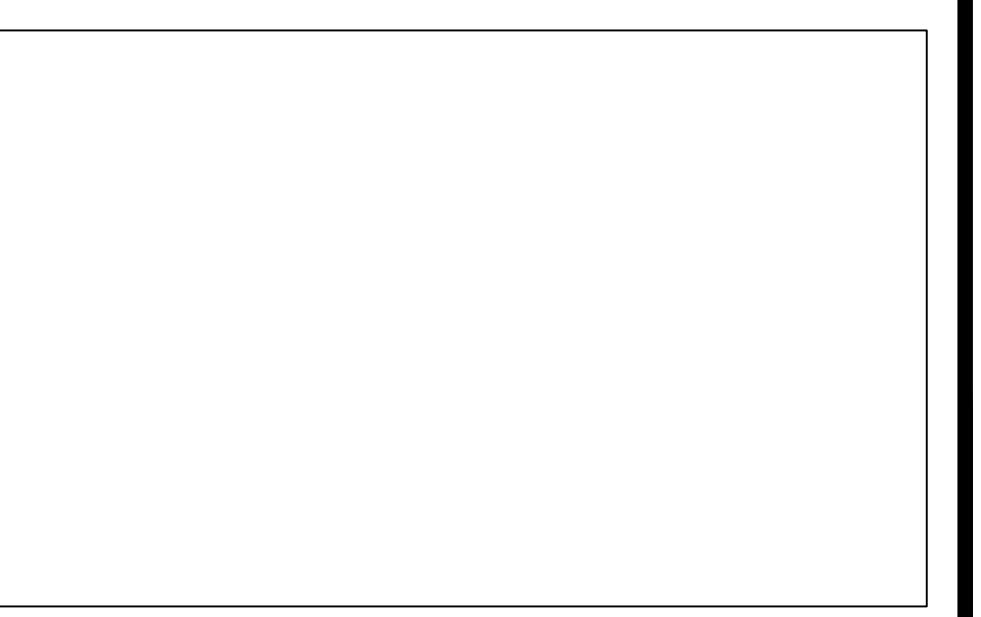
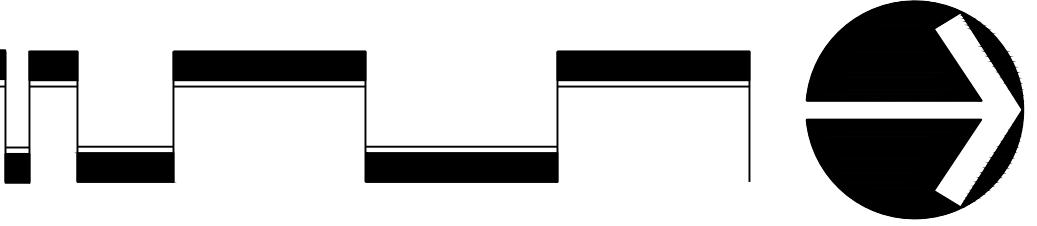
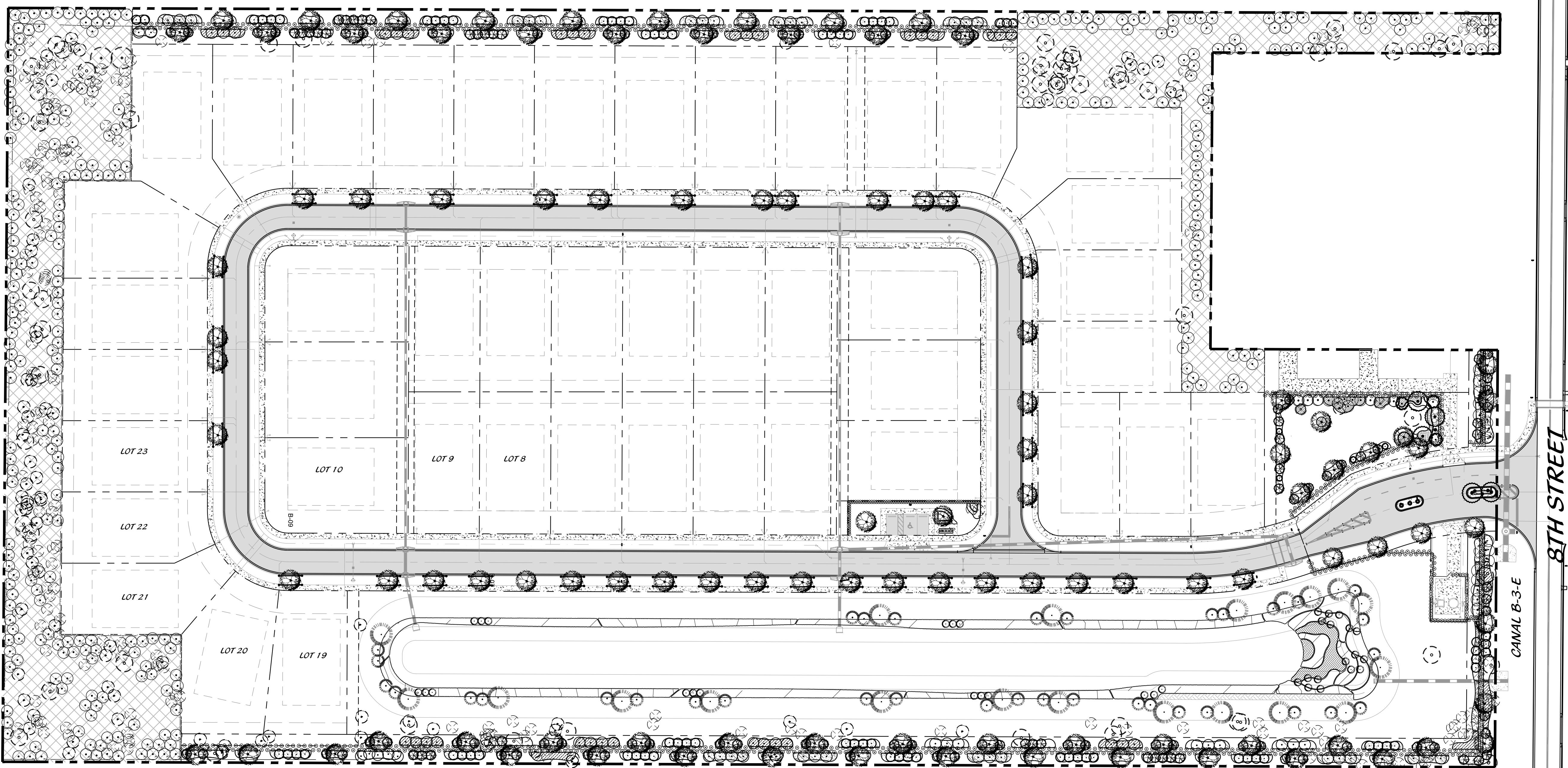
INDIAN RIVER COUNTY TRC REVIEW 05-22-2024

REVISIONS / COMMENTS DATE





Cotleur &
Hearing



Floresta Gardens PD Waivers Table

Development Parameter	A-1 Minimum Standards	RS-3 Minimum Standards	Proposed PD Standards	
Lot Width	150'	80'	70'	62'
Lot Size	200,000 SF	12,000 SF	7,750 SF	7,750 SF
Building Setbacks:				
Front (front-loaded garage)	30'	25'	20'	20'
Front (side-loaded garage)*	30'	25'	10'	10'
Side (interior lots)	30'	15'	7.5'	6'
Side (corner, street-side lots)	30'	15'	10'	10'
Rear	30'	25'	10'	10'
Accessory Structure Setbacks (pools, pool decks, patios, screen enclosures, etc.):				
Front	30'	25'	20'	20'
Side	30'	15'	5'	5'
Rear	30'	25'	5'	5'
Maximum Building Coverage	20%	30%	55%	55%

Notes:

* The 10' front setback is only for the garage/non-living area. A 20' front setback still applies to the home/living area.

Floresta Gardens Perimeter PD Buffering Table

Perimeter	Required Buffer Type & Width	Provided Buffer Type & Width
North	Type "B" / 25' wide with 6' opaque feature	Type "B" / 25' wide with 6' opaque feature
East	Type "B" / 25' wide with 6' opaque feature	Type "B" / 25' wide with 6' opaque feature
South	Type "B" / 25' wide with 6' opaque feature	Upland Preserve Conservation Easement / varying 50'-155' wide with 6' opaque feature
West	Type "B" / 25' wide with 6' opaque feature	Type "B" / 31' wide with 6' opaque feature