

1. Planning Staff review for the Planning Commission meeting of 1/11/19 stated that the developers received approval for 175,800 sq.ft. commercial development in 2004. That is incorrect. The 2004 approval was for a 155,000 sq. ft. development which was only amended in 2011 to allow for a 175,000 sq. ft. commercial development of the entire 17+ acre site.

Planning Staff Response:

The Amendment Staff Report for the January 11, 2019 Planning Commission public hearing generalized the zoning approval summary, and stated: “The site was approved for a Multiple Use Planned Development (MUPD) with 175,800 square feet of restaurant, retail, pharmacy, bank, and office/medical uses in 2004, but is currently unbuilt.” Staff will insert the word “currently” before the word “approved” and insert the word “initially” prior to “2004” for clarity.

Zoning Staff Response:

The 17+ acre site was first rezoned from Agricultural Residential to Multiple Use Planned Development Zoning District in 2004, the Development Order (DO) was never utilized and subsequently an amendment to the DO was approved in 2011. The following are excerpts of the Staff reports that were presented to the Board of County Commissioners on November 17, 2005 and on February 24, 2011:

PDD 2004-660, Control No. 2004-457

APPLICATION SUMMARY: Proposed is the rezoning of 17.99 acres of land from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District to allow for the development of 155,000 square feet of mixed commercial uses. The proposed site plan indicates 3 buildings consisting of 140,000 square feet of general retail use, a 2 story 10,000 square foot financial institution with 2 drive-thru lanes and an ATM lane, and a 1 story 5,000 square foot restaurant. A total of 775 parking spaces are provided and access will be from Hagen Ranch Road and Atlantic Avenue; a controlled access to the adjoining PUD (concurrent application Terra Nova PUD, PDD2004-658) to the northwest; and cross-access to an adjacent commercial property to the east.

DOA 2010-02574, Control No. 2004-457

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) to the Villaggio Isles Multiple Use Planned Development (MUPD) (formerly known as Terranova MUPD). The 17.67-acre site was previously approved by the Board of County Commissioners (BCC) on November 17, 2005 for 155,000 square feet of commercial uses in 5 buildings. The applicant proposes to reconfigure the site plan and increase square footage by 20,800 square feet to 175,800 square feet in 6 buildings. Additionally, the applicant requests to modify Architectural Review Conditions 1 and 3 to be consistent with the Preliminary Site Plan; delete Engineering Condition 9 to provide legal positive outfall for W. Atlantic Ave.; modify Landscaping Condition 1 to reduce the north incompatibility buffer width from 50 feet to 20 feet; modify Planning Condition 5 to allow for phasing of the cross access points; modify Sign Condition 1 to add 1 sign; and, delete Site Design Conditions regarding focal points. The applicant is also requesting to restart the development clock pursuant to a new traffic study. The site plan indicates 741 parking spaces. One access point on W. Atlantic Avenue and 1 access point on Hagen Ranch Road will remain.

2. At what date does the approved 2011 Plan amendment and DOR for this site become invalid because construction has not commenced, i.e. are the 2011 approvals still valid?

Planning Staff Response: Commencement date is 8/2/2021 with a Buildout date of 6/9/2023. The applicant has applied for many of the legislatively authorized time extensions.

As a point of clarification, the 2011 approval was not a future land use amendment, but rather a zoning development order approval. The 2011 approval is still valid with a commencement due date of 8/2/2021.

3. The developer has requested, in writing on several past and current documents, and verbally at the Planning Commission meeting of 1/11/19, the elimination of the northern cross access points to Villagio Reserve, including a one-way exit to Via Lampione.

- **What is the Planning Staff's past and current view regarding vehicular access to the north?**

Planning Staff Response:

The Planning Division supported connectivity of the commercial plaza to the residential at the time of the original zoning approvals. Planning staff has no objection to the elimination of the remaining single access point.

- **Why was the request to eliminate the cross access not discussed in the Planning Staff review and recommendations to the Planning Commissioners and Board of County Commissioners?**

Planning Staff Response: Site plan details, such as cross access, are not related to the future land use amendment.

Zoning Staff Response: The modification of cross-access from the Villagio Reserve PUD to the Terra Nova PUD/MUPD will be addressed at the Zoning application. Zoning Division/Engineering staff are currently reviewing the realignment of the cross-access.

- **Whose recommendation was it to require vehicular access connections when they first appeared as conditions of approval for the commercial development in 2010? (Earlier (2004) commercial development approvals for the site only called for pedestrian access to the residential PUD, not vehicular access).**

Planning Staff Response:

The Traffic Division required the connection through the review of the 2011 site plan. In addition, the Planning Division supported connectivity of the commercial plaza to the residential at the time of the original zoning approvals consistent with Future Land Use Element Policy 4.3-g requiring access management techniques such as shared entrances and vehicular and/or pedestrian cross access "between like development projects to encourage inter-connectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites".

4. The staff reviews and developer's applications and justifications for the current amendment request have misrepresented impacts by continuously alluding to a current designation that would allow for the development of 389,208 sq. ft. (with an average daily trip generation of over 11,775 cars). It is completely unlikely that a development of this scale could or would actually be approved for this site given setback, parking, elevation, and similar restrictions and numerous negative impacts. Indeed, the developers have never actually proposed or received approval of a development of this magnitude (nor are they even interested in building the previously approved amount of commercial development of 175,800 sq. ft.).

Why would or should the Planning staff ever compare the impacts of the currently proposed residential + commercial development against a mythical development that is more than twice the square footage of any prior approved plan for commercial development? In particular, this faulty comparison has led to a specious misrepresentation of traffic impacts in staff reviews and recommendations.

Planning Staff Response:

The maximum development potential of a commercial site is calculated by multiplying the allowable floor area ratio (as determined in the Comprehensive Plan's Table III.C.2) by the acreage in square feet. For this site, the maximum development potential under the current FLU is 389,208 square feet. In the review of plan amendments, the maximum development potential is analyzed. For any additional questions related to traffic analysis, please contact Quazi Bari, Senior Professional Engineer, Traffic Division at 684-4104.

Zoning Staff Response:

Staff has provided a table of Traffic Trip generation based on the prior approvals and current request:

| No. | Application Number/Name | Density and/or Square Footage/Concurrency approved or requested | Total Traffic Expected | Approved/Requested |
|-----|--|---|---|---|
| 1. | PDD 2004-660 Terra Nova MUPD (17.67 acres) | 155,000 sq. ft of mixed commercial 140,000 sq. ft. general retail; 10,000 sq. ft. financial institution with 2 drive-thru lanes + ATM; and 5,000 sq. ft. restaurant. | 4,894 trips/day | Approved on 11/17/05 via Resolution R-2005-2290 |
| 2. | PDD/W/2004-658 Terra Nova PUD (now known as Villagio Reserve) (93.67 acres) | 329 total units | 3,175 trips/day | Approved on 11/17/05 via Resolution R-2005-2288 |
| 3. | DOA 2010-0257 Villagio MUPD fka (Terra Nova MUPD) (17.67 acres) | 175,800 sq. ft. of mixed commercial uses: Similar uses as prior approval just reconfiguration of building layout. | 6,307 trips/day | Approved on 2/25/11 via Resolution R-2011-00223 |
| 4. | ZV/PDD/CA 2018-01689, Terra Nova PUD (13.65 acres) | 275 multi-family units in 7 buildings, 3-story high | 1,829 trips/day (under review - not finalized) | Requested |
| 5. | DOA/CA-2018-01690, Terra Nova MUPD (4.01 acres) | Type 1 Restaurant with drive-through (2 proposed) | 5,153 trips/day (under review - not finalized) | Requested |

- The information sheet before us indicates an ADT of 7,392 for the currently approved development. Where does this number come from? – we have not been able to find any past Traffic Analysis or other information with this estimated ADT. Is it a net number from the misleading “max. potential” or is it an actual number based on the prior approved development?

Planning Staff Response: It is our understanding that you are referring to the fact sheet that was prepared by WGI, the agent for the applicant. Please contact Jeff Brophy, WGI at (561) 687-2220 for the source of the ADT value.

Traffic Staff Response: We couldn't verify the 7,392 ADT number provided by the applicant to the Coalition, which is supposed to be the net daily trips generated by the already approved 175,800 sf Commercial (123,800 sf Retail and 52,000 sf Medical Office). As per the traffic study for the approved project, the ADT number is 6,307. This is the actual number based on prior approved development on the Zoning application.

- The ADT shown on the information sheet DOES NOT AGREE WITH THE LATEST AVAILABLE (to us) TRAFFIC ANALYSIS FOR THIS DEVELOPMENT. The traffic study dated November 28, 2018, which was based on the specific development now proposed, indicate an ADT of 8,105, not the 5,170 ADT shown on the Information Sheet. This would be a net increase of at least 713 trips per day over the traffic that would have been generated from the currently approved development for the site, NOT a net reduction of ADT as stated on the information sheet.

Planning Staff Response: It is our understanding that you are referring to the fact sheet that was prepared by WGI, the agent for the applicant. Please contact Jeff Brophy, WGI at (561) 687-2220 for the source of the ADT value.

Traffic Staff Response: This following response is with respect to the Land Use Amendment application submitted. We could not verify the 5,170 ADT number provided by the applicant to the Coalition. As per the traffic study submitted, dated November 28, 2018, for the Land Use Amendment application, the net ADT is 4,568, which is exclusive of internal and pass-by trips. The 8,105 ADT mentioned above is the gross trips. Net trips are the basis for analysis, not gross trips. But still there will be a big net reduction in ADT of 7,207 (=11,775-4,568). 11,775 is the net ADT of the maximum potential on this site.

- **Given that Atlantic and Hagen Ranch are already at very poor levels of service and Atlantic is not stated for widening in the vicinity of the project for several years to come, why is the staff recommending approval of this development as proposed? A lower density of residential development and commercial uses that do not generate high rates of traffic (which is not the case for fast food restaurants) would result in less significant negative impacts and should have been recommended as alternatives to the proposed development.**

Traffic Staff Response: Atlantic Ave fronting the property is currently failing the adopted Level of Service. Hagen Ranch Road currently is and at the end of the buildout of the project, will operate at the adopted Level of Service. As stated in the meeting, as per Florida Statute 163.3180, a local government is required to allow an applicant for a development order to satisfy transportation concurrency if the applicant in good faith offers to enter into a binding agreement to pay or construct its proportionate share of required improvements. It further goes on to say that the applicant shall not be held responsible for the additional cost of reducing or eliminating background deficiencies in the system. This essentially eliminates the possibility of denying a project solely based on its traffic impacts, notwithstanding the failure of the existing system.

5. According to the information sheet, the parking totals are less than as proposed in the prior approved site plan (733 spaces for the entire site when developed for commercial use). What is the basis for the provision of only 728 parking spaces in total for the current mix of commercial and residential uses?

- **The zoning applications indicate that the commercial 4.02 acres is required to provide 107 parking spaces and the residential development is required to have 621 parking spaces. However, the developers have proposed providing 164 spaces on the commercial lot and only 552 parking spaces on the residential site (they have asked for a variance to eliminate 69 guest spaces for the residential development).**
 - **WHAT IS THE BASIS FOR EXCEEDING THE PARKING REQUIREMENTS FOR THE PROPOSED COMMERCIAL DEVELOPMENT?**

Zoning Staff Response:

The Unified Land Development Code, Article 6, Parking indicates the minimum parking requirements. The MUPD can be calculated based on individual uses of which the applicant is choosing this method to calculate. Alternatively, the ULDC, Article 3 also allows a range of parking 4 spaces per 1,000 sq. ft. to 6 spaces/ 1,000 sq. ft. for an MUPD.

◦ DOES NOT THE VARIANCE REQUEST TO ELIMINATE 69/621 (OR 11%) OF THE REQUIRED PARKING SPACES FOR THE GATED RESIDENTIAL COMMUNITY INDICATE OVERBUILDING OF THAT SITE?

Zoning Staff Response:

The Unified Land Development Code, Article 6, Parking requires 1 parking space per efficient unit; 2 spaces per unit (one bedroom or more) plus 1 guest parking space per 4 units with common parking areas. The applicant indicated that the parking based on the Institutional of Transportation Engineers Manual only requires 1.94 spaces per unit. Therefore, requesting to reduce the number of spaces. Zoning Division is currently reviewing and updating Article 6 to ensure the requirements meet the industry standards. At this point, Staff is still reviewing the request for reduction of parking, and offers no recommendation of approval of denial of this reduction. Reduction of space under this request does not reflect whether the site is being overbuilt.

6. Density: On what basis has the Planning Staff recommended approval of a residential development which amounts to 20+ dwelling units per acre? Was consideration given to keeping the density at the current MR 5 which, with a layering of WHP and TDR density bonuses, would have allowed for the development of a residential community of 150 residences at a density of 10.9 dwelling units per acre - which, though more than twice the density of adjacent properties, would be far less incompatible with neighboring properties?

Planning Staff Response:

The Planning Staff basis for recommendation is published in the Amendment Staff Report for the January 11, 2019 Planning Commission public hearing available online.

7. Building Elevation and Visual Impacts: Prior commercial development approvals were conditioned on retail development of no higher than 25' and the 2011 approved plan had one-story retail buildings and one 2-Story office building. Currently, 7 three-story buildings are proposed adjacent to low- rise, LOWER DENSITY DEVELOPMENT PROPERTIES TO THE NORTH AND WEST

- **What is the Planning Departments rationale for allowing a development of 35' buildings when prior approvals called for a maximum of two stories.**

Zoning Staff Response:

The medical office building was a proposed 2 story building, and there was a condition limiting to 25 feet in height. This has now been requested to be changed to a residential use.

- **Has a visual impact study been required, submitted and reviewed for the proposed residential development? If not, why not? If so, what are the visual impacts of three-story buildings?**

Zoning Staff Response:

The ULDC does not require a Visual Impact Analysis; however, the applicant agrees to submit a Visual Impact Analysis as part of the submittal, and will provide preliminary architectural elevations for the proposed multi-family units.

8. The Information Sheet indicates a minimum of 52 WHP units to be provided. What are the current plans of the developer relative to the location of WHP units? Will they be provided on site or off site at the Haverhill "receiving" area (which we would view as a double dipping of bonuses and not within the spirit of the WHP)?

Planning Staff Response:

The Planning Division recommendation is for the site to receive a condition of approval requiring 69 units (25%) to be workforce housing units and built on site as published in the Amendment Staff Report for the January 11, 2019 Planning Commission public hearing. The applicant has proposed to relocate these units elsewhere.

9. Traffic is a major concern of the residents in the area. In evaluating the intensity of the proposed development, what weight has been given to the limited number of points of ingress and egress and the need to make U-turns on both Atlantic and Hagen Ranch roads in order to travel on the south side

of Atlantic and the east side of Hagen Ranch? These turning movements will cause even more congestion than already exists and may significantly increase the potential for accidents.

Traffic Staff Response: The proposed project has one main access (right-in/right-out/left-in), one secondary access (right-in/right-out) on Atlantic Ave, and one main access on Hagen Ranch (right-in/right-out/left-in, for resident use only). These access points are expected to serve the development adequately. More access points will not only violate County Access Management standards, but will also increase safety hazards. Right and left turn lanes will be provided at all these access points (except the secondary access on Atlantic Ave). In congested areas, making direct left turns out at full median openings at un-signalized locations are not safe. Instead, making a right and then a u-turn downstream is a safer alternative. These types of u-turn movements are standard practice in the County/State. Please note that these are items that are considered as part of the Zoning application. Zoning application has not been approved yet.

10. In evaluating the merits of the proposed amendment to the ULDC, are the many vacant parcels yet to be developed between Hagen Ranch and 441 being taken into account in terms of likely cumulative negative impacts including congestion, noise, accidents, quality of life, air pollution, etc.?

Zoning Staff Response:

There is no proposed amendment to the ULDC under this request. Each application, based on whether it is a Rezoning, Class A Conditional Use or a Development Order Amendment will be evaluated based on the requirements of applicable sections of the ULDC, and the BCC or ZC shall utilize the Standards to make a final decision on the requests. Those Standards are in Art.2.B.7.B.2, as follows:

B Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD

1. Purpose

Conditional Uses and Rezoning to a PDD or TDD, require individual review of the subject property's location, proposed design, site configuration, intensity or density to ensure the appropriateness and compatibility of the use with its surrounding land uses. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-002]

2. Standards

When considering a DO application for a Conditional Use or a Rezoning to a PDD or a TDD, the BCC or ZC shall utilize the standards a through h indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2017-007] [Ord. 2018-002]

a. Consistency with the Plan

The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. [Ord. 2007-001]

b. Consistency with the Code

The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. [Ord. 2007-001] [Ord. 2018-002]

c. Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. [Ord. 2007-001]

d. Design Minimizes Adverse Impact

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

e. Design Minimizes Environmental Impact

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. [Ord. 2007-001]

f. Development Patterns

The proposed use or amendment will result in a logical, orderly and timely development pattern. **[Ord. 2007-001]**

g. Adequate Public Facilities

The extent to which the proposed use complies with Art. 2.F, Concurrency. **[Ord. 2007-001]**

h. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances, provided by the Applicant's Justification Statement that necessitate a modification. **[Ord. 2007-001] [Ord. 2018-002]**

11. Has an updated Phase I Environmental Assessment been required and submitted for the proposed development?

ERM Staff Response:

A Phase I audit was not required at submittal since this site had no history of use of regulated substances in our records. However, they will be getting a condition for a Phase I prior to final site plan approval.

12. Regarding the commercial development proposed, are there committed tenants and a timeframe for occupancy.

Zoning Staff Response:

The applicant did not specify the tenants in the application. It is not a requirement under this application to identify the tenant's name, Zoning Staff only reviews and makes a recommendation to the BCC whether to approve or deny the proposed Use(s). As for the timeframe, it is tied to the Development Order approved by the BCC.

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