Introduction

The Community Planning Act, Chapter 163, Florida Statutes, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. TCRPC comments are limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any local government within the Region. TCRPC must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the State Land Planning Agency.

The amendment package from the City of Fellsmere includes text changes to the Future Land Use Element; revisions to the Conceptual and Phasing Plan for the Villages of Fellsmere in the Future Land Use Element; and revisions to the Long Range Transportation Plan in the Transportation Element of the comprehensive plan. This report includes a summary of the proposed amendment and TCRPC comments.

Summary of Proposed Amendment

The amendment proposes to revise the text of Objective B-21 and associated policies in the Future Land Use Element. This objective describes the Villages of Fellsmere (VOF) future land use category, which applies to approximately 18,388 acres that were annexed into the city in 2007. The 18,388-acre property is located within the western and southern portion of the City limits of Fellsmere. The property is located west and south of the historic downtown, east of Blue Cypress Lake, and abuts land slated for the Fellsmere Water Management Area, a 10,000-acre water attenuation area under construction by the St. Johns River Water Management District. The property extends to the north to the Brevard County line and extends east to I-95. Currently, the property is being used for citrus and cattle production. Recent developments on the property include Florida Organic Aquaculture and the National Elephant Center.
Objective B-21 was adopted in 2010 to guide development in the VOF land use category. The existing language in this objective was guided by a stipulated settlement agreement with the State of Florida to address specific concerns regarding the proliferation of urban sprawl. After the effective date of the stipulated settlement agreement, the State of Florida amended the state growth management regulations in 2011 to significantly adjust the role of state agencies in local government comprehensive planning. The amendment was proposed by the applicant to address statutory changes, increase market flexibility, increase job creating business opportunities, and better reflect market demand and geographic constraints of the area.

The proposed changes to Objective B-21 are extensive. Therefore, a complete copy of the proposed changes to Objective B-21 is available as a supplement to this report on Council’s website. Comparisons of existing and proposed maps affected by this amendment are included as exhibits contained in this report. Major proposed changes to the comprehensive plan are summarized below:

- **Policy 21.1: Development Allowances.** This policy is revised to: 1) delete reference to the initial phase of development encompassing 7,150 acres and being limited to 8,171 residential units and a minimum of 2,340,000 square feet (SF) and a maximum of 6,000,000 SF of nonresidential uses; 2) provide for the nonresidential development allowances across the entire site to be changed from a minimum of 4,000,000 SF and a maximum of 8,000,000 SF, to a minimum of 4,000,000 SF with no cap on the maximum amount; 3) maintain the existing maximum residential development allowances across the entire site be limited to 19,759 units; 4) indicate that need is not a determining factor in approving additional development rights; and 5) eliminate the requirement for phased implementation.

- **Policy 21.2: Conceptual Map.** This policy is revised to delete the requirement to show phase lines of implementation.

- **Policy 21.2.1: Conceptual Map Amendments.** This policy is revised to: 1) reduce the threshold before amendments to increase development allowances beyond 19,750 units can be obtained from application for building permits for 80 percent of the residential units and 60 percent of the nonresidential allowance to 60 percent of the residential units or 40 percent of the nonresidential allowance; and 2) delete references to phased development.

- **Policy 21.2.2: Conceptual Map Consistency.** This policy is revised to: 1) change the allowance for adjustments to the general location of Villages, Hamlets or Employment Activity Centers to be done as part of local development orders instead of a comprehensive plan amendment; 2) delete the limitation on increases to the size of Villages, Hamlets or Employment Activity Centers of 10 percent to allow all size adjustments to be done along with local development orders; 3) add the ability to increase the number of Employment Activity Centers via local development order without comprehensive plan amendment; and 4) delete references to phased implementation.
• **Policy 21.2.3: Development Process.** This policy is revised to add flexibility for Employment Activity Centers to be developed without the need for a master planning process over the entire VOF property.

• **Policy 21.2.4: Master Planning Activities.** This policy is revised to add flexibility for Employment Activity Centers to be developed without the need for a master planning process over the entire VOF property.

• **Policy 21.3.1: Village Settlement Principles.** This policy is revised to: 1) redefine limits of allowed location of smaller Villages to north of 95th Street in lieu of north of Phase 1 since phasing is no longer to be shown on the Conceptual Map; 2) revise the average depth of a Neighborhood from 1,800 feet to one-half mile; 3) delete the requirement for an average net density in Neighborhoods of 3 units per acre; 4) increase flexibility for the size of businesses in a Village Center to exceed 100,000 SF upon approval of City Council; 5) add a minimum Village Center size for Villages over 1,500 acres since Villages are now allowed to be larger than 1,500 acres; 6) add ability to place life safety uses such as police within Neighborhoods if demonstrated that adequate coverage cannot otherwise be provided; and 7) clarify placement of elementary and middle schools in Villages, because the school district indicated that high schools would not be so constrained.

• **Policy 21.3.2: Hamlet Settlement Principles.** This policy is revised to: 1) increase Hamlet maximum size from 100 acre to 250 acres; 2) increase Hamlet Center maximum size from 50 acres to 75 acres; 3) increase Hamlet maximum residential units from 250 to 500; and 4) increase Hamlet maximum nonresidential allocation from 250,000 SF to 500,000 SF.

• **Policy 21.3.3: Countryside Settlement Principles.** This policy is revised to: 1) include mining as an allowed use in the Countryside subject to Planned Development approval; 2) increase the area that can be set aside for ranchette residential from 10 percent of Countryside to 25 percent; and 3) delete the requirement to encumber ranchette plats with a restrictive easement at the time of plat approval granted to a third party allowing only the uses specified in the policy (native habitat and environmentally sensitive preserve areas, stormwater resource areas, recreation and passive open areas, greenway corridors, agriculture, civic and institutional uses in support of other Countryside uses, communication facilities, cemeteries; golf courses, mining operations approved with a planned development, boat ramps in support of water related recreational amenities and private docks, and similar uses).

• **Policy 21.3.4: Variety of Housing Types.** This policy is revised to: 1) delete the requirement that no more than 5 percent of the maximum allowable units may contain accessory dwellings; 2) require all accessory dwellings be approved by City Council at their sole discretion; and 3) limit the ability to not count accessory dwellings against the maximum allowable units at the sole discretion of the City Council.
• **Policy 21.3.5: Walkable Blocks.** This policy is revised to increase total perimeter block lengths from 2,300 feet to 3,000 feet.

• **Policy 21.3.8: Mix of Uses.** This policy is revised to add flexibility to count schools toward Village Center nonresidential requirements.

• **Policy 21.3.9: Marinas.** This policy is revised to: 1) add marinas as an allowed use within the Countryside; and 2) if located within the Countryside, marinas shall be limited to the recreational aspects of water dependent or water related uses such as wet and dry docks, bait and tackle shops, marina master’s residence, marina clubhouse, boat ramp, restaurants, and temporary lodging facilities and must be integrally designed as part of a public recreational amenity such as a park, water access, or picnic area. The maximum floor-area-ratio shall not exceed 0.25 in the Countryside.

• **Policy 21.4.1: Agriculture.** This policy is revised to add flexibility for floor-area-ratios greater than 0.5 when approved by the City Council for unique needs of agricultural research and education facilities and other agricultural related commerce.

• **Policy 21.4.2: Incentives.** This policy is deleted because it is covered in the economic element.

• **Policy 21.4.3: Public/Private Partnerships.** This policy is deleted because it is covered in the economic element.

• **Policy 21.4.4: High-Quality Jobs.** This policy is deleted because it is covered in the economic element.

• **Policy 21.4.6: Employment Activity Centers (EAC).** This policy is revised to: 1) specifically reference entertainment as an allowed use in the EAC; 2) delete the references to requirements for EAC’s to be shown on the Conceptual Map required by Policy 21.2 and 21.2.1; and 3) add language allowing other uses subject to City Council approval.

• **Policy 21.4.7: Industrial Component.** This policy is revised to indicate flex uses shall be located with convenient access to arterial or collector roadways, rather than on these roadways.

• **Policy 21.4.8: Timing of Development.** This policy is revised to require the policy apply to all residential units within a Village rather than just those in the Neighborhoods; and 2) decrease the percentage of nonresidential uses that must be developed before continuing with higher residential unit counts, as show in the following table:
<table>
<thead>
<tr>
<th>Neighborhood Residential Units within a Village (Percent complete)</th>
<th>Non-Residential Uses within the Village (Percent complete by SF allocation)</th>
<th>Minimum Village Developed Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>0% to 40%</td>
<td>≥25%</td>
<td>Recognizable public or civic focal point and Civic building or small-scale neighborhood retail uses</td>
</tr>
<tr>
<td>&gt;40% to 60%</td>
<td>40%</td>
<td>Recognizable public or civic focal point and Civic building and small-scale neighborhood retail uses</td>
</tr>
<tr>
<td>&gt;60% to 80%</td>
<td>60%</td>
<td>Multi-family or mixed use residential opportunities</td>
</tr>
<tr>
<td>&gt;80% to 100%</td>
<td>80%</td>
<td></td>
</tr>
</tbody>
</table>

- **Policy 21.4.9: Jobs to Housing Balance.** This policy is deleted in order to remove the requirement of a jobs-to-housing balance of 0.65 jobs per house and limitations on applications for building permits corresponding to a level of nonresidential square footage.

- **Policy 21.5: Summary Requirements for Development within the VOF.** The summary table in this policy is revised to be consistent with other changes throughout Objective B-21.

- **Policy 21.7.1: Potable Water and Sanitary Sewer.** This policy is revised to allow temporary use of package treatment plants or other means to serve Employment Activity Centers until central systems are within ¼-mile.

- **Policy 21.7.7: Locational Criteria.** This policy is deleted to eliminate vague language about locating public facilities.

- **Policy 21.8: Countryside and Common Areas.** This policy is revised to: 1) reduce the Countryside and Common Areas set asides of the gross land area contained within lands designated as VOF from 55 percent to 50 percent, and 2) reduce the Countryside minimum amount of the gross land area designated as VOF from 50 percent to 45 percent.

- **Policy 21.8.1: Healthy Ecosystems.** This policy is deleted. The portion of the policy promoting the sustainability of both native and migratory species was added to Policy 21.8.
• **Policy 21.8.76: Water Resource Management Areas.** This policy is revised to indicate stormwater systems that span both the Countryside and Village or Hamlet may be credited toward the requirements of either the Countryside or Village or Hamlet as set forth in the development order.

• **Policy 21.8.98: Greenway Corridors.** This policy is revised to clarify that greenways, trails, and linear parks credited toward the Countryside or Common Area must be supplemented with a planting program.

• **Figure B-21 Conceptual & Phasing Plan Villages of Fellsmere.** This map is revised to illustrate: 1) a reduction of the number of villages from eight smaller villages to four larger villages; 2) an increase in the number of hamlets from three small hamlets to four larger hamlets; and 3) an increase in the number of Employment Activity Centers from two to four, and an increase in the acreage from 400 acres to over 3,000 acres to provide enhanced employment generating opportunities.

• **Figure 2-1A Long Range Transportation Plan.** This map is revised to: 1) reflect roadway network changes identified Figure B-21, Villages of Fellsmere Conceptual Map; 2) show the replacement of several links with alternative proposals to serve the same travel demand; and 3) delete several links because they are no longer considered necessary. Details related to the alternative and deleted roadway links are provided in Exhibit 8.

**Evaluation**

Council’s original review of the proposed amendment establishing the Villages of Fellsmere (VOF) future land use category at the October 17, 2008 Council meeting identified several regional issues. The proposed amendments were found to be inconsistent with the SRPP, but Council’s report indicated the amendments could be made consistent if modifications were made to: 1) identify the preferred location for new villages; 2) establish standards for the size, density, and intensity of development in the villages; and 3) include more precise requirements for the amount and type of open space.

Subsequently, the City entered into a stipulated settlement agreement with the State of Florida and adopted Objective B-21, which established the VOF future land use designation. The City also adopted policies to regulate development of this property, and developed an overlay on the Future Land Use Map that provided a Conceptual Plan and Phasing Plan for the VOF property. At the September 17, 2010 Council meeting, Council reviewed Objective B-21 and found it to be consistent with the SRPP. Objective B-21 included guiding principles that provide detailed requirements for neighborhoods, village centers, common areas, hamlets, countryside settlement principles, housing types, walkable blocks, building placement, street networks, and mix of uses. Council recognized the efforts made by the City in identifying locations for the proposed villages, limiting development until future conditions warrant, and better defining lands that will remain part of the countryside. At the same time, Council expressed that it remains concerned
about the advisability and sustainability of a series of villages as components of the City and the effect this may have on the ability to revitalize and infill the historic downtown.

The currently proposed amendment continues to address Council’s original concerns by identifying preferred locations for new villages, establishing standards for the density and intensity of development, and including requirements for the type and amount of open space. The most significant change is to provide for the nonresidential development allowances across the entire site to be changed from a minimum of 4,000,000 SF and a maximum of 8,000,000 SF, to a minimum of 4,000,000 SF with no cap on the maximum amount. This will result in the nonresidential development to be limited by market conditions, the capacity of the roadway and other facilities at the time of approval, and other policies requiring a settlement pattern that balances housing with workplaces, jobs, retail, and civic uses. This approach is not expected to result in adverse impacts to significant regional resources and facilities.

Other major changes include a reduction of the number of villages from eight smaller villages to four larger villages, and an increase in the number of hamlets from three small hamlets to four larger hamlets. These changes have been proposed to allow for a greater concentration of residences and businesses to ensure a more successful commercial climate for the small businesses that will predominate within the mixed use villages. In addition, the number of Employment Activity Centers has been increased from two to four in an effort to provide more employment opportunities. The impacts to the roadway system resulting from the development of the VOF will be addressed by the payment of all required impacts fees, dedication of land for required roads, and ongoing collection of gas taxes. If these resources are not sufficient, the city’s comprehensive plan places the burden on the developer to provide for the required public facilities to serve their development. Regarding schools, the need for supporting infrastructure, including water, sewer, roads, drainage, sidewalks, and bus stops for existing and projected public school facilities are assured through the location of schools within established communities or as part of newly planned communities. The city staff report did not identify any significant compatibility issues, consistency issues, or significant impacts to public facilities and services related to this amendment.

**Extrajurisdictional Impacts**

TCRPC requested comments from local governments and organizations expressing an interest in reviewing the proposed amendment on April 30, 2014. No extrajurisdictional impacts have been identified.

**Regional Impacts**

No adverse effects on significant regional resources and facilities have been identified.

**Conclusion**

The proposed amendment is consistent with the SRPP. However, Council continues to remain concerned about the effect the VOF development may have on the ability to revitalize and provide infill in the historic downtown. The City should consider developing a program to ensure
that a proportionate share of the revenue generated from the new development of the VOF property be used to improve the infrastructure and value of the historic downtown area. Additionally, Council recommends that the City should consider adding public transit and other alternative modes of transportation as a possible remedy for roadway deficiencies identified in Policy 21.9.12.

**Recommendation**

Council should approve this report and authorize its transmittal to the City of Fellsmere and the Florida Department of Economic Opportunity.

Attachments
<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Location Map</td>
</tr>
<tr>
<td>2</td>
<td>Future Land Use Map</td>
</tr>
<tr>
<td>3</td>
<td>Existing Land Use Map</td>
</tr>
<tr>
<td>4</td>
<td>Existing Figure B.21 – Conceptual &amp; Phasing Plan Villages of Fellsmere</td>
</tr>
<tr>
<td>5</td>
<td>Proposed Figure B.21 – Villages of Fellsmere Conceptual Map</td>
</tr>
<tr>
<td>6</td>
<td>Existing Figure 2-1A – Long Range Transportation Plan</td>
</tr>
<tr>
<td>7</td>
<td>Proposed Figure 2-1A – Long Range Transportation Plan</td>
</tr>
<tr>
<td>8</td>
<td>Alternative and Deleted Roadway Links in the Long Range Transportation Plan</td>
</tr>
</tbody>
</table>
Exhibit 1
General Location Map
Exhibit 2
Future Land Use Map
Exhibit 4
Existing Figure B.21 – Conceptual & Phasing Plan
Villages of Fellsmere
Exhibit 5
Proposed Figure B.21 – Villages of Fellsmere Conceptual Map
Exhibit 6
Existing Figure 2-1A – Long Range Transportation Plan

Legend:
- Fellsmere City Limits
- 6-Lane State Freeway
- 4-Lane County Divided Arterial
- 2-Lane City Arterial
- 2-Lane City Parkway

Truck County Bypass
3-Lane City Arterial
Potential Access Point

North
N.T.S.

Disclaimer: The location of the various land features or uses, street networks, greenways, multiuse corridors, or any other public or private facilities depicted on this plan are approximate and subject to change based on further studies and final design considerations.

Note: All roadways shall maintain minimum levels of service in accordance with Comprehensive Plan: State=LOS C; County=LOS D; City=LOS C.

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707 E Ocean Blvd, Stuart, Florida 33401
(772) 281-0800 - Fax (772) 281-0808

Long Range Transportation Plan
Figure 2-1A

Adopted 10/11/07, Ord 07-06 Revised:

21 South Cypress Street
Fellsmere, Florida 33948
(772) 571-9077
www.cityoffellsmere.com
Exhibit 7
Proposed Figure 2-1A – Long Range Transportation Plan

Legend:

- Truck Route
- Multi-use Trail
- 2-Lane County Arterial
- 4-Lane County Arterial
- 2-Lane City Arterial
- 2-Lane City Parkway
- 3-Lane County Arterial
- Water Access Node
- Elementary School
- Middle School
- High School
- Water/Sewer Treatment Facility
- Existing Interchange
- Future Interchange
- Local Access Connections

Note: All roadways shall maintain minimum levels of service in accordance with the Comprehensive Plan.

Long Range Transportation Plan
Figure 2-1A

Adopted 10/1/07, Ord 07-06; Revised _____, Ord _____
**Exhibit 8**  
**Alternative and Deleted Roadway Links in the Long Range Transportation Plan**

<table>
<thead>
<tr>
<th>Proposed Alternative Links</th>
<th>2008 Study Recommendation</th>
<th>2035 LRTP Proposed Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>130th Avenue (Willow Street)</td>
<td>2 additional lanes from CR-512 to South Carolina</td>
<td>Northern By-Pass (approx. 121st Avenue)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 new lanes from CR-512 to 101st Street</td>
</tr>
<tr>
<td>130th Avenue (Willow Street)</td>
<td>2 additional lanes from CR-512 to 69th Street</td>
<td>Southern By-Pass (approx.. 121st Avenue)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 new lanes from CR-512 to 69th Street</td>
</tr>
<tr>
<td>101st Street</td>
<td>Pave 2 lane dirt road from CR-512 Extension to 130th Avenue</td>
<td>99th Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pave 2 lane dirt road from CR-512 Extension to 130th Avenue</td>
</tr>
<tr>
<td>69th Street</td>
<td>4 new lanes from CR-512 to 82nd Avenue</td>
<td>69th Street w/ Interchange at I-95</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 new lanes from CR-512 to 82nd Avenue</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Deleted Links</th>
<th>2035 Lanes</th>
<th>From - To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Segment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>98th Avenue</td>
<td>2-lane</td>
<td>South County Line to SR-60</td>
</tr>
<tr>
<td>This link parallels I-95 from 69th Street to SR-60 to provide relief to I-95. Since CR-512 is reflected as a 6-lane facility to the Southern By-Pass; the proposed interchange is still reflected in the LRTP at 69th Street; and the development allowances are approximately half of what was studied in 2008, this link should no longer be required.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>130th Avenue</td>
<td>2-lane</td>
<td>69th Street to SR-60 (to align with 98th Ave)</td>
</tr>
<tr>
<td>This link parallels I-95 from 69th Street to SR-60 to provide relief to I-95. Since CR-512 is reflected as a 6-lane facility to the Southern By-Pass; the proposed interchange is still reflected in the LRTP at 69th Street; and the development allowances are approximately half of what was studied in 2008, this link should no longer be required.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Carolina</td>
<td>4-lane</td>
<td>CR-507 to N. Broadway Street</td>
</tr>
<tr>
<td>With the reduced development allowances, this link is not likely to be required. Even if it is, the City will not elect to widen this road for policy reasons. South Carolina is part of the historic downtown redevelopment efforts and congestion is anticipated and desired to a certain degree for the benefit of local businesses. Alternative routes are available to avoid such congestion.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CR-512</td>
<td>4-lane</td>
<td>SR-60 to 130th Avenue (Willow Street)</td>
</tr>
<tr>
<td>Widening CR-512 will likely occur outside the historic limits of downtown Fellsmere to 79th Street. However, between Myrtle Street (139th Ave) and Willow Street (130th Ave), the City will utilize a three-lane section and will accept, by policy, added congestion in town. From 79th Street south to SR-60, this link should no longer be needed given the reduced development allowances being proposed.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>