

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

TO: Jason E. Brown; County Administrator

THROUGH: Phillip J. Matson, AICP; Community Development Director

FROM: Ryan Sweeney; Chief, Current Development

DATE: November 18, 2021

SUBJECT: Gaddis Properties, LLC's Request for Conceptual Planned Development (PD) Plan and Special Exception Approval for Sebastian Landing [PD-20-11-05 / 2004120183 -87715]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of December 7, 2021.

DESCRIPTION & CONDITIONS

WGI, Inc., on behalf of Gaddis Properties, LLC, is requesting conceptual planned development (PD) plan and special exception approval for a 72 unit multi-family apartment complex with associated amenities (e.g. clubhouse, fitness rooms, pool) to be known as Sebastian Landing PD. The project site is located on the east side of US Highway 1, south of 109th Street. The project site is zoned RM-6, Residential Multiple-Family (up to 6 units per acre) and CON-2, Estuarine Wetlands Conservation District (see attachment 2). The subject site is vacant and has not been previously developed (see attachment 3).

Planning and Zoning Commission (PZC) Recommendation:

At its meeting of October 28, 2021, the PZC voted 6-0 to recommend that the BCC grant conceptual PD plan and special exception approval with the conditions recommended by staff (see attachment 1).

PD Project Process

The process involved in review and approval of the subject PD application is as follows:

<i>Approval Needed</i>	<i>Reviewing Body</i>
1. Conceptual PD Plan/Special Exception	PZC & BCC
2. Preliminary PD Plan/Plat	PZC
3. Land Development Permit (LDP)	Staff
4. Final PD (plat)	BCC

The developer is now requesting approval of the first step. If the BCC approves the conceptual PD plan and special exception request, then the developer will need to file for and obtain preliminary PD plan/plat approval from the PZC.

ANALYSIS

1. **Project Site Size:**

Uplands:	9.68 acres
<u>Estuarine Wetlands:</u>	<u>3.78 acres</u>
Total:	13.46 acres

2. **Zoning Classifications:** RM-6, Residential Multiple-Family (up to 6 units per acre); and CON-2, Estuarine Wetlands Conservation District

3. **Land Use Designations:** L-2, Low-Density Residential-2 (up to 6 units/acre); and C-2, Conservation-2 (up to 1 unit/40 acres)

4. **Unit Count:**

Uplands:	58 units
On-site Wetlands:	3 units
<u>Off-site Wetlands:</u>	<u>11 units</u>
Total:	72 units

5. **Density:**

Maximum:	7.43 units/acre
Proposed:	7.43 units/acre

Note: The unit count and density calculations provided in sections 4 and 5 above include a transfer of density from environmentally sensitive lands (estuarine wetlands) as provided in Comprehensive Plan Future Land Use Policy 7.2 and Section 915.08 of the County land development regulations (LDRs). See section 15 of this report for more details.

6. **Open Space:**

Required:	51.1% (6.89 acres)
Proposed:	68.4% (9.20 acre)

Note: The minimum required open space calculation is based on a weighted average of the L-2 designated portion of the project site (9.68 acres) and the C-2 designated portion (3.78 acres).

7. **Parking:**

Required:	144
Proposed:	146

8. **Phasing:** The project is proposed to be constructed in a single 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. **Traffic Circulation:** Access to the proposed development will be provided by a gated full movement driveway connection to US Highway 1, and that driveway connection is served by an existing median opening and an existing southbound left turn lane. The project’s traffic circulation plan consists of a two way driveway system throughout the project site with 90-degree parking spaces on both sides of the driveway system, and “Y type turnaround” for the Fire Department located at the northwest corner of the project site (see attachment 4).

The proposed driveway connection and traffic circulation plan have been reviewed and approved by Traffic Engineering and Fire Prevention. Additionally, a traffic impact study (TIS) was not required

because the proposed project does not generate more than 400 average daily trips. Therefore, no offsite traffic improvements are required or proposed.

11. Stormwater Management: The project’s conceptual stormwater management design proposes three separate stormwater ponds, and an interconnected system of stormwater pipes and drainage structures that will direct the project’s stormwater runoff into those ponds (see attachment 4). Public Works has reviewed and approved the project’s conceptual stormwater management design. The final design will be reviewed by Public Works via the land development permit (LDP) review process.

12. Environmental Issues:

- a. *Estuarine Wetlands:* Approximately 3.78 acres of estuarine wetlands exist on the project site adjacent to the Indian River Lagoon (see attachment 4). All of the estuarine wetlands will be preserved in place with the exception of a possible future dock connection from the uplands portion of the site to the Indian River Lagoon. Any future dock proposal will require a separate approval, and all required permits from applicable jurisdictional permitting agencies (e.g. ACOE, FDEP, SJRWMD). The developer must dedicate a conservation easement in favor of the County over the 3.78 acres of on-site estuarine wetlands prior to or via the project’s final plat.
- b. *Non-Estuarine Wetlands:* Approximately .75 acres of isolated low-quality, non-estuarine wetlands exist on within the uplands portion of the project site. The developer proposes to fill the .75 acres of isolated, low-quality wetlands, and the filling of those wetlands will not require any mitigation.
- c. *Native Uplands:* Since the subject site exceeds 5 acres, the County’s native upland set aside criteria apply to the project. Approximately 3.03 acres of intact native upland plant communities exist on the project site, and the project’s set aside requirement is .45 acres (15% of 3.33 acres). The developer is proposing to set-aside .45 acres of on-site uplands in a single preservation tract located east of the estuarine wetlands (see attachment 4). The developer must dedicate a conservation easement in favor of the County over the .45 acres of on-site native uplands prior to or via the project’s final plat.
- d. *Tree Preservation:* Presently, the project site is heavily wooded with a mixture of hardwood tree species (e.g. live oak), non-hardwood tree species (e.g. pine trees), cabbage palms, and invasive exotic vegetation. Hardwood specimen trees proposed to be removed must be mitigated per the County’s tree mitigation requirements which allow re-planting and/or payment into the County’s tree mitigation fund. All invasive exotic vegetation will be removed during development. The developer must obtain Environmental Planning staff approval of the project’s final tree protection and mitigation plan prior to issuance of an LDP.

13. Required Dedications and Improvements:

- a. *Perimeter PD Buffers:* A 25 foot wide Type “B” buffer with a 6 foot opaque feature is required and proposed along the project’s north and south property lines (see attachment 5). The opaque feature will consist of a combination berm/hedge, and will be located within separate landscape buffer tracts. The developer must obtain Planning staff’s approval of the final design of the buffer and opaque feature prior to issuance of an LDP. The required buffer improvements must be installed, inspected, and accepted prior to the issuance of a certificate of completion (C. of C.).

- b. *Internal Sidewalk/Pedestrian System:* An internal sidewalk/pedestrian system is required and proposed throughout the project site. The final design of the internal sidewalk/pedestrian system will be reviewed via the project's LDP, and must be constructed, inspected, and accepted prior to the issuance of a C. of C.
- c. *Streetlighting:* Streetlights are required and proposed, and will be maintained by the property owner. The proposed streetlight locations are depicted on the conceptual PD plan. The final design of the streetlights will be reviewed via the project's LDP. The project's streetlights must be installed, inspected, and accepted prior to the issuance of a C. of C.
- d. *Common Green Space and/or Recreation Area:* At least 7.5% of the total site area shall be set-aside as dedicated common green space and/or recreation area. For this project, the developer proposes to provide 1.32 acres, which is 9.8% of the site. The 1.32 acres will be provided in the form of a cabana and community pool tract, and the uplands set-aside tract. Staff has verified that the common green space/recreation areas are located and designed as an amenity conveniently accessible via the project's internal sidewalk system. Therefore, the project satisfies the County's green space/recreation area requirements.

14. Landscape Plan: A conceptual landscape plan has been included with the project's conceptual PD plan application (see attachment 5). The conceptual landscape plan shows the location of the project's required perimeter PD buffers, Thoroughfare Plan road buffer (US Highway 1), open space landscape areas, lake shoreline trees, and littoral zone plantings. The developer must obtain Planning staff's approval of the final landscape plan, prior to the issuance of an LDP. All required landscape improvements must be installed, inspected, and accepted prior to the issuance of a C. of C.

15. Transfer of Density: As outlined in the County's PD regulations (Chapter 915), the developer is requesting PD approval in order to transfer density from the 3.78 acres of on-site estuarine wetlands to the uplands portion of the site. The developer is also proposing to transfer density from 11.6 acres of off-site estuarine wetlands to the uplands portion of the project site through a transfer of density agreement with the CGW mitigation bank (located in along the Indian River Lagoon in central Indian River County). For both transfers of density, the maximum density shall not exceed 1 unit per acre of estuarine wetlands. Staff has confirmed that both transfers of density do not exceed the maximum allowable density, and any other limitations outlined in Section 915.08(2) of the County LDRs. The applicant is not seeking any design waivers (increases or reductions) from the RM-6 zoning and dimensional requirements through the PD process.

In project areas where density transfers are used, no construction of dwelling units may commence until deed restrictions and/or easements have been approved and recorded which ensure protection and preservation of the area from which the density has been transferred. Said restrictions and/or easements shall effectively restrict development within the environmentally sensitive area(s) pursuant to provisions of Chapter 928, and shall be in a form approved by the County Attorney's Office for legal form and sufficiency. The substance of such easements and restrictions shall substantially conform to the conservation easement language set forth in the Florida Statutes. The required deed restrictions and/or easements must be provided by the developer prior to issuance of an LDP.

16. Concurrency: As required under the County's concurrency regulations, the developer has applied for and obtained a conditional concurrency certificate for the project, which is sufficient for preliminary PD plan/plat 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. The developer will, in accordance with County concurrency regulations, be required to obtain a final concurrency approval prior to issuance of a building permit for each apartment building.

17. Surrounding Land Use and Zoning:

- North: River Run Condominiums, Single-Family Homes / RM-6, RS-6
- East: Single-Family Homes, Indian River Lagoon / RS-6
- South: Reflections on the River Condominiums / RM-6
- West: US Highway 1, Vacant / City of Sebastian Jurisdiction

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

RECOMMENDATION:

Staff recommends that the BCC grant conceptual PD plan and special exception approval, with the following conditions:

1. Prior to issuance of a land development permit, the developer shall:
 - a. Provide a recorded copy of the required deed restrictions and/or easements that restricts development within the environmentally sensitive areas (on-site and off-site), in a form approved by the County Attorney's Office for legal form and sufficiency.
 - b. Obtain Planning staff approval of the final landscape plan, the final internal sidewalk/pedestrian system plan, and the final streetlighting plan.
 - c. Obtain Environmental Planning staff approval of the final tree protection and mitigation plan.
2. Prior to issuance of a certificate of completion, the developer shall:
 - a. Install the required internal sidewalk/pedestrian system.
 - b. Install the required buffers and landscape improvements.
 - c. Install the required streetlighting improvements.
3. Prior to or via the final plat, the developer shall dedicate a conservation easement over the 3.78 acres of on-site estuarine wetlands and the .45 acres of on-site native uplands.

Attachments:

1. Excerpt from Draft October 28, 2021 PZC Minutes
2. Location Map
3. Aerial
4. Conceptual PD Plan
5. Conceptual Landscape Plan