

**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

THROUGH: Ryan Sweeney; Chief, Current Development

FROM: Scott Rodriguez; Senior Planner, Current Development

DATE: March 8, 2021

SUBJECT: **Crest Residential, LLC’s Request to Rezone Approximately 27.69 Acres from RS-6, Residential Single-Family (up to 6 units/acre) to PD, Planned Development and to Obtain Conceptual PD Plan Approval for a Project to be known as The Griffon North PD [PD-20-11-06 / 2001040041-87773] (Quasi-Judicial)**

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of March 16, 2021.

DESCRIPTION & CONDITIONS:

This is a request by Crest Residential, LLC, through their agent Masteller & Moler, Inc., to rezone approximately 27.69 acres from RS-6, Residential Single-Family (up to 6 units/acre) to PD, Planned Development. As part of the rezoning request, a conceptual PD plan has been submitted for review and approval (see attachment 5). The project site is zoned RS-6, Residential Single-Family (up to 6 units/acre), is currently vacant, and is located south of 26th Street, approximately 1,650 feet east of 82nd Avenue (see Attachment 1). The purpose of this request is to secure a development approval which allows construction of maximum of 166 multi-family units, at an overall project density of 5.99 units/acre.

Crest Residential, LLC has also submitted a separate major site plan application for “The Griffon (South)” project, previously known as the “Crest Vero Beach MF (South)” project, containing 21.90 acres situated on the north side of 20th Street (SR 60) between 74th Avenue and 82nd Avenue. The Griffon (South) site plan application proposes a maximum of 131 multi-family units with enhanced site amenities (e.g. clubhouse, pool, fitness center, etc.) at an overall density of 5.98 units/acre. The Griffon South is currently being reviewed by County staff, and will require major site plan approval by the Planning and Zoning Commission (PZC).

The application for the rezoning of the subject 26th Street parcel is being proposed with a vehicular / pedestrian driveway connection between the two (2) sites to allow residents in both communities to use either the 26th Street and/or SR 60 access points. The proposed connection between the two (2) sites will be accomplished via an offsite easement obtained from the adjacent land owned by the Pine Creek Condominium Association (see Attachment 5).

Planning and Zoning Commission (PZC) Recommendation:

At its meeting of February 11, 2021, the PZC voted 5-0 to recommend that the BCC grant approval of the PD rezoning request and the conceptual PD plan for The Griffon North PD, with staff recommended conditions (see draft minutes, Attachment 3).

Board of County Commissioners (BCC) Review:

The BCC is to review the subject The Griffon North PD application, conduct a public hearing, and make a recommendation to approve, approve with conditions, or deny the PD rezoning request and the accompanying conceptual 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 the desired residential project. The options are as follows:

1. Rezone the property to a conventional multi-family zoning district, such as RM-6 or RM-8, and then seek major site plan approval for the proposed development; 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 (M-1, Medium-Density Residential-1) maximum density of up to 8 units/acre.

The developer has opted to apply for a PD rezoning (option #2 above) for the overall project site. If the subject application is approved, the site will be rezoned to PD and will be governed by the approved The Griffon North conceptual PD plan.

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, and Citrus Springs. 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.

A 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 PD plan proposes the development of a maximum of 166 multi-family units (conventional 2-story townhomes and 3-story apartment buildings) at a density of 5.99 units/acre. It should be noted that the project's underlying M-1 land use allows a maximum density of 8 units/acre. However, the proposed PD project will not exceed 6 units/acre.

In Planning staff's opinion, the PD rezoning option is an appropriate mechanism for approving a mixture of residential unit types within the M-1, Medium-Density Residential-1 (8 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 at this time. Once a conceptual PD plan is approved, only minor modifications to the conceptual plan may be approved at a staff level. Any changes proposed to an approved conceptual 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 M-1, Medium-Density Residential-1 (8 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 land development regulations (LDRs). The applicant is not requesting any PD waivers, is proposing to utilize the standard RM-6 dimensional requirements, and is only seeking PD rezoning approval in order to construct multi-

family units instead of single-family units. It should be noted that the applicant has coordinated with County staff, and is proposing significantly increased setbacks from the adjacent single-family subdivisions along the west and south project perimeters. Additional details about the increased setbacks and project design is provided in the PD rezoning analysis section of this report.

PD REZONING ANALYSIS:

Existing Zoning and Land Use Pattern:

The overall project site is approximately 27.69 acres. The entire project site consists of an abandoned citrus grove.

- *North* of the project site is an Indian River Farms Water Control District (IRFWCD) canal and 26th Street. There are vacant parcels located on the north side of 26th Street, and those parcels are zoned A-1.
- *East and northeast* of the project site is a portion of the overall Indian River Estates community, and is developed as a total care facility consisting of an assisted living facility and multi-family residential units (senior independent living).
- *South* of the project site is the Westgate Subdivision, Units 1-3 which is zoned RS-6, and is developed with single-family homes on .25 to .5-acre lots. Also, at the southeast corner of the site is the Pine Creek Condominium development which consists of 5 separate 2-story condo buildings and a clubhouse.
- *West* of the project site are two residential subdivisions. The Wildwood Subdivision is zoned RS-1, and is developed with single-family homes on ± 1 to ± 2 -acre lots. The West Side Villas Subdivision is zoned RS-6, and is developed with single-family homes on $\pm .5$ -acre lots.

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 entirely located within the 2030 Urban Service Area, will connect to the existing street system (26th Street), and will provide an additional connection to the existing County street system via a driveway connection to 20th Street (SR 60). The connection will be proposed as part

of the concurrent Griffon North and Griffon South development applications. The project will be served by County water and sewer, and will provide an appropriate mix of multi-family unit types. Therefore, the proposed PD district and accompanying conceptual PD plan are consistent with Policy 2.2.

Future Land Use Policy 4.5: Where proposed development projects abut undeveloped or developed property, the county shall require that such development be designed and constructed or guaranteed to accommodate both vehicular and bicycle/ pedestrian interconnections. Interconnections may include shared roadways or driveways that provide local traffic circulation. Exemptions shall be granted where interconnections would create a “funneling effect” through an existing neighborhood or have no potential for providing interconnectivity or through-street benefits (e.g. segments that dead-end into water bodies, built facilities, or environmentally sensitive areas).

Note: The developer for the subject project, Crest Residential, LLC, has also submitted a concurrent application for major site plan approval for “The Griffon (South)” project. As currently designed, the subject project will provide a driveway and sidewalk connection to the adjacent project to the South, which will ultimately connect the 20th Street (SR 60). Therefore, the proposed PD district and accompanying conceptual PD plan are consistent with Policy 4.5.

Future Land Use Policy 5.3: Indian River County zoning districts shall permit a variety of residential building and development styles; and

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 PD plan are consistent with these policies because the Griffon North PD plan proposes significant common open space, provides different housing choices in the county, and incorporates recreational facilities.

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 properties along the north project boundary consist of vacant former citrus groves that are zoned A-1. The project site is separated from those properties to the north by an IRFWCD canal, and 26th Street which is a paved, two-lane minor collector road. The project site is located entirely inside the urban service area (USA). However, the properties to the north are located outside the USA. Therefore, a USA

buffer is required along the north project boundary. The required USA buffer shall consist of a 50' wide tract, and shall contain a Type "B" buffer with a 6' opaque feature. The proposed conceptual PD plan and conceptual landscape plan provide the required USA buffer (see Attachments 5 and 6).

The properties along the east and northeast of the project site are a portion of the overall Indian River Estates community, and are developed as a total care facility consisting of an assisted living facility and multi-family residential units (senior independent living). The adjacent properties have an underlying M-1 land use designation. Based on the adjacent property's land use designation, the PD regulations require a 25' setback (buildings, driveways, roadways, and parking areas) from the project perimeter. The proposed conceptual PD plan provides a $\pm 50'$ setback between the closest site improvements (i.e. parking area) and a $\pm 100'$ setback between the closest building and the adjacent properties to the east. Therefore, the proposed conceptual PD plan exceeds the minimum required PD setback (see Attachment 5).

The properties south of the project site consists of the Westgate Subdivision, Units 1-3 which is zoned RS-6, and is developed with single-family homes on .25 to .5-acre lots. Also, at the southeast corner of the site is the Pine Creek Condominium development which consists of 5 separate 2-story condo buildings and a clubhouse. The adjacent properties have an underlying M-1 land use designation. Based on the adjacent property's land use designation, a Type "B" 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" buffer with a 6' opaque feature. The proposed conceptual PD plan and landscape plan show the proposed buffer accordingly (see Attachments 5 and 6). Also, proposed conceptual PD plan provides a $\pm 70'$ setback between the closest site improvements (i.e. parking area) and a $\pm 150'$ setback between the closest building and the adjacent properties to the south (see Attachment 5).

The properties west of the project site consist of two residential subdivisions. The Wildwood Subdivision is zoned RS-1, and is developed with single-family homes on ± 1 to ± 2 -acre lots. The West Side Villas Subdivision is zoned RS-6, and is developed with single-family homes on $\pm .5$ -acre lots. The adjacent properties to the west have an underlying M-1 land use designation. Based on the adjacent property's land use designation, a Type "B" 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" buffer with a 6' opaque feature. The proposed conceptual PD plan and landscape plan show the proposed buffer accordingly (see Attachments 5 and 6). Also, proposed conceptual PD plan provides a $\pm 350'$ setback between the closest site improvements (i.e. parking area) and a $\pm 300'$ setback between the closest building and the adjacent properties to the west (see Attachment 5).

General Area:

The project site is located between several established single-family subdivisions and multi-family developments. The proposed Griffon North development proposes conventional multi-family apartment buildings with significantly increased setbacks and buffering from the established single-family subdivisions, and compatible separation from the multi-family developments.

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 the 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:** 27.69 acres
2. **Zoning Classification:** Current: RS-6, Residential Single-Family (up to 6 units/acre)
Proposed: PD, Planned Development
3. **Land Use Designation:** M-1, Medium-density Residential-1 (up to 8 units/acre)
4. **Number of Units:** 166 units (maximum)
5. **Density:** Proposed: 5.99 units/acre
Maximum: 8.00 units/acre
6. **Open Space:** Required: 40.0%
Proposed: 79.9%
7. **Recreation Area:** Required: 2.08 acres
Proposed: 2.08 acres
8. **Phasing:** The project will consist of a single phase. However, the project will also be constructed concurrently with the adjacent project to the south, which is a separate project/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 utility provisions.
10. **Traffic Circulation:** Primary access to the overall project site will be provided by a full access driveway connection to 26th Street (see attachment 5). As previously indicated above, the Griffon North PD project will provide a roadway interconnection to the proposed Griffon South project. The internal roadway connection will connect to 20th Street (SR 60) and will allow residents of both projects to utilize either driveway connection (26th Street or 20th Street). The traffic impact study (TIS) was submitted by the applicant for the Griffon North PD project, but also included the Griffon South project. Public Works agreed to review both at the same time.

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, the subject PD project will require a westbound left turn lane on 26th Street at the project's driveway connection. Also, because the project's approved TIS and traffic distribution includes the

driveway interconnection through the project to the south, staff is recommending a condition that will require the full driveway connection to 20th Street (SR 60) to be constructed, prior to issuance of a certificate of completion (C. of C.) for the subject project. No other off-site traffic improvements are required or proposed for this project.

- 11. Stormwater Management:** The project’s conceptual stormwater management design proposes two separate stormwater ponds and an interconnected system of stormwater pipes that will direct the project’s stormwater runoff into those ponds (see Attachment 5). 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 for each project phase.
- 12. Required Dedications and Improvements:**

 - a. 26th Street Turn Lane:* A westbound left turn lane is required on 26th Street at the project’s driveway connection. The required turn lane is shown on the conceptual PD plan (see Attachment 5), and the final design will be reviewed via the project’s LDP. The 26th Street turn lane must be constructed prior to the issuance of a C. of C.
 - b. Internal Sidewalk/Pedestrian System:* An internal pedestrian system is required and proposed throughout the overall project. The final design of the internal pedestrian system will be reviewed via the project’s LDP, and the internal pedestrian system must be completed prior to the issuance of a C. of C.
 - c. 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.
- 13. Landscape and Buffering Plan:** The applicant has provided a conceptual landscape plan that meets the criteria of Chapter 926, and is sufficient for conceptual PD plan approval (see attachment 6). 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.
- 14. Environmental Issues:** The project site is a former citrus grove and does not contain any special environmental features (e.g. wetlands or vegetated native uplands). There are a few protected and/or specimen trees located throughout the overall project site that will need to be addressed for preservation or mitigation during review of the project’s LDP.
- 15. 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.
- 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 not seeking any waivers or dimensional reductions from the standard LDR requirements, and is only seeking PD approval in order to develop multi-family

units instead of single-family. Therefore, the proposed public benefits are primarily intended to control project design and compatibility with the surrounding properties.

- *Driveway Interconnection:* As previously indicated above, the Griffon North PD project will provide a roadway interconnection to the proposed Griffon South project to accommodate both vehicular and pedestrian linkages. The internal roadway connection will connect to 20th Street (SR60) and will allow residents of both projects to utilize either driveway connection (26th Street or 20th Street) providing better local traffic circulation, and reducing potential traffic congestion on nearby intersections.
- *Increased Setbacks:* Based on the M-1 land use designation of the surrounding properties, the PD regulations only require a 25' setback (buildings, driveways, roadways, and parking areas) from certain project perimeters (i.e. the east, south, and west). However, through the PD design and review process, County staff has coordinated with the applicant to provide significantly increased setbacks between the proposed multi-family units and the existing single-family subdivisions to the south and the west. Additionally, the proposed design provides setbacks that exceed the minimum required setbacks between the proposed multi-family units and the existing total care facility to the east and northeast.
- *Increased Perimeter Landscape Buffering:* Through coordination with County staff, the applicant has proposed increased landscape buffers to the south and west of the project site. The applicant is providing a Type "B" buffer with a 6' opaque feature along the south and west project perimeters where the LDRs and PD regulations do not require any landscape buffer or type of opaque feature. These increased landscape buffers provide a significant benefit and compatibility measure in favor of the adjacent properties to south and west.

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

RECOMMENDATION:

Staff recommends that the Board of County Commissioners grant approval of the PD rezoning request and the conceptual PD plan for The Griffon North PD, with the following conditions:

1. Prior to issuance of a land development permit, the applicant shall:
 - a. Obtain Public Works approval of the final design of the westbound left turn lane at the project's 26th Street driveway connection.
 - b. Obtain Planning staff approval of the final landscape and 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 applicant shall:
 - a. Construct the required westbound left turn lane at the project's 26th Street driveway connection.
 - b. Construct the full driveway connection to 20th Street (SR 60) through the adjacent/separate project site to the south.
 - c. Install all required buffers and landscape improvements.
 - d. Install the required streetlighting improvements.

ATTACHMENTS:

1. Location Map
2. Aerial
3. Excerpt from Draft February 11, 2021 PZC Minutes
4. PD Rezoning Ordinance
5. Conceptual PD Plan
6. Conceptual Landscape Plan