



Office of
INDIAN RIVER COUNTY
ATTORNEY

Dylan Reingold, County Attorney
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MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney

DATE: October 5, 2022

SUBJECT: Public Hearing to Consider an Ordinance Establishing the LP Community Development District- LEGISLATIVE

BACKGROUND.

On July 18, 2022, Jonathan Johnson submitted to Indian River County a Petition to Establish the LP Community Development District (“Petition”). The proposed district under the submitted Petition would cover approximately 502.47 acres of land, located generally south of County Road 510, west of 58th Street, north of State Road 60 and east of 82nd Avenue. The property is owned by Ryall Development Group, LLC. There is one excluded parcel located within the boundaries of the proposed LP Community Development District, which is approximately 2.1 acres in size.

As set forth in the Petition, the proposed district would be responsible for financing various infrastructure improvements such as the stormwater management system, roadways and water and wastewater systems. The total estimated cost of the construction of the proposed facilities, as set forth in the Petition, is roughly \$76 million.

Per section 190.005, Florida Statutes, the Indian River County Board of County Commissioners (“Board”) has the authority to establish a community development district of less than 2,500 acres in size. Per the statutes, here are the criteria to be considered.

1. Whether all statements contained within the Petition have been found to be true and correct.
2. Whether the establishment of the proposed district is inconsistent with any applicable element or portion of the state comprehensive plan or of the Indian River County Comprehensive Plan.
3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. Whether the proposed district is the best alternative available for delivering community development services and facilities to the area that will be served by the proposed district.

5. Whether the community development services and facilities of the proposed district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

6. Whether the area that will be served by the proposed district is amenable to separate special-district government.

Additionally, on June 7, 2022, the Board adopted the Indian River County Community Development District Guidelines (the “Guidelines”). Per the Guidelines, the Board has established the following guidelines as a minimum threshold for applicants seeking to file a petition to establish a community development district.

- 1) The real estate project must be 500 acres or more in size.
- 2) The real estate project must provide a street network which meets the following minimum standards:
 - A. Be consistent with the existing Traditional Neighborhood Development (TND) standards per section 915.21; or
 - B. Be designed in a traditional or modified grid-pattern where cul-de-sacs, loop roads, and dead-end streets are discouraged, and connectivity exists with neighboring developments. Road intersections are encouraged to have 4-way directionality; and
 - C. No more than ten (10) percent of blocks shall have a block with perimeter measuring one thousand eight hundred (1800) feet or more. Within commercial and mixed use areas, no block face dimension shall exceed four hundred (400) feet. Blocks may be defined (divided) by streets and major pedestrian paths; and
 - D. Have at least one, connected, non-motorized facility, such as buffered bike lanes (7 feet minimum width), or shared-use path (12 ft minimum width), that connects a centralized feature, such as a park or commercial node, to a neighboring development.
- 3) Open space within the real estate project must be at least 10% greater than what is required per the County’s Land Development Regulations.
- 4) Provision of a significant public benefit enjoyed by the general public beyond enhanced amenities and landscaping that will be enjoyed by the future property owners within the real estate project.

The real estate project must also contain at least one of the following attributes:

1. Significant public infrastructure beyond improvements required through the development review process;
2. Multi-use real estate project; or
3. Traditional neighborhood development.

With respect to the statutory criteria, the County staff believes that all of the criteria have been satisfied. Additionally, with respect to the Guidelines, the property is 502.47 acres and thus meets the minimum size requirement. With respect to the grid pattern requirements, the local streets follow a modified grid pattern with approximately seven percent of residential blocks measuring more than 1,800 feet, with no block face dimension exceeding 400 feet. Finally, an internal sidewalk and community trail system connects to the St. Sebastian Conservation Area. Thus, the real estate project meets the grid pattern requirements. On September 30, 2022, the Community Development Department approved an administrative approval for Liberty Park, which increased the overall open space from 340.27 acres to 350.34 acres. With this approval, the real estate project meets the open space requirements.

County staff believes that the real estate project does meet the public benefit and significant public infrastructure requirements. The real estate project contains a 58 acre park (Ryall Park), 18 acre public use site (12th Street/58th Avenue), 4 acre public use site (CR 510/66th Avenue), and two conservation easements along Indian River Drive/37th Street (55 acres), conservation area (99th Street/Breezy Village MHP - 40 acres), and dedicated elementary school site. The real estate project is also a multi-use project with single-family residential, multi-family residential, commercial, civil/cultural and open space uses.

Finally, any community development district approved by the Board will be required to record additional disclosure requirements, as approved by the County Attorney's Office, providing additional notice to future buyers of the existence of the community development district.

RECOMMENDATION.

The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance and Petition to Establishing the LP Community Development District.

ATTACHMENT(S).

Petition to Establish the LP Community Development District
LP AA
DRAFT Ordinance Establishing Community Development District - LP