

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: William K. DeBaal, Deputy County Attorney

FROM: Ryan Sweeney; Chief, Current Development

DATE: August 6, 2021

SUBJECT: Go Life Holding LLC's Request to Amend the Declarations of Restrictive Covenants on Certain Properties Previously Owned by SK Vero, LLC and Petrus Veros, LLC [AA-20-08-87 / 2004110281-87093]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of August 17, 2021.

BACKGROUND

Go Life Holding, LLC is the current owner/developer of ±81 acres of property located south of 16th Street and east of 98th Avenue (see attachment 1). The subject ±81 acres was previously owned by Petrus Veros, LLC, and is subject to a Declaration of Restrictive Covenants that controls certain development parameters (i.e. density, lot size, and lot width) applicable to the site. Go Life Holding, LLC is also the current owner of a ±160 acres of property located south of 12th Street and east of 98th Avenue (see attachment 1) that was previously owned by SK Vero, LLC, and those ±160 acres are also subject to a similar Declaration of Restrictive Covenants. The Restrictive Covenants for both sites are the result of settlement agreements between the previous property owners and the County that were approved in 2004, and run with the land.

Go Life Holding, LLC, as a developer of both properties, has submitted a plat over site plan application that is currently in the review and approval process, and that application will ultimately require approval by the Planning and Zoning Commission (PZC). During site plan review process, staff notified the applicant that the proposed plat over site plan design would require an amendment to the development parameters identified in the Restrictive Covenants applicable to both properties. Therefore, the applicant is now requesting approval from the Board of County Commissioners (BCC) to amend the Restrictive Covenants.

ANALYSIS

The Restrictive Covenants applicable to both properties include identical controls on certain development parameters (i.e. density, lot size, and lot width), and are summarized as follows:

- a. Residential density shall be limited to 4 dwelling units per gross acre except that residential density shall be limited to 4.5 dwelling units per gross acre for an approved Planned Development (PD).
- b. Single-family home lots developed on the property will be at least 7,000 sq. ft. in area and have a minimum lot width of 70 ft. Notwithstanding the foregoing, in the event the County approves a Planned Development, the minimum lot width may be less than 70 ft.

The applicant has submitted a plat-over site plan application that includes a mixture of single-family and multi-family units, and that application is currently in the review and approval process. When the Restrictive Covenants were approved in 2004, there were primarily two types of development options for single-family residential development, and those options included a conventional single-family subdivision or a residential PD. Since 2004, a third development option, known as a plat-over site plan, has been successfully utilized for a number of residential developments within the unincorporated portion of the County.

The plat-over site plan option may be utilized to produce single-family or multi-family (townhome) units, but must be developed on property that has a multi-family zoning designation (e.g. RM-6). The plat-over site plan process requires a combination of a site plan showing the proposed layout/location for all single-family and/or multi-family units and a preliminary plat that is “overlaid” onto the site plan, and creates individual fee simple lots for each unit. For all plat-over site plan projects, the lot area must include only the area of each dwelling unit and any immediately adjacent improved living areas (e.g. porches, courtyards, driveways, and other impervious areas), while the remaining areas are platted as common areas that are owned and maintained by a property owners association. Therefore, the resulting lot widths are typically only as wide as the building footprint (25’ to 40’ wide), and the resulting lot sizes are considerably smaller (2,500 SF to 4,000 SF) than a conventional subdivision lot (7,000 SF).

For the subject properties, the applicant has submitted a plat-over site plan application that proposes 30’ wide single-family lots with a total of lot area of 3,000 SF. Therefore, the applicant has coordinated with staff to amend the applicable Restrictive Covenants, as needed (see attachments 2 and 3). The density limitations outlined in subsection “a.” will not change. The lot width and lot size requirements outlined in subsection “b.” will be amended as follows:

- b. Single-family home lots developed on the property will be at least 7,000 square feet (SF) in area and have a minimum lot width of 70 feet. Notwithstanding the foregoing, in the event the County approves a Planned Development or Plat Over Site Plan, the minimum lot width may be less than 70 feet and the minimum lot area may be less than 7,000 sq. ft. so long as the density restriction in 3(a) above is not exceeded.

Staff supports the requested amendment to the Restrictive Covenants for two reasons. The first reason is that the amendment does not change the density restriction(s) for the subject properties. Therefore, the maximum number of units that may be developed on the overall project site does not change. The second reason is that the amendment allows the subject properties to be developed via the plat over site plan process, which provides more flexibility for the applicant, while the end product will still provide a mixture of single-family and multi-family unit types.

If the BCC approves the amendment to the Restrictive Covenants, the associated plat over site plan project can continue through the review and approval process, and will ultimately be scheduled for consideration by the PZC. Therefore, staff is recommending that the amended documents be held in escrow until the plat over site plan project is approved by the PZC.

RECOMMENDATION

Staff recommends that the Board of County Commissioners approve the requested amendment to the Restrictive Covenants, and hold the amended documents in escrow until the associated plat over site plan project (SP-MA-20-07-30 / 2004110281-87025) is approved by the Planning and Zoning Commission.

ATTACHMENTS

1. Location Map
2. Draft Amended Declaration Venetian Grove 160 Acre Property
3. Draft Amended Declaration Venetian Grove 81 Acre Property