

**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 3, 2022

SUBJECT: Kolter Group Acquisitions LLC's Request for Conceptual Planned Development (PD) Plan and Special Exception Approval and Concurrent Preliminary PD Plan/Plat Approval for a Project to be known as Red Tree Cove PD [PD-21-11-09 / 2021040075-90718]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of November 15, 2022.

DESCRIPTION & CONDITIONS

BGE, Inc., on behalf of Kolter Group Acquisitions LLC, is requesting conceptual planned development (PD) plan and special exception approval, and concurrent preliminary PD plan/plat approval for a project located on the southwest corner of 13th Street SW and 43rd Avenue SW (see attachment 1). The project site is mostly vacant but contains one single-family home and several agricultural barn and/or stable structures. The site formerly contained citrus groves and a tree farm (see attachment 2). The existing single-family home is proposed to be converted into a community clubhouse, and all other existing structures will be removed from the site during site development.

The project proposes 175 single-family detached homes at an overall density of 2.39 units per acre. The applicant is requesting PD approval to obtain waivers (increases or reductions) in minimum lot size, minimum lot width, minimum building setbacks, and maximum building coverage, in return for right-of-way (ROW) dedications, off-site improvements (including road paving, traffic improvements, and upsized Utilities lines), larger perimeter setbacks/buffers, and other public benefits.

➤ **Planning and Zoning Commission (PZC) Recommendation:**

At its meeting of October 13, 2022, the PZC voted 6-1 to recommend that the BCC grant conceptual PD plan and special exception approval with the conditions recommended by staff, and approved the concurrent preliminary PD plan/plat subject to BCC approval of the conceptual PD plan and special exception (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 |

At this time, the applicant is pursuing approval of Steps 1 and 2. If approved by the BCC, the special exception, conceptual PD plan, and preliminary PD plan/plat will all be approved and in effect.

ANALYSIS

- 1. Project Site Size:** 83.59 acres (gross)
 - 5.46 acres (ROW dedication)
 78.13 acres (net)

Note: The net project site size is comprised of 73.31 acres located inside the urban service area (USA) and 4.82 acres located outside of the USA.

- 2. Zoning Classification:** A-1, Agricultural-1 (up to 1 unit per 5 acres)
- 3. Land Use Designations:** L-1, Low-Density Residential-1 (up to 3 units per acre)
 AG-1, Agriculture-1 (up to 1 unit per 5 acres)
- 4. Residential Units:** 175 Single-Family Detached Units
- 5. Density:** Proposed: 2.39 units per acre
 Maximum Allowed: 3.00 units per acre

Note: The proposed density calculation is based on the net project site size located inside the USA, and does not include any density credit for the project’s ROW dedications or the 4.82 acres located outside of the USA.

- 6. Open Space:** Required: 41.2%
 Provided: 69.7%

Note: The required open space calculation is based on a blended average calculation of the L-1 designated portion of the site and the AG-1 designated portion of the site.

- 7. Phasing:** The project is proposed to be constructed in two phases. Phase 1 contains 81 lots and consists of the approximate north half of the project site (see attachment 3). Phase 2 contains 94 lots and consists of the approximate south half of the project site.
- 8. Utilities:** The project will be served by public water and sewer service provided by County Utility Services. During the development review process, the applicant coordinated with the Department of Utility Services, and agreed to upsize the water and sewer service lines that will serve the subject project and other development projects located “downstream” of the subject project. Please see section 16d. of this report for more details. The County Department of Utility Services and the Department of Health have approved these utility provisions.
- 9. Stormwater Management:** The project’s conceptual stormwater management system design includes a modified Miami curb street design and four separate wet stormwater management tracts to manage runoff generated from the project. The project’s stormwater system will also accept runoff

generated by the project's off-site improvements. The Public Works Department has approved the conceptual stormwater management plan and will review the detailed stormwater management plan with the land development permit (LDP) for each respective project phase.

10. Traffic Circulation: Access to the proposed development will be provided via a gated full movement driveway connection to 13th Street SW, and second gated full movement driveway connection to 17th Street SW (see attachment 3). The proposed internal traffic circulation plan consists of modified grid roadway network, and one cul-de-sac road at the northeast corner of the project site. Traffic Engineering and Fire Prevention staff have reviewed and approved the internal circulation plan and the driveway connections to 13th Street SW and 17th Street SW.

The project's traffic impact study (TIS) has been reviewed and approved by the Traffic Engineering Division. Based on the approved TIS, the following off-site improvements are required:

- a. Paving of 17th Street SW along the project site's entire frontage
- b. Southbound right turn lane on 43rd Avenue SW at 13th Street SW
- c. Northbound left turn lane on 43rd Avenue SW at 13th Street SW
- d. Westbound left turn lane on 13th Street SW at project entrance
- e. Eastbound right turn lane on 17th Street SW at 43rd Avenue SW

The final design of the required road paving and turn lane improvements cited above will be reviewed via the LDP for each respective project phase.

During the PD process, the applicant coordinated with the Public Works and agreed to assign some project traffic to a future 17th Street SW bridge crossing the canal located east of 43rd Avenue SW. Therefore, the applicant will need to contribute their fair share of the cost of funding the future 17th Street SW bridge crossing. Prior to issuance of an LDP for Phase 1, the applicant must pay their fair share contribution toward the future 17th Street SW bridge crossing.

11. Right-of-Way (ROW) Dedications: The project has frontage on three thoroughfare plan roads. These are 13th Street SW, 17th Street SW, and 43rd Avenue SW.

- a. *13th Street SW:* Currently, all ROW requirements are satisfied for the eastern ±640 feet of the project's 13th Street SW frontage. Through the PD review process, the applicant will dedicate, without compensation, an additional 30' of ROW for the western ±937 feet of the project's 13th Street SW frontage. The applicant must dedicate the required 13th Street SW ROW dedication, prior to issuance of an LDP for Phase 1.
- b. *17th Street SW:* Through the PD review process, the applicant will dedicate, without compensation, 70' of ROW for the eastern ±640 feet of the project's 17th Street SW frontage. The applicant will also dedicate, without compensation, an additional 100' of ROW for the western ±665 feet of the project's 17th Street SW frontage. The applicant must dedicate the required 17th Street SW ROW dedication, prior to issuance of an LDP for Phase 1.
- c. *43rd Avenue SW:* The Thoroughfare Plan classifies 43rd Avenue SW as a collector roadway requiring 100' of ultimate ROW. Presently, 50' of right-of-way exists for this segment of 43rd Avenue SW. Through the PD review process, the applicant will dedicate, without compensation, 50' of ROW for the project's entire 43rd Avenue SW frontage. The applicant must dedicate the required 43rd Avenue SW ROW dedication, prior to issuance of an LDP for Phase 1.

12. Required Dedications and Improvements:

- a. *Off-site Traffic Improvements:* As outlined in section 10 of this report, the applicant will be required to construct several different off-site traffic improvements with each respective project phase. The final design of the required off-site traffic improvements will be reviewed via the LDP for each respective project phase, and must be completed prior to issuance of a C. of C. for each respective project phase.
- b. *External sidewalks:* An 8' wide sidewalk is required along the north side of 17th Street SW and the west side of 43rd Avenue SW for the project's entire frontages, respectively. The final design of these sidewalks will be reviewed via the LDP for each respective project phase, and must be completed prior to issuance of a C. of C. for each respective project phase.
- c. *Internal sidewalks:* A five-foot wide internal sidewalk system is required and proposed along one side of the project's internal streets. The final design of the internal sidewalks will be reviewed via the LDP for each respective project phase, and will need to be constructed along the frontage of common areas and individual lots in accordance with the requirements of subdivision ordinance section 913.09(5)(b)2.
- d. *Streetlights:* Streetlights are required and will be maintained by the property owners' association. The proposed streetlight locations are depicted on the provided PD plan. The final design of the streetlights will be reviewed via the LDP for each respective project phase, and must be completed prior to issuance of a C. of C. for each respective project phase.
- e. *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 applicant proposes to provide 6.86 acres, which is 8.8% of the site. The 6.86 acres will be provided in the form of a clubhouse/amenities tract, several passive recreation/open space tracts, and the native 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.

13. Environmental Issues:

- a. *Wetlands:* County Environmental Planning staff has determined that no jurisdictional wetlands exist on the subject site. Therefore, no wetlands criteria apply to the proposed development.
- b. *Uplands:* Since the subject site exceeds 5 acres, the County's native upland set aside criteria apply to the project. Approximately 7.36 acres of intact native upland plant communities exist on the project site, and the project's set aside requirement is 1.10 acres (15% of 7.36 acres). The applicant is proposing to set-aside 1.55 acres of on-site uplands in a single preservation tract located in the center of the overall project site (see attachment 3). The applicant must dedicate a conservation easement in favor of the County over the 1.55 acres of on-site native uplands prior to or via the project's final plat.
- c. *Tree Preservation:* Most of the project site is a former citrus grove and/or tree farm (see attachment 2). Therefore, besides the uplands set aside area and the vegetated area around the future community clubhouse, the project site does not contain any protected or specimen trees.

14. PD Waivers for Single-Family Lots: Through the PD review process, the applicant is requesting approval of design waivers (increases or reductions) in minimum lot size, minimum lot width, minimum building setbacks, minimum setbacks for accessory structures, and maximum building coverage. The following chart summarizes the project’s proposed waivers as compared to the A-1 and RS-3 zoning district standards:

| Development Parameter | A-1 Minimum Standards | RS-3 Minimum Standards | Proposed PD Standards | |
|--|------------------------------|-------------------------------|------------------------------|----------|
| Lot Width | 150’ | 80’ | 65’ | 50’ |
| Lot Size | 200,000 SF | 12,000 SF | 8,450 SF | 6,500 SF |
| Building Setbacks: | | | | |
| Front | 30’ | 25’ | 20’ | 20’ |
| Side | 30’ | 15’ | 7.5’ | 5’ |
| Rear | 30’ | 25’ | 15’ | 15’ |
| Pools (water line): | | | | |
| Front | 30’ | 25’ | 20’ | 20’ |
| Side | 30’ | 15’ | 10’ | 7.5’ |
| Rear | 10’ | 10’ | 6’ | 6’ |
| Pool decks, decks, or screen enclosures: | | | | |
| Front | 30’ | 25’ | 15’ | 15’ |
| Side | 30’ | 15’ | 7.5’ | 5’ |
| Rear | 10’ | 10’ | 5’ | 5’ |
| Accessory structures (e.g. sheds, pergolas) | | | | |
| Front | 30’ | 25’ | 15’ | 15’ |
| Side | 30’ | 15’ | 5’ | 5’ |
| Rear | 30’ | 25’ | 5’ | 5’ |
| Maximum Building Coverage | 20% | 30% | 33% | 35% |
| Minimum Open Space Per Lot | 60% | 40% | 40% | 40% |

15. Perimeter PD Buffering: Through the PD review process, the applicant has agreed to provide the following perimeter PD buffers and opaque features:

| Perimeter | Buffer Type & Width | Opaque Feature |
|-----------|---------------------|---------------------------------|
| North | Type “B” / 30’ wide | 6’ combination berm & landscape |
| East | Type “B” / 30’ wide | 6’ combination berm & landscape |
| South | Type “B” / 30’ wide | 6’ combination berm & landscape |
| West | Type “B” / 60’ wide | 6’ combination berm & landscape |

Note: A 50’ USA boundary buffer is required along the project sites western property line, and the applicant has agreed to provide a minimum 60’ wide buffer.

16. Public Benefits: For PD projects, applicants must identify certain design criteria and public benefits that the project will provide in exchange for requested waivers or incentives being sought by the applicant. The requested waivers are mitigated by proposed landscape buffers, increased perimeter setbacks, and increased common open space areas provided within the project. The applicant is also proposing the following public benefits:

- a. *ROW dedications:* As outlined in section 11 of this report, the applicant has coordinated with County staff and has agreed to dedicate ROW for 13th Street SW, 17th Street SW, and 43rd Avenue SW without compensation. All of the ROW dedications are considerably over-and-above the County’s minimum ROW width requirements for each respective roadway.
- b. *17th Street SW Paving and Drainage Improvements:* The applicant has agreed to provide paving and drainage improvements for the project site’s entire 17th Street SW frontage, which extends beyond the LDRs minimum requirements of only paving to the project’s driveway connection.
- c. *13th Street SW Eastbound Right Turn Lane:* The project’s approved TIS does not require an eastbound right turn lane on 13th Street SW at 43rd Avenue SW. However, the applicant has agreed to provide an eastbound right turn lane as an additional public benefit.
- d. *Upsized Utilities Lines:* Through coordination between County Utilities staff and the applicant, the applicant has agreed to upsize the water and sewer lines that will serve the subject project and other development projects located “downstream” of the subject project. The applicant will increase the size of the sewer force main from 4” to 6”, and will increase the size of the water main from 8” to 12” at no cost to the County (i.e. the County will not cost share in the upsizing of these utility provisions).
- e. *Cost Share Contribution for Future 17th Street SW Bridge:* Through coordination between Public Works and the applicant, the applicant has agreed to contribute their fair share of the cost of funding the future 17th Street SW bridge crossing.

17. South County Initiative (SCI): At the May 4, 2004 BCC meeting, Planning staff presented the SCI, which consisted of a total of seven development projects located in the south County area. The BCC expressed support for the SCI, and the associated planning principals, as follows:

- Mixing building types and uses;
- Clustering development in compact areas;

- Providing pedestrian connections between uses and projects;
- Establishing a grid or modified grid street network;
- Siting school and community park areas;
- Siting a neighborhood commercial site within the SCI area.

To date, two of the seven SCI development projects, have been completed or nearly completed, and there are two other SCI development projects that have active development applications that are currently under review. Although the subject project site was not originally part of the SCI, Planning staff is recommending that the project participate in the SCI due to the site's proximity to the overall SCI planning area. The subject project satisfies several of the above-referenced SCI guiding planning principals, and will also provide a financial contribution to the 17th Street SW bridge crossing as outlined in Sections 10 and 16 of this report.

18. 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 is available to serve this project. The applicant will be required to obtain final concurrency certificates prior to issuance of building permits, in accordance with County concurrency regulations.

19. Surrounding Land Use and Zoning:

- North: 13th Street SW, The Grove Subdivision / RS-3
- East: 43rd Avenue SW, Vacant (Future Turtle Creek Preserve PD) / PD
- South: 17th Street SW, IRFWCD Canal, Tree Farm / A-1
- West: Vacant, Single-Family Home / A-1

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

RECOMMENDATION

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

1. Prior to issuance of a land development permit for Phase 1, the applicant shall:
 - a. Dedicate all proposed right-of-way dedications.
 - b. Pay their fair share contribution toward the future 17th Street SW bridge crossing.
2. Prior to issuance of a land development permit for each project phase, the applicant shall:
 - a. Obtain Public Works approval of the final design of the respective off-site improvements including paving, drainage, turn lanes, and external sidewalks.
 - b. Obtain Planning staff approval of a final landscape and buffer plan.
 - c. Obtain Planning staff approval of the final streetlighting design.
3. Prior to or via the final plat process, the applicant shall:
 - a. Construct or bond-out the required landscape buffers.
 - b. Construct or bond-out the required project streetlighting.
 - c. Dedicate a conservation easement in favor of the County over the 1.55 acres of on-site native uplands.

4. Prior to issuance of a certificate of completion for each respective phase, the applicant shall:
 - a. Construct all required off-site improvements.
 - b. Install all required perimeter buffers and project landscape improvements.
 - c. Install all required project streetlighting.
5. Internal sidewalks shall be constructed along the frontage of common areas and individual lots in accordance with Section 913.09(5)(b)2. of the County LDRs.

ATTACHMENTS

1. Draft October 13, 2022 PZC Minutes
2. Location Map
3. Aerial
4. Conceptual/Preliminary PD Plan
5. Landscape Plan