

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

TO: Indian River County Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator

FROM: Patrick J. Murphy; Chief, Long Range Planning

DATE: November 19, 2024

SUBJECT: Pulte Home Company, LLC's Request for Modified Conceptual Planned Development (PD) and Special Exception Approval for a Residential Development to be known as Emerson Oaks PD [PD-24-03-01 / 2021040075-96000]

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 3, 2024.

DESCRIPTION & CONDITIONS

At its regular November 15, 2022, meeting, the Board of County Commissioners (BCC) granted special exception and conceptual PD plan approval for the Red Tree Cove PD. As approved, the conceptual PD plan allows up to 175 detached single-family homes at an overall density of 2.39 units per acre. The applicant was approved for certain PD waivers (increases or reductions) in minimum lot size, minimum building setbacks, and maximum building coverage, in return for road right-of-way (ROW) dedications, off-site improvements (road paving, traffic improvements, and upsizing of utility lines), and other public benefits, such as a financial contribution to the future bridge crossing on 17th Street SW.

Since that time, the applicant applied to the Planning Division to modify the approved project to increase the maximum building coverage for all lots, which would decrease the overall open space area of the project (from 69.7% to 60.73%). The name of the project was changed from Red Tree Cove PD to Emerson Oaks PD. A model home center consisting of seven model homes, sales/construction trailer, and customer parking lot was also added. To offset the additional development criteria waivers requested with the modified application, the applicant will dedicate additional ROW and accommodate a realignment of the intersection of 43rd Avenue SW and 13th Street SW to align with the southerly shift in 13th Street SW that was approved for the Indrio Point PD [PD-23-04-02 / 94101]. The realignment will result in a decrease in lot count of four homes.

BGE, Inc., on behalf of Pulte Home Company, LLC, is requesting modified conceptual PD plan and special exception approval, and concurrent preliminary PD plan approval for a 171-lot single-family residential subdivision on 76.73 acres, for an overall density of 2.38 units per acre. The project site is located at the southwest corner of 43rd Avenue SW and 13th Street SW, and is zoned A-1, Agricultural District (see Attachment 1). The subject site is mostly vacant but contains one existing single-family home and several agricultural barn and/or stable structures. All existing structures will be removed during site development (see Attachment 2).

The BCC is now to consider granting modified conceptual PD plan and special exception approval for the Emerson Oaks PD project.

PLANNING AND ZONING COMMISSION (PZC) RECOMMENDATION:

At its meeting of November 14, 2024, the PZC voted 5-0 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.

ANALYSIS

- 1. Project Site Size:** 83.57 acres (gross project area)
- 6.84 acres (ROW dedications)
76.73 acres (net project area)

Note: The net project site size is comprised of 71.93 acres located inside the urban service area (USA) and 4.80 acres located outside of the USA (stormwater pond and walking path).

- 2. Zoning Classification:** A-1, Agricultural-1 (up to 1 unit per 5 acres)
- 3. Land Use Designation:** L-1, Low-Density Residential-1 (up to 3 units/acre)
AG-1, Agriculture-1 (up to 1 unit per 5 acres)
- 4. Residential Units:** 171 single-family detached units
- 5. Density:** Maximum Allowed: 3.00 units per acre
Proposed: 2.38 units per acre

Note: The proposed density is based on the net project site size located inside the USA and does not include any density credit for the ROW dedications or the 4.80 acres located outside of the USA.

- 6. Open Space:** Required: 41.25%
Proposed: 60.73%

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 three (3) phases. Phase 1A consists of the model home row (seven lots), the project entrance on 13th Street SW, and the adjacent stormwater pond. Phase 1B will include 70 lots, the amenity center, and infrastructure commensurate with this phase. Phase 2 will include 94 lots (the remainder of the residential development), the project entrance on 17th Street SW, and the necessary utilities needed to support the phase 2 homes.
- 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.
- 9. Stormwater Management:** The project’s conceptual stormwater management system includes a modified Miami curb street design and four (4) 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 Department and agreed to assign some project traffic to a future 17th Street SW bridge crossing over 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 1A, 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 (3) 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 for the original design. Through the PD review process, the applicant will dedicate, without compensation, an additional 30' of ROW for the western ±272 feet of the project's 13th Street SW frontage to IRFWCD. The applicant must also dedicate ±0.94 acres of ROW to the county, without compensation, for the 13th Street SW realignment. The applicant must dedicate these ROW dedications, prior to issuance of an LDP for Phase 1A.
- b. *17th Street SW:* Through the PD review process, the applicant will dedicate, without compensation, 100' of ROW for the project's entire 17th Street SW frontage. The applicant must dedicate the required 17th Street SW ROW dedication, prior to issuance of an LDP for Phase 1A.
- 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 1A.

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 certificate of completion (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 5' 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 LDR 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 (5.75 acres). For this project, the applicant proposes to provide 8.46 acres, which is 11% of the site. The 8.46 acres will be provided in the form of a clubhouse/amenity 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:

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%	50%	50%
Minimum Open Space Per Lot	60%	40%	20%	20%

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 site’s 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 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 the applicant will increase the size of the water main from 8” to 12”, at no additional cost to the County.
- 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 (7) 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 three 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 Indrio Point 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 BCC grant modified conceptual PD plan and special exception approval for Emerson Oaks PD with the following conditions:

1. Prior to issuance of a land development permit for Phase 1A, 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. Location Map
2. Aerial Map
3. Conceptual & Preliminary PD Plan
4. Landscape Plan