

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

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**TO:** Jason E. Brown; County Administrator

**THROUGH:** Phillip J. Matson, AICP; Community Development Director

**FROM:** Ryan Sweeney; Chief, Current Development

**DATE:** September 15, 2020

**SUBJECT:** Providence Pointe Vero Beach LLC's Request to Extend the Zoning Reverter Deadline for Providence Pointe PDTND [PD-13-04-01 & AA-20-05-64 / 2004110179-86579]

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It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of September 22, 2020.

**BACKGROUND:**

This is a request by Providence Pointe Vero Beach LLC, through its agent Schulke, Bittle, & Stoddard, LLC, to extend the 7 year "zoning reverter" deadline for the Providence Pointe Planned Development Traditional Neighborhood Design (PDTND) project located at the southwest corner of 58<sup>th</sup> Avenue and 53<sup>rd</sup> Street (see Attachment 1). Since 1991, the County has approved various planned development (PD) projects via the PD rezoning process. Through that process, a PD project site is rezoned from its original zoning district (e.g. RS-3) to a PD district that is specific to the PD project. Starting during the 2004/2005 development boom, several PD rezoning projects have included a zoning reverter deadline that is activated if the PD project has not progressed (e.g. land development permit obtained and construction commenced) by a specified timeframe. Upon activation of the reverter, the site's zoning returns to its original (pre-PD application) zoning designation(s).

In 2009, during the Great Recession, the Board of County Commissioners (BCC) adopted an ordinance granting a 3 year extension to the zoning reverter deadline for a total of 4 different PD projects. In 2011, the BCC adopted a second ordinance granting a 7 year extension to the zoning reverter deadline for 3 of those same 4 PD projects (one of those projects was not extended due to foreclosure of the project site).

On August 20, 2013, the BCC approved the PDTND rezoning request and granted conceptual PD plan approval for the Providence Pointe PDTND project. That approval included a 7 year zoning reverter deadline outlined as approval condition 13 (see Attachment 2), and further outlined in the PDTND rezoning ordinance (Ordinance 2013-011; see Attachment 3). After the 2013 PDTND rezoning and conceptual PD plan approval, the project started to progress with a preliminary PD plan/plat approval in 2014 for Phase 1. However, that preliminary PD plan/plat approval expired in 2019. Within the past few years, the owner/developer has held several pre-application meetings to make internal changes within the overall PDTND project, and potentially move forward the first phase of the project. However, the owner/developer has not obtained a land development permit (LDP) for any phase of the project, and has not commenced any construction.

On February 18, 2020, the owner/developer submitted an administrative approval (AA) application to request a 5 year extension of the project's zoning reverter deadline. It should be noted that staff review of the AA application and the subsequent scheduling for BCC consideration was heavily delayed/impacted by the current COVID-19 pandemic. It should be further noted that the 7 year zoning reverter deadline outlined in the original August 20, 2013 approval and ordinance should have technically gone into effect on August 20, 2020. However, staff has coordinated with the owner/developer and the County Attorney's Office, and all parties agree that the requested 5 year extension, if approved, will retroactively extend the PDTND zoning designation until August 20, 2025.

Staff has drafted a PD reverter extension ordinance and scheduled a public hearing for BCC consideration. The BCC is now to adopt, adopt with changes, or deny the proposed PD reverter extension ordinance.

### **ANALYSIS**

Since 2004, zoning reverter deadlines have been included in a number of PD rezoning projects and were intended to sunset obsolete PD zoning districts associated with inactive projects. These sunset provisions were put in place to protect site owners from being "stuck" in the future with an obsolete and unusable zoning district (and corresponding PD plan). Without a reverter, the obsolete PD district can be "undone" only by approval of an owner's request to rezone the site to another district. In this case, the owner/developer has indicated a desire to have the County extend the zoning reverter to preserve the PDTND district/plan for 5 additional years.

Staff supports extending the zoning reverter deadline for the Providence Pointe PD project by 5 years. If adopted, the attached ordinance, will retroactively extend the zoning reverter deadline to August 20, 2025. All other approval conditions outlined in the original PDTND approval remain unchanged.

### **RECOMMENDATION:**

Staff recommends that the BCC adopt the proposed ordinance.

### **ATTACHMENTS:**

1. Location Map
2. BCC Approval Letter
3. Ordinance 2013-011
4. Proposed PD Reverter Extension Ordinance