

**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: John W. McCoy, AICP; Chief, Current Development

DATE: March 27, 2020

SUBJECT: Magnolia Manor Holdings, LLC's Request for Special Exception and Conceptual Planned Development (PD) Plan Approval for a Project to be known as Magnolia PD [PD-18-11-14 / 2005030306-82553]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of April 7, 2020.

DESCRIPTION & CONDITIONS

Schulke, Bittle, and Stoddard, LLC, on behalf of Magnolia Manor Holdings, LLC, is requesting special exception and conceptual planned development (PD) plan approval for a project located on the south side of 4th Street and the east side of 58th Avenue. The applicant is requesting PD approval to obtain waivers (increases or reductions) in minimum lot size, minimum building setbacks, maximum building coverage, and minimum right-of-way width in return for increased project open space areas, larger perimeter setbacks, increased recreation area, a connected pedestrian path, and restoration of 4th Street pavement.

The project, to be built on an abandoned grove, proposes 77 single-family detached homes at an overall density of 2.07 units per acre.

In addition to the special exception and conceptual PD plan request now presented to the Board of County Commissions (BCC), the applicant also filed a concurrent preliminary PD plan/plat application which has been approved by the Planning & Zoning Commission (PZC) subject to BCC approval of the subject request.

➤ **Planning and Zoning Commission Action**

At its meeting of February 27, 2020, the Planning & Zoning Commission voted 5-0 to grant preliminary PD plan approval subject to BCC approval of the special exception and conceptual PD plan, and to recommend approval of the special exception and conceptual PD plan with the conditions recommended by staff. The Board is now to consider the request and approve, approve with conditions, or deny the request.

➤ **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. PD Area:** 37.14 acres
- 2. Zoning Classification:** RS-3, Residential Single-Family (up to 3 units per acre)
- 3. Land Use Designation:** L-1, Low Density Residential-1 (up to 3 units per acre)
- 4. Residential Units:** 77 Single-Family Detached Units
- 5. Density:**
Proposed: 2.07 units per acre
Maximum Allowed: 3.00 units per acre
- 6. Open Space:**
Required: 40.0%
Provided: 48.8%

Note: The open space calculation includes large common open space/recreation tracts located adjacent to the perimeter landscape tracts, and a portion of the project’s stormwater lakes. Consistent with the LDRs, only 30% of the required open space can be water area, consequently only 4.46 acres of the 10.37 acres of lake area are included in 48.8% of creditable open space. If the entire lake area is credited, the effective open space percentage is 64.70%.

- 7. Project Phasing:** The project will be constructed in two phases, with Phase 1 (38 lots) being approximately the west half of the site and Phase 2 (39 lots) being the east half of the site.
- 8. Utilities:** The project will be served by public water and sewer service provided by County Utility Services. The County Department of Utility Services and the Department of Health have approved these utility provisions.
- 9. Stormwater Management:** 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). The stormwater management system includes a modified Miami curb street design and two wet stormwater management tracts to manage runoff generated from the project.

10. Traffic Circulation: Access to the proposed development will be provided from 4th Street by a full-movement, two-way gated connection. Traffic Engineering and Fire Prevention staff have reviewed and approved the internal circulation plan and the connection to 4th Street.

A traffic impact analysis has been reviewed and approved by the Traffic Engineering Division with no off-site improvements required. As part of the PD and development related improvements, the applicant is required to restore the 4th Street pavement along this project’s 4th Street frontage that was not repaved with the 58th Avenue/4th Street bridge replacement. The 4th Street restoration will include milling and repaving the subject section of 4th Street to current county standards, and the final restoration details will be reviewed with the project’s LDP.

11. Required Dedications and Improvements:

- a. *4th Street Right-Of-Way Dedication:* No thoroughfare plan right-of-way is required for 4th Street from this site since the site is located on the southside of the Indian River Farms Water Control District (IRFWCD) canal.
- b. *4th Street Sidewalk:* No sidewalk is required along the project’s 4th Street frontage since the site is located on the south side of the IRFWCD canal.
- c. *Off-Site Traffic Improvements:* As noted in section 10 of this staff report, the applicant is required to restore the 4th Street pavement prior to the issuance of a certificate of completion for Phase 1.
- d. *Internal Sidewalks:* Four-foot wide internal sidewalks are required and proposed along both sides of the project’s internal streets. In addition, the applicant will provide a gated pedestrian connection to the development to the south (Orchard Park PD). The connection will need to be constructed prior to issuance of a certificate of completion for Phase 1. All sidewalks will be included in the project’s LDP, 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.
- e. *Streetlights:* Streetlights are required and will be maintained by a property owners’ association. The proposed streetlight locations are depicted on the preliminary PD plan/plat. Final design of the streetlights will be reviewed with the project’s LDP.

12. Landscaping & Buffering: Buffering is required and proposed as follows:

| Perimeter | Adjacent Use/Condition | Buffer Type & Width | Opaque Feature |
|-------------------|---|---------------------|-------------------------------|
| North | 4 th Street, Single-Family Homes, Vacant Parcel | Type “B” / 25’ wide | 6’ landscape* |
| East | Stonebridge Subdivision | Type “B” / 25’ wide | 6’ combination berm/landscape |
| South | Orchard Park PD, 1 st Street SW | Type “B” / 25’ wide | 6’ combination berm/landscape |
| West (south half) | Lateral “B” Canal & 58 th Avenue / Adjacent properties are located within the Urban Service Area | Type “B” / 25’ wide | 6’ combination berm/landscape |

| Perimeter | Adjacent Use/Condition | Buffer Type & Width | Opaque Feature |
|-------------------|---|---------------------|-------------------------------|
| West (north half) | Lateral “B” Canal & 58 th Avenue / Adjacent properties are located outside of the Urban Service Area | Type “B” / 50’ wide | 6’ combination berm/landscape |

***Note:** The north property line buffer will preserve as much existing vegetation as possible and provide supplemental landscape material to achieve the required buffer and 6’ opaque feature.

The preliminary landscape plan meets the criteria in Chapter 926. Prior to issuance of an LDP, the applicant will need to submit and obtain Planning staff approval of a final landscape and buffer plan.

13. Waivers for Single-Family Lots: The following waivers are proposed for this PD project:

- a. *Lot Size:* The PD plan proposes to reduce the minimum lot size standard from 12,000 square feet (the RS-3 minimum) to 7,800 square feet.
- b. *Lot Width:* The PD plan proposes to reduce the minimum lot width standard from 80 feet to 65 feet.
- c. *Building Setbacks:* The proposed PD plan proposes to reduce the front yard setback for lots with a front entry garage from 25’ to 15’ to a porch, 20’ to living area, and 23’ to a garage. For side entry garages the PD plan proposes to reduce the front yard setback from 25’ to 13’ for side entry garages and 20’ to living area. The side setbacks are proposed to be reduce from 15’ to 7.5’, while the rear setback is proposed to be reduced from 25’ to 20’. In addition, the rear setback for pools, decks, and screen enclosures is proposed to be reduced from 10’ to 5’.
- d. *Maximum Building Coverage:* The PD plan proposes to increase the maximum building coverage from 30% to 45% for all lots. This allows a maximum building footprint of 3,510 square feet. For comparison, a standard RS-3, 12,000 square foot lot permits a maximum building footprint of 3,600 square feet.
- e. *Minimum Open Space Per Lot:* The PD plan proposes to reduce the minimum open space per lot from 40% to 30%. The overall project open space will exceed 40% as explained in section 6 of the staff report.
- f. *Right-of-Way Width:* The PD plan proposes to reduce the minimum right-of-way width from 50 feet to 48 feet. A 10-foot wide drainage and utility easement will be established across the front of all proposed lots, which creates a 68’ wide utility and drainage corridor.

These requested waivers are mitigated by proposed landscape buffers, increased perimeter setbacks, and increased common open space areas provided within the project. The following chart summarizes the proposed waivers:

| Development Parameter | RS-3 Minimum Standards | Proposed Minimum PD Standards | |
|----------------------------|------------------------|---------------------------------|-----------------------|
| | | Front Entry Garage | Side Entry Garage |
| Lot Size | 12,000 sq. ft. | 7,800 sq. ft. | 7,800 sq. ft. |
| Lot Width | 80' | 65' | 65' |
| Building Setbacks | | | |
| Front: | 25' | 15' porch/20' living/23' garage | 13' garage/20' living |
| Side: | 15' | 7.5' | 7.5' |
| Rear: | 25' | 20'* | 20'* |
| Maximum Building Coverage | 30% | 45% | 45% |
| Minimum Open Space Per Lot | 40% | 30%* | 30%* |
| Right-Of-Way Width | 50' | 48' with 10' easements | |

- *Notes:**
1. The rear setback for pools, decks, and screen enclosures is reduced from 10' to 5'.
 2. Overall project open space will exceed 40% with more open space incorporated in the common areas.

14. Environmental Issues:

- a. *Wetlands:* The environmental assessment for the project site did not find any jurisdictional wetlands on the site. This finding needs to be confirmed by the St. John's River Water Management District prior to issuance of an LDP.
- b. *Uplands:* Since the site is over five acres, the County's native upland set-aside requirement potentially applies. Because the site was previously cleared for agricultural use, there are no existing native uplands. Therefore, no native upland set-aside requirements apply to the proposed development.
- c. *Tree Preservation:* While the site is a former citrus grove, there are a number of protected and specimen trees on site. Removal of any of the specimen trees will require mitigation. The applicant must obtain approval of a final tree protection and tree mitigation plan prior to issuance of an LDP.

15. Public Benefits: To obtain PD approval for this project, the applicant is proposing the following public benefits:

- a. Increased recreation area (2.79 acres required with 3.68 acres provided) with a pavilion and looped walking path.
- b. Pedestrian connection to the development to the south (Orchard Park PD).
- c. Increased home setback from the east and west project perimeters.

- d. The project design provides 48.8% of total project open space, versus the minimum RS-3 requirement of 40%.
- e. Restore 4th Street pavement along the project's frontage.

16. 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 developer will be required to obtain final concurrency certificates prior to issuance of building permits, in accordance with County concurrency regulations.

17. Surrounding Land Use and Zoning:

- North: 4th Street, Single-Family Home, Vacant Parcel / A-1
- East: Stonebridge Subdivision / RS-3
- South: Orchard Park PD / RS-3
- West: Lateral "B" Canal, 58th Avenue / RS-1, A-1

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

RECOMMENDATION

Based on the above analysis, staff recommends that the BCC grant special exception and conceptual PD (Planned Development) approval with the following conditions:

1. Prior to issuance of a land development permit, the applicant shall:
 - a. Obtain Planning staff approval of a final landscape and buffer plan.
 - b. Obtain Planning staff approval of the final streetlighting design.
 - c. Obtain Public Works approval of a right-of-way permit for the 4th Street pavement restoration.
 - d. Obtain Planning staff approval for the tree mitigation plan.
 - e. Obtain a wetlands determination from St. John's River Water Management District.
2. 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.
3. Prior to issuance of a certificate of completion for Phase 1, the applicant shall:
 - a. Construct the pavement restoration for 4th Street.
 - b. Construct the gated pedestrian connection to Orchard Park PD.
4. Prior to issuance of a certificate of completion for each respective phase, the applicant shall:
 - a. Install all required perimeter buffers and project landscape improvements for that phase.
 - b. Install all required project streetlighting for that phase.
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. Planning and Zoning Minutes
3. Aerial
4. Conceptual/Preliminary PD Plan
5. Landscape Plan