

**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 23, 2020

SUBJECT: **The Virginia W. Russell Family Limited Partnership and Segment Markets 85, Inc.'s Request to Rezone Approximately 78.29 Acres from MED, Medical to PD, Planned Development and to Obtain Conceptual PD Plan Approval for a Project to be known as Harbor Bluffs PD [PD-20-09-02 / 99040218-87279]**

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of December 8, 2020.

DESCRIPTION & CONDITIONS:

This is a request by The Virginia W. Russell Family Limited Partnership and Segment Markets 85, Inc., through their agent Masteller & Moler, Inc., to rezone approximately 78.29 acres from MED, Medical to PD, Planned Development. As part of the rezoning request, a conceptual PD plan has been submitted for review and approval (see attachment 5).

The project site is zoned MED, Medical, is currently vacant, and is located south 41st Street between US Highway 1 and Indian River Boulevard (see attachments 1 and 2). The purpose of this request is to allow an option for the developer of the approved 624-unit multi-family development to develop a smaller number of single-family and duplex units in place of some of the multi-family units, at an overall project density not to exceed 7.75 units/acre. If approved, the PD rezoning will result in a net reduction from the approved project residential density if the single-family option is exercised.

On March 28, 2019, the Planning and Zoning Commission (PZC) granted conceptual site plan and administrative permit use approval to allow construction of a maximum of 624 multi-family units on the project site (SP-CP-18-06-15). After that approval, the applicant was approached by a home builder (Pulte Group) that expressed interest in building a smaller number of single-family and duplex units in place of some of the approved multi-family units within a portion of the overall project site. Single-family and duplex units are not an allowable use within the MED zoning district. Therefore, the applicant is now applying for a PD zoning designation that will allow for development of single-family units, duplex units, and multi-family units. If approved, the PD rezoning and conceptual PD plan will supersede the 2019 conceptual site plan and administrative permit use approval.

Planning and Zoning Commission (PZC) Recommendation:

At its meeting of November 12, 2020, the PZC voted 6-0 to recommend that the Board of County Commissioners (BCC) approve the project with all staff recommended conditions (see attachment 3).

Board of County Commissioners (BCC) Review:

The BCC is now to review the application, conduct a public hearing, and make a final decision to approve, approve with conditions, or deny the PD rezoning request and the accompanying conceptual PD plan.

Development Options Available to the Developer:

There are two options available to the applicant to seek approval of the proposed project. Either of the two options, if approved, would allow the applicant to proceed with the desired residential project. The options are as follows:

1. Rezone the property to a conventional multi-family zoning district, such as RM-6 or RM-8, and then seek PD special exception use approval for the proposed development with lot size and setback waivers. However, rezoning to a conventional multi-family zoning district would also require a future land use map amendment to the project site's underlying land use designation; or
2. Rezone the site to a PD zoning district that allows the proposed PD plan at a density not exceeding the project site's current underlying land use designation (C/I, Commercial/Industrial) maximum density of up to 8 units per acre.

The developer has opted to apply for a PD rezoning (option #2 above) for the overall project site. If the subject application is approved, the site will be rezoned to PD and will be governed by the approved Harbor Bluffs conceptual PD plan.

The PD Zoning District Generally:

A number of residential projects have been approved through the PD rezoning process. These include Harmony Reserve, Pointe West, Old Orchid, Woodfield, Waterway Village, and Citrus Springs. Unlike standard zoning districts, PD districts have no prescribed limits regarding lot size or dimensional criteria. Instead, the PD district is based on the underlying land use designation for density and use limitations, and on PD compatibility requirements regarding lot sizes and setbacks. In the PD zoning district, setbacks and other typical zoning district regulations are established on a project-by-project basis through approval of a conceptual PD plan. Adopted as part of the PD zoning designation for a property, the conceptual PD plan establishes the general unit arrangement, lot size, and dimensional standards for the overall project.

A rezoning to the PD district requires submission of a binding conceptual PD plan which, along with certain PD district requirements, limits uses, and sets-forth specific development standards on the site. Thus, a PD rezoning allows a unique PD district to be developed specifically for each development site.

In this case, the conceptual PD plan proposes the phased development of a maximum of 624 multi-family units (conventional multi-story apartment buildings, townhomes, and single-story apartment buildings). However, the conceptual PD plan also includes an alternate conceptual PD plan option (see attachment 6) that allows development of single-family and duplex units within a portion/phase of the overall PD project. It should also be noted that net density of an individual phase (or POD) may exceed the maximum density of 8 units per acre for that specific portion of the overall PD project. However, the average density for the overall PD project will not exceed 8 units per acre.

In Planning staff's opinion, the PD rezoning option is an appropriate mechanism for approving a mixture of residential unit types within the C/I, Commercial/Industrial land use designation. Unlike other zoning districts, the PD zoning district allows the County to consider the appropriateness of the proposed development design and project benefits as part of the rezoning request.

The PD Rezoning Process:

The PD rezoning review, approval, and development process is as follows:

- STEP 1. Rezoning and Conceptual PD Plan Approval: Review and recommendation made by staff and by the PZC. Final action taken by the BCC.
- STEP 2. Preliminary PD Plan/Plat (combination of site plan and preliminary plat) Approval: Review and recommendation made by staff. Final action taken by the PZC. Must comply with the approved conceptual PD plan and any conditions imposed by the BCC at the time of PD zoning approval (Step 1).
- STEP 3. Land Development Permit (LDP) or LDP Waiver: Reviewed and issued by staff for construction of subdivision improvements (road, utilities, drainage).
- STEP 4. Building Permit(s): Reviewed and issued by staff for construction of buildings.
- STEP 5. Final PD Plat Approval: Review and recommendation made by staff. Final action taken by the BCC.
- STEP 6. Certificate of Occupancy: Issued by staff (after inspections) for use and occupancy of buildings.

The applicant is seeking approval of Step 1 at this time. Once a PD conceptual plan is approved, only minor modifications to the conceptual plan may be approved at a staff level. Any changes proposed to an approved conceptual plan that would significantly reduce setbacks (by more than 20%), intensify the site use (e.g. increase the maximum number of units), or reduce compatibility elements (e.g. reduce buffering) may be approved only via a process involving public hearings held by both the PZC and the BCC.

Proposed PD District for the Project Site:

The subject site has a C/I, Commercial/Industrial land use designation. Since the land use designation controls the use of the property by limiting the zoning districts applicable to the property, any rezoning must be compatible with the uses and densities allowed by the property's land use designations. Once a specific PD rezoning is approved for a site, the applicable PD conceptual plan adopted as part of the rezoning will control the types of specific uses and the densities allowed on the subject site. The conceptual plan will also establish the dimensional criteria applicable to the site.

Although PD zoning district parameters are flexible, certain standards related to uses, compatibility (buffering), infrastructure improvements, dimensional criteria, and open space areas are set forth in Chapter 915 (P.D. Process and Standards for Development ordinance) of the County's land development regulations (LDRs). The LDRs identify that the MED zoning district should meet a residential equivalency

of the RM-8 zoning district regulations. For comparison, staff is providing a table showing the standard development parameters of the equivalent RM-8 zoning district and the proposed PD district (waivers).

COMPARISON: RM-8 AND PROPOSED PD DISTRICT

Development Parameter/Waiver	RM-8	Proposed PD District	
		Single-Family	Duplex
Minimum Lot Size	7,000 SF	5,200 SF	4,420 SF
Minimum Lot Width	70'	40'	33'
<i>Principal Structure Setbacks</i>			
Front	25'	20'	20'
Front (Corner)	25'	10'/5'*	10'/5'*
Side	10'	5'	5'/0'
Rear	25'	15'	15'
<i>Accessory Structure Setbacks</i>			
Front	25'	20'	20'
Front (Corner)	25'	10'/5'*	10'/5'*
Side	10'	3'	3'
Rear	25'	3'/0'**	3'/0'**
<i>Covered Porches and Patios (Open air or screened)</i>			
Front	25'	20'	20'
Front (Corner)	25'	10'/5'*	10'/5'*
Side	10'	3'	3'
Rear	25'	3'/0'**	3'/0'**
<i>Pools (Water line)</i>			
Front	25'	20'	20'
Front (Corner)	25'	10'/5'*	10'/5'*
Side	10'	3'	3'
Rear	10'	3'	3'
<i>Uncovered Patios, Decks, and Pool Decks</i>			
Front	25'	20'	20'
Front (Corner)	25'	10'/5'*	10'/5'*
Side	10'	3'	3'
Rear	10'	3'/0'**	3'/0'**
Maximum Building Coverage per Lot	30%	80%	82%
Minimum Open Space per Lot	30%	20%	18%
Minimum Open Space Overall Project	30%	42%	42%

Notes:

* If abutting an intervening open space tract that is a minimum of 5' wide, the front corner setback can be reduced to 5'.

** The 0' rear setback only applies to rear yards that are abutting a stormwater tract.

USE TABLE

MED District Uses	Proposed PD District Uses
Hospitals, medical offices, outpatient services, assisted living facilities, and multi-family residential uses at an RM-8 equivalency	Single-family, duplex and multi-family residential units

It should be noted that, if the PD rezoning is approved, the approved conceptual PD plan will be included as an actual exhibit to the rezoning ordinance. In addition to the above-referenced project standards, the conceptual PD plan also regulates buffering, certain design improvements, and the overall subdivision layout, including the “alternate” conceptual layout for the single-family and duplex units. At the applicant’s request, the PD rezoning ordinance also includes a 10-year reverter to the site’s current MED zoning district which is consistent with the surrounding area. As structured, the proposed rezoning ordinance reverter provides that if no project development commences within 10 years from the date of conceptual PD plan approval, that approval will expire and the entire property zoning will revert to MED.

PD REZONING ANALYSIS:

Existing Zoning and Land Use Pattern:

The overall project site is approximately 78.29 acres. The entire project site consists of abandoned citrus groves that have since been cleared.

- *North* of the project site is 41st Street. There are two residential single-family subdivisions located on the north side of 41st Street. The western subdivision is known as Casa Bella (f.k.a. Indian River Courts PD), was approved as a residential PD, and is zoned RM-8. The eastern subdivision is known as Lily’s Cay, was approved as a residential plat-over site plan development, and is zoned RM-6.
- *East* of the project site is a vacant abandoned citrus grove (Riverfront Groves Inc.) and the Solaris Assisted Living Facility, and both properties are zoned MED.
- *South* of the project site is a number of properties containing medical offices, outpatient clinics, residential centers, and assisted living facilities. All of the properties to the south are zoned MED.
- *West* of the project site is several large vacant properties that are zoned MED. At the southwest corner of the project site is 17th Avenue and 39th Street, and the W.E. Geoffreys Subdivision which is zoned RM-8.

Consistency with the Comprehensive Plan:

Rezoning requests are reviewed for consistency with the goals, objectives, and policies of the comprehensive plan and must also be consistent with the overall designation of land uses as depicted on the Future Land Use Map. The goals, objectives, and policies are the most important parts of the comprehensive plan. Policies are statements in the plan which identify the actions which the County will take in order to direct the community’s development. As courses of action committed to by the County, policies provide the basis for all County land development related decisions. While all comprehensive plan policies are important, some have more applicability than others in reviewing rezoning requests. Of particular applicability for this request are the following policies and objectives.

Future Land Use Policy 2.2: Indian River County shall encourage and direct growth into the 2030 Urban Service Area through zoning, subdivision, and land development regulations. Such regulations shall promote efficient development by requiring utilization of the existing street system, extension of public facilities where necessary, connection to the centralized potable water and sanitary sewer systems where available, and incentives for mixed use projects.

Note: The project site is located within the 2030 Urban Service Area, will connect to the existing street system (41st Street), and will extend the County street system (proposed 11th Drive). The project will be served by County water and sewer, and will provide an appropriate mix of single-family, duplex, and multi-family units. Therefore, the proposed PD district and accompanying conceptual PD plan are consistent with Policy 2.2.

Future Land Use Policy 5.3: Indian River County zoning districts shall permit a variety of residential building and development styles; and

Future Land Use Policy 5.5: Indian River County LDRs shall contain a special Planned Development (PD) zoning district. That district shall be designated as an overlay on the County Zoning Atlas. The PD zoning district is intended to provide for the development of projects which require flexibility in order to maximize open space, conserve natural features, provide alternative designs, incorporate recreational facilities, create a mix of uses, and provide a variety of housing choices.

Note: The proposed PD district and accompanying conceptual PD plan are consistent with these policies because the Harbor Bluffs PD plan proposes a mixture of residential building types with significant common open space and a variety of housing choices.

Transportation Policy 3.2: The County shall continue to eliminate existing right-of-way deficiencies, preserve existing right-of-way, and acquire future right-of-way for all collector and arterial roadways as necessary to meet the right-of-way requirements for programmed improvements. These standards will be met by requiring appropriate land dedication through the plat and site plan review and approval processes. Dedication for right-of-way exceeding local road standards shall be compensated through traffic impact fee credits, density transfers, or purchase.

Note: The proposed PD includes the dedication of right-of-way (ROW) for 11th Drive which will ultimately be constructed as a north/south County collector road between 37th Street and 41st Street. The 11th Drive project is discussed in more detail in the PD Plan Analysis section of this staff report.

Transportation Policy 8.1: The County will implement Future Land Use Element policies which restrict urban sprawl, limit strip commercial development, promote infill, encourage TND projects, promote public transportation, and encourage higher intensity uses in major corridors.

Note: The proposed PD rezoning results in a mix of land uses in close proximity, and supports Transportation Policy 8.1.

While the referenced policies and objectives are particularly applicable to this request, other comprehensive plan policies and objectives also have relevance. For that reason, staff evaluated the subject request for consistency with all plan policies and objectives. Based on that evaluation, staff determined the proposed PD district and accompanying conceptual PD plan are consistent with the comprehensive plan.

Compatibility with Surrounding Areas:

Compatibility is an important consideration in any PD rezoning request. In this case, it is important to consider compatibility of the proposed project with properties in the immediate area, and those within the general area.

Immediate Area:

The properties along the north project boundary consist of two residential single-family subdivisions known as Casa Bella (f.k.a. Indian River Courts PD) and Lily's Cay. The subject site is separated from the properties to the north by 41st Street which is a paved, two-lane local collector road. Based on the land use designation of the properties to the north (M-1, Medium-Density Residential-1), the existing uses (single-family detached homes), and the proposed residential uses on the project site, the PD regulations require a 25' project perimeter setback (buildings, driveways, roadways, and parking areas), but they do not require a Type "B" landscape buffer. However, the County LDRs do require a local road landscape buffer, and the proposed conceptual PD plan and conceptual landscape plan provide the required local road buffer (see attachments 5, 6, and 7).

The properties along the east project boundary consist of a vacant abandoned citrus grove (Riverfront Groves Inc.) and the Solaris Assisted Living Facility. To ensure compatibility, the PD regulations require a 25' wide Type "B" buffer along the east project boundary, and the proposed conceptual PD plan and conceptual landscape plan provide the required 25' Type "B" buffer (see attachments 5, 6, and 7).

The properties along the south project boundary consist of a number of properties containing medical offices, outpatient clinics, residential centers, and assisted living facilities. To ensure compatibility, the PD regulations require a 25' wide Type "B" buffer along the south project boundary, and the proposed conceptual PD plan and conceptual landscape plan provide the required 25' Type "B" buffer (see attachments 5, 6, and 7).

The properties along the southern one-third of the west project boundary consist of single-family homes located within the W.E. Geoffreys Subdivision. The subject site is separated from those properties to the west by 17th Avenue and 39th Street, which are both narrow, paved "half" streets. Based on the land use designation of the properties to the west (M-1, Medium-Density Residential-1), the existing uses (single-family detached homes), and the proposed residential uses on the project site, the PD regulations require a 25' project perimeter setback (buildings, driveways, roadways, and parking areas), but they do not require a Type "B" landscape buffer. However, the County LDRs do require a local road landscape buffer, and the proposed conceptual PD plan and conceptual landscape plan provide the required local road buffer (see attachments 5, 6, and 7).

The properties along the northern two-thirds of the west project boundary consist of several large vacant properties that are zoned MED. To ensure compatibility, the PD regulations require a 25' wide Type "B" buffer along the northern two-thirds of the west project boundary, and the proposed conceptual PD plan and conceptual landscape plan provide the required 25' Type "B" buffer (see attachments 5, 6, and 7).

General Area:

The project site is located within Indian River County "medical district", between US Highway 1 and Indian River Boulevard, north of 37th Street and south of 41st Street. Nearly all of the MED zoned

properties that front on 37th Street have been developed as medical offices, outpatient clinics, residential centers, assisted living facilities, or supporting services. However, most of the remaining MED zoned properties north of 37th Street and south of 41st Street have remained vacant and undeveloped. Also, most of the recent new or expanded medical-related projects have occurred south of 37th Street, south of the Cleveland Clinic Indian River Hospital. The proposed Harbor Bluffs development proposes a mixture of residential unit types, including conventional multi-family apartment buildings in the southeast corner of the overall project site (Phase 1) that are intended to serve the residential needs of medical workers at the hospital and surrounding medical facilities.

Staff's position is that granting the request to rezone the property to the proposed PD district will result in a development that is compatible with both the immediate area and larger general surrounding area.

Concurrency Impacts:

A conditional concurrency certificate has been issued for the project. Concurrency is discussed in more detail in the PD Plan Analysis section of this staff report.

Environmental Impacts:

Environmental issues are addressed in the PD Plan Analysis section of this report.

PD PLAN ANALYSIS:

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|-------------------------|------------------------------------|
| 1. Project Area: | 80.50 acres (gross) |
| | <u>2.21 acres (ROW dedication)</u> |
| | 78.29 acres (net) |

Note: The project's required ROW dedication has already been completed per the previous conceptual site plan approval (SP-CP-18-06-15) and associated Developer's Agreement.

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|----------------------------------|-----------------------------------|
| 2. Zoning Classification: | Current: MED, Medical |
| | Proposed: PD, Planned Development |
| 3. Land Use Designation: | C/I, Commercial/Industrial |
| 4. Number of Units: | 624 units (maximum) |
| 5. Density: | Proposed: 7.75 units/acre |
| | Maximum: 8.00 units/acre |

Note: The proposed density calculation is based on the gross project area as outlined in the approved Developer's Agreement. Also, the net density of an individual phase (or POD) may exceed the maximum density of 8 units per acre for that specific portion of the overall PD project. However, the average density for the overall PD project will not exceed 7.75 units per acre.

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| 6. Open Space: | Required: 30.0% |
| | Proposed: 42.5% |

7. **Recreation Area:** Required: 7.49 acres
Proposed: 7.49 acres

Note: The proposed recreation areas will be provided on a phase by phase basis, and each phase will be required to “stand alone” or in addition to a previous phase.

8. **Phasing:** The project is proposed to be constructed in four separate phases (or PODs). Each phase is designed to “stand alone” or function adequately in conjunction with a previous phase.
9. **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.
10. **Traffic Circulation:** Primary access to the overall project site will be provided via a new north/south public collector road extension (11th Drive) to be constructed between 37th Street and 41st Street (see attachment 5). That roadway segment is part of an overall public collector roadway project that will run from the US 1/Aviation Boulevard intersection along the western perimeter of the Cleveland Clinic Indian River Hospital campus to 37th Street, and from 37th Street to 41st Street through the Harbor Bluffs project. This collector road project is listed in the adopted Capital Improvements Element (CIE) 5 year plan as an alternate to widening (4-laning) 37th Street, is eligible for traffic impact fee funding. Access to the individual project phases (PODs) within Harbor Bluffs will be provided via private driveway connections/access points to the new road.

During the review and approval process of the previous 2019 conceptual site plan approval, the applicant coordinated with County staff on the conceptual alignment and design for 11th Drive. Subsequently, the County and the applicant entered into a Developer’s Agreement that outlined the ROW needs for 11th Drive, the design and costs associated with construction of 11th Drive, the timing of construction, transportation impact fee credits, and other miscellaneous details. The adjacent property owner to the east, Riverfront Groves Inc., is also a party to the Developer’s Agreement, and agreed to participate in ROW dedication in exchange for future density credits and future transportation impact fee credits. Both the Harbor Bluffs applicant and Riverfront Groves have completed the required ROW dedications for 11th Drive as outlined in the Developer’s Agreement.

During review of the proposed PD project, the applicant submitted an updated traffic impact study (TIS) that includes a second traffic analysis based on the proposed single-family and duplex option. The Harbor Bluffs proposed driveway connections to the existing and planned roadway system and traffic circulation plan have been reviewed and approved by Traffic Engineering and Fire Prevention. Additionally, Traffic Engineering reviewed and approved the updated TIS submitted by the applicant. Based on the approved TIS, the following off-site improvements are required:

- A westbound left turn lane on 41st Street at the new intersection with 11th Drive
- Northbound and southbound left turn lanes on 11th Drive at the project’s south driveway
- Dual northbound traffic lanes on 11th Drive at 41st Street to accommodate a left turn lane and a right turn lane

- 11. Stormwater Management:** The project’s conceptual stormwater management design proposes several different stormwater ponds located throughout the overall project, and an interconnected system of stormwater pipes that will direct the project’s stormwater runoff into those ponds (see attachment 5). The project will also be required to accept all stormwater runoff generated by the construction of 11th Drive.

Public Works has reviewed and approved the project’s conceptual stormwater management design. The final stormwater management design will be reviewed and approved by the Public Works Department via the County land development permit (LDP) review process for each project phase.

12. Required Dedications and Improvements:

- a. 11th Drive Improvements and Right-of-Way Dedication:* As outlined in Section #10 of this report, primary access to the overall project site will be provided via a new public north/south collector road (11th Drive) to be constructed between 37th Street and 41st Street. Through coordination with County staff, the County, the Harbor Bluffs applicant, and Riverfront Groves have entered into a Developer’s Agreement that outlined the ROW needs for 11th Drive, and both the Harbor Bluffs applicant and Riverfront Groves have already completed the required 11th Drive ROW dedications. The Developer’s Agreement also outlines the design and costs associated with construction of 11th Drive, the timing of construction, transportation impact fee credits, and other miscellaneous details. The 11th Drive improvements must be completed prior to the issuance of a certificate of completion (C. of C.) for Phase 1.
- b. 11th Drive Sidewalks:* A 5’ wide sidewalk is required along both sides of the project site’s 11th Drive frontage. The final design of the 11th Drive sidewalks will be reviewed via the County ROW permit for 11th Drive, and must be constructed prior to the issuance of a C. of C. for Phase 1.
- c. Right-of-Way Dedications and Sidewalks for 17th Avenue and 39th Street:* The project site has frontage along 17th Avenue and 39th Street which are both narrow “half” streets located within 25 feet of existing ROW. The ROW for both streets was created via the W.E. Geoffreys Subdivision in 1916, and the full ROW width throughout the W.E. Geoffreys Subdivision is 50 feet. Therefore, the applicant is required to dedicate 25 feet of ROW for both streets, without compensation, thereby providing the full 50 feet of minimum ROW width. In addition, the applicant is required to provide a 5 foot wide sidewalk along the project’s frontage for both streets. The final sidewalk design will be reviewed via the LDP for that respective project phase. The required ROW dedications must be completed via the final plat for Phase 1.
- d. Internal Sidewalk/Pedestrian System:* An internal pedestrian system is required and proposed throughout the overall project. The final design of the internal pedestrian system will be reviewed via the LDP for each 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.
- e. Streetlighting:* Streetlights are required and proposed, and will be maintained by the property owners’ association. Additional streetlight details will be provided with the preliminary PD plan, and the final design of the streetlights will be reviewed via the project’s LDP.

- 13. Landscape and Buffering Plan:** The applicant has provided a conceptual landscape plan that meets the criteria of Chapter 926, and is sufficient for conceptual PD plan approval (see attachment 7). A detailed description of each required perimeter buffer is provided above in the PD Rezoning Analysis section of this report. Detailed landscape plans will be submitted with the LDP plans for each phase, and must be approved by staff prior to the issuance of an LDP for each phase.
- 14. Environmental Issues:** The project site is a former citrus grove and does not contain any special environmental features (e.g. wetlands or vegetated native uplands). There are a few protected and/or specimen trees located throughout the overall project site that will need to be addressed for preservation or mitigation during review of the LDP for that respective project phase.
- 15. 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 was available to serve this project at the time of the determination.
- 16. Public Benefits:** For all PD projects, applicants must identify the public benefits that the project will provide in exchange for requested waivers or incentives being sought by the applicant. For the proposed project, the public benefits provided over and above a conventional development plan are as follows:
- *11th Drive Right-of-Way Dedication:* For nearly a decade, County staff has contemplated a public collector roadway project that will run from the US 1/Aviation Boulevard intersection along the western perimeter of the Cleveland Clinic Indian River Hospital campus to 37th Street, and from 37th Street to 41st Street through the Harbor Bluffs project site. However, prior to the Harbor Bluffs project, almost no County ROW existed for the roadway project. As previously mentioned, the Harbor Bluffs applicant has entered into a Developer’s Agreement with the County and has already dedicated a significant amount of ROW for the future 11th Drive roadway project.
 - *11th Drive Improvements:* In addition to the full ROW dedication for 11th Drive, the applicant has agreed to partner with the County to construct the 11th Drive roadway improvements (i.e. paving, drainage, sidewalks) from 41st Street to the southern limits of the overall project site. As part of the approved Developer’s Agreement, the County has agreed to share costs associated with the design, permitting, and construction of the 11th Drive improvements that exceed the project’s minimum required improvements.
 - *Drainage for 11th Drive Improvements:* The applicant has also agreed to accept stormwater runoff generated by the 11th Drive improvements, which will lessen the County’s obligation to construct stormwater treatment facilities within the recently dedicated County ROW or acquire additional private property.
 - *41st Street Eastbound Left Turn Lane:* Based on the project’s approved TIS, a westbound left turn lane is required on 41st Street at the new intersection with 11th Drive. However, an eastbound left turn lane that would serve the Lily’s Cay subdivision on the north side of 41st Street is not required. Based on road geometry, the developer has agreed to construct the “opposing” eastbound left turn lane as a public benefit.

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

RECOMMENDATION:

Staff recommends that the Board of County Commissioners grant approval of the PD rezoning request and the conceptual PD plan for Harbor Bluffs PD, with the following conditions:

1. Prior to issuance of a land development permit for Phase 1, the applicant shall obtain Public Works approval of the final design of the 11th Drive improvements including all applicable turn lanes, external sidewalks, and offsite drainage improvements.
2. Prior to issuance of a land development permit for any respective phase, the applicant shall:
 - a. Obtain Planning staff approval of the final landscape plan for the respective phase.
 - b. Obtain Planning staff approval of the final streetlighting plan for the respective phase.
 - c. Obtain Environmental Planning staff approval of the final tree protection and mitigation plan for the respective phase.
3. Prior to issuance of a certificate of completion for Phase 1, the applicant shall construct all 11th Drive improvements as outlined in the approved Developer's Agreement and associated land development permit.
4. Prior to issuance of a certificate of completion for any project phase, the applicant shall construct required improvements such as sidewalks and buffers that are tied to that specific phase, or otherwise guarantee completion of the improvements as provided for in the LDRs.
5. Prior to or via the final plat for Phase 1, the applicant shall dedicate the required right-of-way for 17th Avenue and 39th Street without compensation, as shown on the conceptual PD plan.
6. The Harbor Bluffs PD project site shall revert to its original MED, Medical zoning designation if project construction has not commenced within 10 years of the date of the PD rezoning and conceptual PD plan approval.

ATTACHMENTS:

1. Location Map
2. Aerial
3. Excerpt from Draft November 12, 2020 PZC Minutes
4. PD Rezoning Ordinance
5. Conceptual PD Plan
6. Alternate Conceptual PD Plan – Single Family and Villas
7. Conceptual Landscape Plan