

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

**PUBLIC HEARING
PD REZONING
(QUASI-JUDICIAL)**

TO: Jason E. Brown; County Administrator

THROUGH: Stan Boling, AICP; Community Development Director

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

FROM: Ryan Sweeney; Senior Planner, Current Development

DATE: January 11, 2019

SUBJECT: Grand Harbor North Land LLC's Request to Rezone Approximately 413.01 Acres from RS-3, Residential Single-Family (up to 3 units/acre) and CON-2, Estuarine Wetlands Conservation District to PD, Planned Development and to Obtain Conceptual PD Plan Approval for a Project to be known as Spoonbill Reserve PD [PD-18-01-01 / 99080024-80533]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of January 22, 2019.

DESCRIPTION & CONDITIONS:

This is a request by Grand Harbor North Land LLC, through its agent Masteller & Moler, Inc., to rezone approximately 413.01 acres from RS-3, Residential Single-Family (up to 3 units/acre) and CON-2, Estuarine Wetlands Conservation District to PD, Planned Development. As part of the rezoning request, a conceptual PD plan has been submitted for review and approval (see attachment 6).

The subject site is located east of US Highway 1, and contains the majority of the property north of the North Relief Canal, south of 63rd Street, and west of the Indian River Lagoon (see attachment 3). The purpose of this request is to secure a zoning which allows construction of 460 single-family homes, 412 multi-family units, and a limited amount of neighborhood commercial development (maximum of 17,440 square feet), with an overall project density of 2.11 units/acre. The project site includes the County-operated Spoonbill Marsh wetlands treatment facility, as well as, an estuarine wetlands area south of the County facility. The project will provide formal paved access to the facility's existing parking area, and will enhance the existing wetland area by removing nuisance exotic plant material and expanding the elevated boardwalk system that serves as access to portions of the wetlands area.

The project site, together with approximately 33.5 additional acres, was previously approved on June 20, 2000 for a planned development project known as River Bend PD. The River Bend PD project consisted of a total of 650 units (single-family homes and multi-family units), an 18-hole golf course, a clubhouse/recreation facility, and a limited amount of neighborhood commercial development. That project never moved forward, and was superseded by a subsequent planned development project proposal to be known as The Isles of Grand Harbor PD. However, the Isles of Grand Harbor PD project was never approved, and that PD project application expired.

Now, the Spoonbill Reserve PD application has been submitted and reviewed, and is ready for Board of County Commissioners (BCC) consideration.

Planned Development Option Available to the Developer:

Approximately 77% of the site is designated L-1, Low-Density Residential-1 (up to 3 units/acre), and the remaining 23% of the site is designated C-2, Conservation-2 (up to 1 unit/40 acres). Because the applicant wishes to develop the site with single-family homes, multi-family units, and a limited amount of neighborhood commercial uses, the applicant must apply to rezone the property to a district (or districts) that allows the project and is consistent with the site's land use designations. Based on the proposed mixture of uses, housing types, and special project design features the PD rezoning process is the most practical process for the developer to pursue. Staff supports use of the PD option for development of the subject site.

If the subject application is approved, the entire site will be rezoned to PD and will be governed by an approved Spoonbill Reserve 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 plan designations 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 for a property, the conceptual 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 460 single-family lots, 412 multi-family units (872 units total), conservation and open space areas, an innovative stormwater treatment system, and a limited amount of neighborhood commercial uses (maximum of 17,440 SF), as well as, several clubhouse/recreation areas, various preservation areas, and the existing County-operated Spoonbill Marsh wetlands treatment facility.

In planning staff's opinion, the PD rezoning option is an appropriate mechanism for approving residential development and a limited amount of neighborhood commercial development on the subject site in a manner that also provides appropriate conservation and open space areas together with a street network that integrates with the existing street system including 53rd Street/Indian River Boulevard. 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.

Planning and Zoning Commission Recommendation:

At its meeting of December 13, 2018, the PZC voted 4-0 to recommend that the BCC approve the project with all staff recommended conditions, and with an additional recommended condition that a Type “A” landscape buffer be provided along the western border of the adjacent “Richey property” which includes a single-family home (see attachment 2). Based on the PZC’s recommendation, the applicant has updated the conceptual landscape plan to provide the recommended Type “A” landscape buffer (see attachment 7 and the PD Plan Analysis section of this report). That buffer is now a recommended condition of PD project approval.

Proposed PD District for the Project Site:

The subject site has L-1 and C-2 land use designations. Since the land use designations control 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). For comparison, staff is providing a table showing the standard development parameters of the underlying RS-3 zoning district and the proposed PD district (waivers).

COMPARISON: RS-3 AND PROPOSED PD DISTRICT

Development Parameter/Waiver	RS-3	Proposed PD District
Minimum Lot Size	12,000 SF	5,000 SF
Minimum Lot Width	80’	50’*
Minimum Yard Setbacks:		
Front: Front-Loaded Garage	25’	20’
Front: Side-Loaded Garage	25’	10’
Rear	25’	15’
Side	15’	7’/3’**
Maximum Building Coverage per Lot	30%	70%
Minimum Open Space per Lot	40%	20%
Minimum Open Space Overall Project	40%	50%
Minimum Street Right-of-Way Width	50’	50’

Notes:

- * Perimeter single-family lots in the northwest portion of the site shall have a minimum 80’ lot width.
- ** Where a 3’ side setback is provided, the opposite side setback shall be 7’. In no case shall a structure be less than 10’ from an adjacent structure on an adjacent lot.

USE TABLE

RS-3 District Uses	Proposed PD District Uses
Single-Family detached units, accessory dwelling units, places of worship, childcare, recreational uses, and other uses as listed in LDR section 911.07.	Single-family and multi-family residential units, accessory recreational uses, and a limited amount of neighborhood commercial uses.

Note: Section 915.12 of the PD ordinance allows a limited amount of neighborhood commercial development within any PD, subject to certain criteria. Therefore, if the developer was not proposing any multi-family units, then the limited amount of neighborhood commercial development could be allowed without the need for a PD rezoning.

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. As proposed, the zoning ordinance includes a 10-year reverter to RS-3, Residential Single-Family (up to 3 units/acre) and CON-2, Estuarine Wetlands Conservation District, the site’s current zoning districts which are 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 RS-3 and CON-2, respectively.

PD REZONING ANALYSIS:

Existing Zoning and Land Use Pattern:

The overall project site is 413.01 acres. The upland portion of the site (± 318.65 acres) is zoned RS-3, and consists mostly of abandoned citrus groves with a small portion of partially disturbed native uplands located in the southwest corner of the site. The remainder of the site (± 94.36 acres) is zoned CON-2, consists of estuarine wetlands, and includes the County-operated Spoonbill Marsh wetlands facility.

- *North* of the project site is 63rd Street which is an existing partially paved two-lane public subdivision collector road. The area northeast of the project site is zoned RS-3 and RS-1, and consists of an abandoned citrus grove and a few large, riverfront single-family sites. The area northwest of the project site is zoned RS-3, and is developed as a conventional, single-family residential subdivision known as The Antilles Subdivision. There is an enclave parcel (the “Richey property”) located south of 63rd Street that the project wraps around on three sides. Project development located around the perimeter of the Richey property is subject to an existing (recorded) private agreement which is discussed further in the PD Plan Analysis section of this report.
- *East* of the project site is the Indian River Lagoon.
- *South* of the project site is the North Relief Canal. The area south of the canal is zoned RM-6, Residential Multiple-Family (up to 6 units/acre). The eastern half of that area consists of a golf course and the western half is developed as a single-family residential planned development known as the Reserve at Grand Harbor PD. However, only a few homes have been constructed within the Reserve at Grand Harbor at this time.
- *West* of the project site is a number of parcels that front on US Highway 1. Most of those parcels are zoned RM-3, and are vacant. There are several parcels at the southwest corner of the project site that are zoned CG, General Commercial and abut US 1 to the west.

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.

Policy 1.6: States (in part) that the C-2, Conservation-2 land use designation is intended for conservation and passive recreational uses, and residential uses shall be limited to 1 unit/40 acres (on-site); and

Policy 1.12: States (in part) that the L-1, Low-Density Residential-1 land use designation is intended for residential and accessory uses with densities up to 3 units/acre.

Note: The subject project proposes conservation and passive recreation uses within the C-2 designated portion of the project site by continuing (and enhancing) the County-operated Spoonbill Marsh wetlands facility, and proposes residential development within the L-1 designated portion at an overall density of 2.11 units/acre. Therefore, the proposed PD district and accompanying conceptual PD plan are consistent with Policies 1.6 and 1.12.

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 (53rd Street and 63rd Street), will be served by County water and sewer, and will provide an appropriate mix of single-family, multi-family, and a limited amount of neighborhood commercial development. Therefore, the proposed PD district and accompanying conceptual PD plan are consistent with Policy 2.2.

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

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 Spoonbill Reserve PD plan proposes a mixture of residential building types with significant common open space. In addition, the PD plan uses the flexibility provided by the PD process to provide a mix of housing units while preserving significant environmental features of the site.

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 east half of the north project boundary consist of an abandoned citrus grove and several large, riverfront single-family sites, and the properties along the west half are developed as The

Antilles Subdivision. The subject site is separated from the properties to the north by a paved, two-lane local subdivision collector road (63rd Street) that lies within a (future) 60' wide right-of-way (ROW). To ensure compatibility, the PD regulations require a 25' wide Type "B" buffer along the north project boundary, and the proposed conceptual PD plan and conceptual landscape plan provide the required 25' Type "B" buffer (see attachments 6 and 7). The conceptual PD plan and conceptual landscape plan also provide a 50' wide Type "A" buffer along all three sides of the Richey property consistent with an existing (recorded) private agreement which is discussed further in the PD Plan Analysis section of this report.

The project site is bound by the Indian River Lagoon to the east, and the project design includes preservation of the existing County-operated Spoonbill Marsh wetlands facility that lies on the west shore of the lagoon. Therefore, no additional buffering is required along the project's east boundary.

The adjacent property along the east half of the south project boundary consists of a golf course and the properties along the west half are developed as a single-family residential planned development known as the Reserve at Grand Harbor PD. The subject site is separated from those properties to the south by the North Relief Canal that lies within a 250' wide canal ROW. Based on the land use designation of the properties to the south (M-1, Medium-Density Residential-1), the PD regulations require a 25' project perimeter setback (buildings, driveways, roadways, and parking areas), but they do not require a landscape buffer and no special buffer is proposed.

Most of the properties along the west project boundary are zoned RM-3, and are vacant. Also, there are several parcels at the southwest corner of the project site that are zoned CG, General Commercial. To ensure compatibility, the PD regulations require a 25' wide Type "B" buffer along the west project boundary, and the proposed conceptual PD plan and conceptual landscape plan provide the required 25' landscape buffer (see attachments 6 and 7).

General Area:

The project site is located in central Indian River County, east of US Highway 1. The area around the subject site has slowly developed over time, with much of the development in close proximity typical of the Grand Harbor Development of Regional Impact (DRI) to the South, and The Antilles Subdivision to the north. The area to the east consists of either very low density single-family sites or conservation area. The area to the west is mostly vacant. The proposed Spoonbill Reserve development is consistent with the Grand Harbor DRI and The Antilles Subdivision, and provides adequate conservation of the existing estuarine wetlands area along the project's east perimeter.

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 the immediate area and is consistent with the existing development pattern of the general project 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:

- 1. **Project Area:** 413.01 acres (gross)
0.26 acres (63rd Street ROW dedication)
412.75 acres (net)
- 2. **Zoning Classification:** Current: RS-3, Residential Single-Family (up to 3 units/acre); and
CON-2, Estuarine Wetlands Conservation District
Proposed: PD, Planned Development
- 3. **Land Use Designation:** L-1, Low-Density Residential-1 (up to 3 units/acre); and
C-2, Conservation-2 (up to 1 unit/40 acres)
- 4. **Density:** Proposed: 2.11 units/acre
Maximum: 2.32 units/acre

Note: The maximum density calculation is based on a weighted average of the L-1 designated portion of the project site (318.65 acres) and the C-2 designated portion (94.36 acres). Per the comprehensive plan, a residential density of 1 unit/40 acres was utilized for the C-2 portion of the site. However, no residential units are proposed within the C-2 portion of the site.

- 5. **Open Space:** Required: 42.3%
Proposed: 50.6%

Note: The minimum required open space calculation is based on a weighted average of the L-1 designated portion of the project site (318.65 acres) and the C-2 designated portion (94.36 acres).

- 6. **Recreation Area:** Required: 30.98 acres
Proposed: 109.63 acres

Note: Recreation areas include 3 separate clubhouse and/or recreation tracts, a native uplands preservation area, and all of the estuarine wetlands including the Spoonbill Marsh wetlands treatment facility which has an existing elevated boardwalk system that will be expanded significantly ($\pm 4,100$ linear feet) by the developer as part of the Spoonbill Reserve project.

- 7. **Phasing:** The project is divided into three phases. Phase 1 will include the project-wide innovative stormwater treatment system, single-family, multi-family, and neighborhood commercial development north of “61st Street” (a.k.a. FDOT Ditch #3), and the main north-south spine road (“Indian River Boulevard Extension”) including the bridge crossing over the North Relief Canal. Phase 2 includes single-family and multi-family development east of the north-south spine road. Phase 3 includes the remaining single-family and multi-family development west of the north-south spine road.
- 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:** One of the defining features of the proposed PD project is a unique and innovative stormwater treatment system (STS) that will include a man-made biologically diverse saltwater wetland system that meanders throughout the project site in a serpentine manner. In addition to treating stormwater runoff generated by the project, the STS will also take-in water that is pumped from the Indian River Lagoon through an intake channel near the north border of Spoonbill Marsh into on-site settling ponds, treat the water by reducing nutrient levels, and return the treated water back to the Indian River Lagoon. The STS has the capacity to take-in 12 million gallons of lagoon water per day, and preliminary estimates provided by the applicant indicate that the STS, under mature conditions, will remove approximately 9,000 pounds of phosphorus and 25,000 pounds of nitrogen annually from the Indian River Lagoon.

The applicant has also obtained a permit from the Florida Department of Transportation (FDOT) to take-in the water from FDOT Ditch #3 (“61st Street”) into the STS. Once the STS is constructed and water is diverted from FDOT Ditch #3 into the STS, the applicant will request the FDOT to declare the ditch right-of-way as surplus property, and the property will become part of the developable area for the overall PD project.

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 STS will require permits from all applicable jurisdictional agencies, and the applicant may seek grant funding or other partnerships with environmental agencies/groups.

10. **Traffic Circulation:** The conceptual PD plan provides a full-movement connection to a proposed extension of 63rd Street, and includes an eastbound right-turn lane at the project entrance. The plan also provides a connection to the existing, full-movement intersection of 53rd Street and Indian River Boulevard via an extension of “Indian River Boulevard” through the proposed project including a proposed bridge crossing over the North Relief Canal, and a connection to the existing, adjacent project to the south (the Reserve at Grand Harbor PD). A system of internal loop roads provide internal access to the single-family and multi-family portions of the project, including several cul-de-sac roads.

Currently, the paved/improved portion of 63rd Street (a local subdivision collector road) terminates near the northwest corner of the project site (just east of the entrance to The Antilles Subdivision). The proposed project is required to pave 63rd Street from the existing terminus to the proposed project’s 63rd Street entrance. Additionally, the developer is required to escrow his fair share of the paving cost for the site’s remaining frontage on 63rd Street, east of the proposed project entrance. Prior to issuance of a Land Development Permit (LDP) for Phase 1, the project engineer must submit a cost estimate of the project’s fair share paving and that cost estimate must be approved by Public Works. Prior to issuance of a certificate of completion for Phase 1, the developer must deposit the road paving funds in escrow.

All streets are proposed to be privately maintained by and dedicated to a property owners’ association. However, the public will have access to the northern portion of the project site including the limited neighborhood commercial development area. Also, as a (limited) public benefit to surrounding property owners, any lot owner within a community (such as The Antilles Subdivision) or individual parcel owner that has frontage on 63rd Street east of US Highway 1 will be granted access through the main north-south roads of Spoonbill Reserve and The Reserve at

Grand Harbor to the 53rd Street/Indian River Boulevard intersection. Access rights through the project shall be granted prior to or via the final plat for the respective phase. All access points and the internal circulation plan has been approved by Traffic Engineering and Fire Prevention.

A traffic impact study (TIS) has been reviewed and approved by Traffic Engineering. Based on the approved TIS, the following traffic improvements are required:

- An eastbound right-turn lane at the project entrance on 63rd Street (extension).
- An eastbound left-turn lane at the intersection of 53rd Street and Indian River Boulevard. (*Completed since the TIS was approved*)
- Intersection improvements for the intersection of 49th Street and 58th Avenue, subject to the provisions of a future Developer's Agreement.

Per the approved TIS, an eastbound left-turn lane is warranted at the intersection of 53rd Street and Indian River Boulevard. However, dual eastbound left-turn lanes were recently constructed at that subject intersection in conjunction with the Reserve at Grand Harbor PD project. Therefore, the traffic improvement has been constructed, and will not become a requirement of the subject project. The applicant is proposing to enter into a Developer's Agreement for the required intersection improvements at the intersection of 49th Street and 58th Avenue during the first steps in the project approval process. Additional details of the proposed Developer's Agreement will be provided during review of the preliminary PD plan/plat for the first project phase, and the Developer's Agreement will need to be completed prior to issuance of an LDP for the first project phase.

11. Required Dedications and Improvements:

- Right-of-Way Dedication for 63rd Street:* The project has frontage on 63rd Street, a local subdivision collector road requiring 60' of minimum right-of-way (ROW) width. Presently, the project's 63rd Street frontage has a ROW width of 55'. Per County LDR requirements, the applicant is required to dedicate 5' of ROW, without compensation, thereby providing the full 60' of minimum local road ROW width. In addition, the applicant must dedicate any ROW necessary for the site related right-turn lane on 63rd Street, if additional ROW is needed. The conceptual PD plan shows the required 5' ROW dedication, and the dedication must be completed prior to the issuance of an LDP for the first project phase.
- 63rd Street Sidewalk:* A 5' wide sidewalk is required along the site's 63rd Street frontage. The final design of the 63rd Street sidewalk will be reviewed and approved via the project's LDP, and must be constructed prior to the issuance of a C. of C. for Phase 1.
- Internal Sidewalks:* An internal sidewalk system is required and proposed along one side of the project's internal streets. 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.
- 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.

- e. *Green Space and/or Recreation Area:* At least 7.5% of the total site area must be set-aside as dedicated common green space and/or recreation area. For this project, the applicant proposes to provide 109.63 acres of recreation area, which is 26.5% of the site. The recreation areas include 3 separate clubhouse/recreation tracts, a native uplands preservation area, and the entire 94.36 acre wetlands preservation area. Access to the wetlands preservation area will be provided via an expansion of the existing elevated boardwalk system.

- f. *Enclave Parcel/Richey Property:* There is a ±5 acre single-family enclave parcel (the “Richey property”) located at 2625 63rd Street that the project wraps around on three sides. Project development located around the perimeter of the Richey property is subject to an existing (recorded) private agreement. That agreement specifies buffer requirements that must be provided by the developer between the Richey property and the project, and limits what can be built within certain distances of the Richey property (e.g. only a golf course, lake or water feature, access road, or landscape buffer may be built within 150’ of the east property line of the Richey property). During its review of Spoonbill Reserve, staff coordinated with Mr. Richey and conducted a cursory review of the development standards outlined in the private agreement. It appears to staff that the proposed conceptual PD plan generally meets those privately agreed to standards. However, the agreement is a private agreement between two private parties, and any disagreement between the two parties is a civil matter not under the County’s jurisdiction. Staff is satisfied that the proposed conceptual PD plan provides adequate buffering between the project and the enclave parcel based on County requirements.

- g. *“57th Street” Parcel:* Currently, County staff’s primary access to the Spoonbill Marsh wetlands treatment facility is via a connection to US Highway 1 at “57th Street.” The “57th Street” connection is a 20’ wide, fee simple parcel that is owned by the applicant, and is not a formal public or private right-of-way (ROW), and is minimally improved. Although the “57th Street” parcel is not part of the overall project boundary, it is owned by the applicant, and the applicant has agreed to provide a formal access easement in favor of the County in order to ensure continued access to the facility until an alternate access is provided through the project. Therefore, the applicant is required to grant an access easement in favor of the County, prior to issuance of an LDP for Phase 1.

12. Neighborhood Commercial Development Area: Section 915.12 of the PD ordinance allows a limited amount of neighborhood commercial development within any PD, subject to certain criteria. The conceptual PD plan proposes a neighborhood commercial development area internal to the project, and that area meets the required PD criteria, as follows:

- Only uses allowed in the CN, Neighborhood Commercial district are allowed within a residential development area of a P.D. project.

Note: The proposed PD project only proposes uses that are allowed within the CN district (e.g. gift shop).

- All P.D. accessory commercial areas shall contain a minimum of thirty (30) percent open space.

Note: The accessory commercial area will contain a minimum of 30 percent open space, and additional details will be provided with the preliminary PD plan for Phase 1.

- The total land area of any P.D. accessory commercial area shall not exceed three (3) percent of the total P.D. project residential development area.

Note: The total proposed commercial area is 2.7% (8.66 acres) of the total PD area which is less than the 3% (9.56 acres) allowable maximum.

- P.D. accessory commercial buildings, displays, and signs shall be either located a minimum of two hundred (200) feet from any perimeter property boundary, or located and designed such that they shall not be visible from any public road right-of-way or residentially designated area adjacent to the P.D. project area. No P.D. accessory commercial area may be located within one hundred (100) feet of an adjacent property (outside of the project) having a residential land use designation.

Note: All accessory commercial buildings, displays, and signs will be located a minimum of 200 feet from any perimeter property boundary, and additional details will be provided with the preliminary PD plan for Phase 1.

- No P.D. accessory commercial use shall be allowed within a project which is to contain less than one hundred (100) residential dwelling units.

Note: The proposed PD project proposes a total of 872 units.

- Buildings containing P.D. accessory commercial uses are restricted in size by the number of dwelling units proposed within the residential portion of a P.D. project. Buildings may be approved up to a maximum size of twenty (20) square feet of gross floor area per dwelling unit within the residential development area of the project. For example, a four hundred-unit project would be allowed four hundred (400) by twenty (20) or eight thousand (8,000) square feet of commercial floor area.

Note: The total accessory commercial floor area will not exceed 17,440 square feet (872 units X 20 SF = 17,440 SF), and additional details will be provided with the preliminary PD plan for Phase 1.

- The amount of P.D. accessory commercial building area receiving a certificate of occupancy (C.O.) is limited by the number of dwelling units having a C.O. At no time shall a C.O. be issued for a building or building portion containing a P.D. accessory commercial use unless the total number of C.O.'d residential dwelling units within the P.D. project multiplied by twenty (20) square feet equals or exceeds the total gross floor area of the entire accessory commercial building(s) already C.O.'d and requested to be C.O.'d. For example, if at a point in time, a project has one hundred (100) C.O.'d dwelling units, then one hundred (100) by twenty (20) (sq. ft.) or two thousand (2,000) square feet of total accessory commercial building area may C.O.'d at that point in time.

Note: The provision of accessory commercial floor area will be limited by the number of residential C.O.'s.

- All other regulations and standards for commercial development including but not limited to parking, loading, landscaping, and lighting shall apply. Reductions in the normal parking requirements found in Chapter 954 based upon pedestrian access and proximity to

customers served may be approved by the board of county commissioners after receiving a recommendation from the technical review committee. The technical review committee recommendation shall be based upon a review of a parking study submitted by the applicant providing information and analysis required by the county traffic engineer.

Note: All other regulations and standards for commercial development will be applied to the accessory development area, and additional details will be provided with the preliminary PD plan for Phase 1.

13. **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.
14. **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 land development permit plans for each phase, and must be approved by staff prior to the issuance of a land development permit for each phase.

During the December 13, 2018 public hearing held by the PZC, the owner of the Richey property (Mr. Richey) indicated that he generally did not object to the project and agreed that the proposed layout generally met the terms of the private agreement between himself and the developer. However, the conceptual landscape plan that was presented to the PZC proposed a 25’ wide Type “B” landscape buffer along the western boundary of the Richey property. Mr. Richey requested that the PZC include a recommended condition to upgrade the buffer along the western boundary to a Type “A” buffer, and the PZC included that condition in their final recommendation. Since the PZC meeting, the applicant has revised the conceptual landscape plan to provide a 50’ wide Type “A” buffer along all three sides of the Richey property including the western boundary (see attachment 7), and that buffer is included as a specific requirement in staff’s recommended conditions (see recommended condition 2a).

15. **Environmental Issues:**

- *Uplands:* Since the subject site exceeds 5 acres, the County’s native upland set aside criteria apply to the project. Approximately 37.36 acres of intact native upland plant communities exist at the southwest corner of the project site, and the project’s set aside requirement is 5.60 acres (15% of 37.36 acres). The applicant is proposing to preserve a minimum of 5.60 acres of uplands on-site. Additional upland set aside details will be provided with the preliminary PD plan. An uplands conservation easement will be established prior to or via the final plat for the respective project phase.
- *Wetlands:* There is a total of 94.36 acres of estuarine wetlands on the project site. The wetlands area includes the Spoonbill Marsh wetlands treatment facility, as well as, an estuarine wetlands area located south of the facility. The facility is currently covered by an existing easement/long-term lease agreement between the County and the applicant, and no significant changes are proposed for that agreement. The estuarine wetlands area south of

the facility will be enhanced by removing nuisance exotic plant material and expanding the elevated boardwalk system, and a wetlands conservation easement will be established prior to or via the final plat for Phase 1.

- *Tree Mitigation:* The majority of the uplands portion of the site is former citrus groves. However, there are portions of the site that are partially wooded with a mixture of palm, hardwood, and non-hardwood tree species. Mitigation is required for removal of any native hardwood trees over 12" DBH and cabbage palms with 10' or more of clear trunk. All invasive exotics will be removed during development. Additional tree mitigation details will be provided with the preliminary PD plan. The applicant must obtain Environmental Planning staff approval of the final tree protection and mitigation plan, prior to the issuance of an LDP for each respective project phase.

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:

- *Enhanced Stormwater Treatment System:* The enhanced stormwater treatment system (STS) is the project's primary public benefit item and is accommodated by a unique serpentine layout of lots, stormwater, and interposed open space areas. Preliminary estimates provided by the applicant indicate that the STS, under mature conditions, will remove approximately 9,000 pounds of phosphorus and 25,000 pounds of nitrogen annually from the Indian River Lagoon.
- *Spoonbill Marsh Wetlands Treatment Facility:* The applicant has already voluntarily entered into an agreement with the County to improve and operate the facility. Although the facility is existing, its protection through expanded conservation area is considered a public benefit in consideration of the proposed PD project.
- *Elevated Boardwalk System:* The applicant is proposing to expand the existing elevated boardwalk system by $\pm 4,100$ linear feet throughout the wetlands conservation area. The boardwalk system will be regularly available to residents of the project, and to the public on a by-appointment basis for educational groups and school field trips similar to the existing Spoonbill Marsh boardwalk system.
- *Access to 53rd Street/Indian River Boulevard and 63rd Street:* The proposed PD project will provide a (limited) public benefit to surrounding property owners (any lot owner within a community or individual parcel owner that has frontage on the portion of 63rd Street east of US Highway 1) by allowing access through the project and the adjacent Reserve at Grand Harbor to the 53rd Street/Indian River Boulevard intersection.

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, with the following conditions:

1. Prior to issuance of a land development permit for Phase 1, the applicant shall:
 - a. Dedicate without compensation the ultimate road right-of-way for 63rd Street, as shown on the conceptual PD plan.
 - b. Provide a cost estimate of the project's fair share paving costs for the remaining 63rd Street frontage and obtain Public Works approval of the cost estimate.
 - c. Obtain Public Works approval of the final design of 63rd Street extension including the external sidewalk and eastbound right-turn lane.
 - d. Enter into a Developer's Agreement for the required 49th Street and 58th Avenue intersection improvements.
 - e. Grant an access easement for the Spoonbill Marsh facility in favor of the County over the "57th Street" parcel.
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, including a required Type "A" buffer along all three sides of the adjacent Richey property for that 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 any project phase or sub-phase, the applicant shall construct required improvements such as sidewalks and buffers that are tied to that specific phase or sub-phase, or otherwise guarantee completion of the improvements as provided for in the LDRs.
 - a. Prior to issuance of a certificate of completion for Phase 1, the applicant shall construct the 63rd Street extension including the external sidewalk and eastbound right-turn lane, and deposit the future road paving funds for the remaining 63rd Street frontage into escrow.
4. Prior to or via the final plat for each respective phase, the applicant shall:
 - a. Establish conservation easements over existing native upland and/or wetland areas, as shown on the conceptual PD plan.
 - b. Establish access rights through the project for surrounding property owners as described in this staff report.
5. The neighborhood commercial development area shall meet all of the specific criteria identified in Section 915.12 of the PD ordinance.
6. The Spoonbill Reserve PD project site shall revert to its original RS-3 and CON-2 zoning if project construction has not commenced within 10 years of the date of the PD rezoning and conceptual PD plan approval.

ATTACHMENTS:

1. Application
2. Excerpt from Draft December 13, 2018 PZC Minutes
3. Location Map
4. PD Rezoning Ordinance
5. Aerial
6. Conceptual PD Plan
7. Conceptual Landscape Plan