

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

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**TO:** Board of County Commissioners

**THROUGH:** John A. Titkanich, Jr., ICMA-CM, AICP; County Administrator

**FROM:** Ryan Sweeney; Assistant Planning & Development Services Director

**DATE:** November 22, 2023

**SUBJECT:** Windsor Properties, Inc.'s Request to Rezone Approximately 52.96 Acres from A-1, Agriculture-1 and RS-3, Residential Single-Family to PD, Planned Development and to Obtain Conceptual PD Plan Approval for a Project to be known as Windsor North Village PD [PD-23-01-01 / 2001080111-93560]

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It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of December 5, 2023.

**DESCRIPTION & CONDITIONS:**

This is a request by Windsor Properties, Inc., through their agent MBV Engineering, Inc., to rezone approximately 52.96 acres from A-1, Agriculture-1 (up to 1 unit/5 acres) and RS-3, Residential Single-Family (up to 3 units/acre) to PD, Planned Development. As part of the rezoning request, a conceptual PD plan has been submitted for review and approval (see attachment 3). The purpose of this request is to secure a development approval which allows construction of maximum of 40 single-family units, 6 multi-family units, a fitness center, and a staff parking area, at an overall project density of .87 units/acre.

The project site is mostly vacant, and is located between Highway A1A and Jungle Trail, immediately north of the existing Windsor PD development (see attachments 1 and 2). It should be noted that the southeastern portion of the project site is currently platted as the Ocean Way Subdivision. However, if the subject PD project is approved, then that subdivision plat will be vacated via a separate, formal plat vacation process.

On March 27, 1990, the Board of County Commissioners (BCC) granted conceptual planned residential development (now called planned development) and special exception approval for the original Windsor PD project. The Windsor PD project consisted of 400 acres, and included a maximum total of 400 units (variety of home types), a polo field and horse-related facilities, a beach club, golf course and clubhouse, and various common areas and community buildings. The project was designed using New Urbanism concepts, which were new community planning concepts at that point in time. Over the past ±30 years, the Windsor PD project has been constructed and platted in phases, and is currently built-out (with the exception of a few vacant lots and/or tear downs and rebuilds).

The proposed Windsor North Village PD project was not a part of the original Windsor PD project. However, it will be designed in a similar manner, using the same New Urbanism concepts, and will be interconnected via several internal roadway connections. The project will be a part of the master property

owners association, and will be subject to the master Declaration of Covenants, as well as, the Windsor Code (private development regulations). Also, all residents/members of the original Windsor PD project will have access to the proposed new fitness center located within the North Village project area.

### **Planning and Zoning Commission (PZC) Recommendation:**

At its meeting of October 26, 2023, the PZC voted 7-0 to recommend that the BCC approve the PD rezoning and the conceptual PD plan with the conditions recommended by staff, and one additional/revised condition of approval (see next paragraph). The PZC also approved the concurrent preliminary PD plan/plat subject to BCC approval of the PD rezoning and conceptual PD plan.

During the PZC public hearing, one adjacent property owner, Mr. Paul Reinecke, requested that the northern 8' tall masonry wall proposed between the Wabasso Estates Subdivision and the project's proposed northern private road connection to Highway A1A be removed from the project. Mr. Reinecke suggested that because the northern private road connection will be a gated, resident-only connection, the vehicular traffic on that road should be minimal, and an 8' tall masonry wall should not be necessary. Mr. Reinecke also requested that the northern driveway not be utilized as a construction entrance for the project, but did acknowledge that there would be some noise and disturbances caused by the actual clearing, grading, and paving of the new road. Based on feedback from Mr. Reinecke and the PZC, staff has updated the staff recommendation to the BCC accordingly (see condition 2e).

It should be also noted that several other adjacent or nearby property owners expressed their concerns over different aspects of the project during the PZC public hearing. However, no other substantive changes have been made to the project design or staff's recommendation.

### **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.

### **Planned Development Rezoning:**

The overall project site contains ±52.96 (gross) acres, with ±46.90 acres zoned A-1, Agriculture-1 (up to 1 unit/5 acres) and ±6.06 acres zoned RS-3, Residential Single-Family (up to 3 units/acre). Because the developer is proposing a mixture of single-family homes and few multi-family units, the project site must be rezoned to PD, Planned Development.

If the subject application is approved, the entire site will be rezoned to PD and will be governed by the approved 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 Planning staff's opinion, the PD rezoning option is an appropriate mechanism for approving a mixture of residential unit types within the L-1, Low-Density Residential-1 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 concurrent approval of Steps 1 and 2 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 an L-1, Low-Density Residential-1 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 PD 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, Planned Development Process and Standards for Development of the County’s land development regulations (LDRs). For comparison and analysis, staff is providing two tables. The first table lists the allowable uses within the A-1 zoning district, the RS-3 zoning district, and the proposed PD district. The second table lists the development parameters for the A-1 zoning district, the RS-3 zoning district and the proposed PD district (waivers).

**Table 1: Use Table**

Use	A-1 District	RS-3 District	Proposed PD District
Single-Family	Permitted	Permitted	Permitted
Multi-Family	Prohibited	Prohibited	Permitted
Fitness Center	Prohibited	Accessory Use Only*	Permitted with Conditions**
Staff Parking Area	Prohibited	Accessory Use Only*	Permitted with Conditions**

**Notes:**

\* Prohibited as a stand-alone use; however, permitted as an accessory use/tract within a single-family subdivision or PD project

\*\* Permitted subject to the conditions outlined in the PD Plan Analysis section of this report.

**Table 2: Development Parameters**

Development Parameter/Waiver	A-1	RS-3	Proposed PD
Minimum Lot Size	200,000 SF	12,000 SF	11,250 SF
Minimum Lot Width	150’	80’	75’
Front Setback	30’	25’	0’
Side Setback	30’	15’	0’
Rear Setback	30’	25’	0’
Maximum Building Coverage per Lot	20%	30%	80%
Minimum Open Space per Lot	60%	40%	0%
Minimum Open Space Overall Project	60%	40%	56%

**Note:** All proposed buildings and structures within Windsor North Village PD must be designed, permitted, and constructed in accordance with the Windsor Code. See Section 15 of the PD Plan Analysis section of this report for more details. All building and structures must also meet all applicable County LDR requirements, and the Florida Building Code.

**PD REZONING ANALYSIS:**

**Existing Zoning and Land Use Pattern:**

The overall project site is approximately 52.96 acres. Most of the project site consists of abandoned citrus groves, and the southeast portion of the project site is currently platted as the Ocean Way Subdivision. Due

to the unique shape of the project site, some of the descriptions of the adjacent zoning and land use pattern are further separated into sub-sections.

- *North* of the overall project boundary is the Pelican Island National Wildlife Refuge (PINWR), and is zoned CON-1, Public Lands Conservation District.
  - *North* of the southeast portion of the overall project site (i.e. the portion platted as Ocean Way Subdivision) is the Turtle Cove Subdivision, which is a conventional single-family subdivision that is zoned RS-3.
- *East* of the project site is Highway A1A. All of the properties east of Highway A1A, with exception of one privately owned, single-family parcel, are owned by the County, State, or Federal government. Those properties are undeveloped, and are zoned RS-3.
- *South* of the overall project boundary is the original Windsor PD project. All of the original Windsor PD project is zoned RS-3.
  - *South* of the northeast portion of the overall project site is the Wabasso Estates Subdivision which is a conventional single-family subdivision that is zoned RS-3.
- *West* of the project site is Jungle Trail and then the Indian River Lagoon.

### **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, and will connect to the existing street system (Highway A1A). The project will be served by County water and sewer, and will provide an appropriate mix of single-family 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 Windsor PD plan proposes a mixture of residential building types and creates a unique sense of community through the application of New Urbanism design concepts. The project design also provides a significant amount of common open space with enhanced environmental features.

Future Land Use Policy 7.5: The County shall review and evaluate proposed development projects to ensure that stormwater runoff from the new development will not negatively impact adjacent properties or receiving surface waterbody quality.

**Note:** The project's conceptual stormwater management design proposes a unique and enhanced stormwater treatment system that will exceed stormwater treatment requirements, and will not negatively impact the nearby Indian River Lagoon. See Section 10 of the PD Plan Analysis portion of this report for more details.

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 – Overall Project Perimeters:*

The property along the north of the overall project boundary is the Pelican Island National Wildlife Refuge (PINWR). Based on the land use designation of the PINWR property (C-1, Conservation-1), the PD regulations require a 25' wide Type "B" buffer along the north project boundary. The proposed conceptual PD plan and conceptual landscape plan provide the required 25' wide Type "B" buffer in the form of a 25' wide tree preservation area along the "east half" and a 25' wide maritime hammock planting area along the "west half" (see attachments 3 and 4).

The properties along the east project boundary consist of two existing conventional single-family subdivisions (Turtle Cove Subdivision and Wabasso Estates Subdivision) and a vacant, preserve area owned by the U.S. Fish & Wildlife Service (which is a portion of the larger Archie Carr National Wildlife Refuge). 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' wide Type "B" buffer (see attachments 3 and 4).

The properties along the south project boundary are part of the original Windsor PD project. The proposed project has been designed as an extension of the original Windsor PD project, and is interconnected via several internal roadway connections. Therefore, no additional buffering or compatibility measures are

required per the PD regulations, and none are proposed.

To the west of the project site is Jungle Trail and the Indian River Lagoon. The PD regulations do not require a specific buffer type or compatibility measure. However, the Jungle Trail Management Plan does require a 30' wide buffer easement, and the proposed conceptual PD plan provides the required Jungle Trail buffer easement (see attachment 3).

*Immediate Area – Special Compatibility Areas:*

The project site has two narrow, linear areas that connect the main project site to Highway A1A (see attachment 3). The southern linear area, which is currently platted as the Ocean Way Subdivision, is ±200' wide from north to south. The southern linear area is located immediately south of the Turtle Cove Subdivision. The project's current design proposes 6 single-family lots (west half of linear area) and the staff parking area (east half of the linear area). Based on the L-1, Low-Density Residential-1 land use designation of adjacent Turtle Cove Subdivision properties, the PD regulations require a 25' Type "B" buffer without a specified/required opaque feature. The proposed conceptual PD plan and conceptual landscape plan provide the required 25' wide Type "B" buffer between the 6 proposed single-family lots and the adjacent single-family homes to the north (see attachments 3 and 4). However, due to the proposed staff parking area, staff is requiring a 50' landscape wide buffer (tree preservation area) and an 8' tall masonry wall along the entire limits of the staff parking area, which is ±825' long (east to west). Through considerable coordination between staff and the developer, the proposed conceptual PD plan and conceptual landscape plan provide the required 50' wide buffer (tree preservation area) and an 8' tall masonry wall, and the wall will be constructed as early as possible during construction of Phase 1.

The northern linear area is ±100' wide from north to south, and is located immediately north of the Wabasso Estates Subdivision. Based on the L-1 land use designation of adjacent Wabasso Estates Subdivision properties, the PD regulations require a 25' Type "B" buffer without a specified/required opaque feature. The proposed conceptual PD plan and conceptual landscape plan provide the required 25' wide Type "B" buffer. Originally, staff also recommended an 8' tall masonry wall along the entire limits of the subdivision's frontage on the northern private road. However, based on feedback provided during the October 26, 2023 PZC meeting, the proposed northern wall has been removed from staff's recommendation.

*General Area:*

The project site is located within the North Barrier Island portion of the County, which consists of all of the barrier island from the northern limits of the Town of Indian River Shores to the Sebastian Inlet. Most of this area is under the zoning and development jurisdiction of unincorporated Indian River County, except the Town of Orchid. The proposed PD project design, which is an extension of the existing Windsor PD project, is consistent with the predominantly low-density, single-family development pattern that currently exists within the North Barrier Island.

Staff's position is that granting the request to rezone the property to the proposed PD district, which includes enhances compatibility measures in certain areas, 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:**

1. **Project Area:** 52.96 acres (gross)
2. **Zoning Classification:** Current: A-1, Agricultural-1 (up to 1 unit/5 acres)  
RS-3, Residential Single-Family (up to 3 units/acre)  
Proposed: PD, Planned Development
3. **Land Use Designation:** L-1, Low-Density Residential-1 (up to 3 units/acre)
4. **Number of Units:** 46 units (maximum)
5. **Density:** Proposed: 0.87 units/acre  
Maximum: 3.00 units/acre
6. **Open Space:** Required: 40.0%  
Proposed: 56.0%
7. **Phasing:** The project is proposed to be constructed in two separate phases. Phase 1 will consist of the 34 single-family lots and most of the common area infrastructure. Phase 2 will consist of the 6 remaining single-family units, 6 multi-family units (two townhome buildings), the fitness center, and the staff parking area.
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. **Traffic Circulation:** Primary access to the overall project site will be provided via an existing private roadway connection to Highway A1A, currently know as Ocean Run Lane, which currently provides access to the north end of the Windsor PD project. A new, gated, resident-only private roadway connection to Highway A1A is proposed along the north end of the proposed Windsor North Village PD project. The new roadway connection will be served by a new southbound right turn lane on Highway A1A, and that right turn lane will also be extended to serve the existing private roadway connection for the Wabasso Estates Subdivision (110<sup>th</sup> Place). The project also proposes a new northbound left turn lane on Highway A1A to serve 110<sup>th</sup> Place and the new northern roadway connection.

The project design also proposes several interconnected, internal roadway connections to the existing Windsor PD project. Therefore, residents of the existing Windsor PD project will have convenient internal access to the new fitness center, and can utilize the new northern roadway connection. Similarly, residents of the proposed Windsor North Village PD project will be able to utilize any of the Windsor PD project's existing roadway connections to Highway A1A.



The proposed driveway connections and traffic circulation plan have been reviewed and approved by Traffic Engineering and Fire Prevention. Additionally, Traffic Engineering reviewed and approved the traffic impact study (TIS) submitted by the applicant. Based on the approved TIS, no off-site traffic improvements are required. The northbound left and southbound right turn lanes on Highway A1A are specifically required by the Florida Department of Transportation (FDOT) as a safety improvement for the overall area.

- 10. Stormwater Management:** The project's conceptual stormwater management design proposes a unique and enhanced stormwater treatment system. All stormwater runoff generated by the project will first be stored and treated in the project's primary freshwater stormwater pond located in the center of the project site (see attachment 3). The pre-treated stormwater will then outfall into a manmade saltwater estuary along the western portion of the project site, where it will mix with saltwater that is tidally connected to the Indian River Lagoon. During peak rainfall, the brackish estuary water will ultimately outfall back into the Indian River Lagoon; however, that water will be cleaner and less impactful than a standard stormwater treatment system.

Public Works has reviewed and approved the project's preliminary 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.

**11. Required Dedications and Improvements:**

- a. *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 Section 913.09(5)(b)2 of the subdivision ordinance.
- b. *Streetlighting:* Streetlights are required and proposed, and will be maintained by the property owners' association. The developer is proposing to use the same low-level, low-intensity type of streetlights that are currently provided throughout the Windsor PD project. The final design of the streetlights and locations will be reviewed via the project's LDP.
- c. *Common Green Space and/or Recreation Area:* At least 7.5% of the total site area shall be set-aside as dedicated common green space and/or recreation area. For this project, the developer proposes to provide 19.78 acres, which is 37.3% of the site. The proposed recreation areas consist of multiple common areas/green spaces, walking trails with observation areas, the manmade estuary, and the fitness center.

- 12. 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 4). 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.

**13. Environmental and Archeological Issues:**

- a. *Wetlands:* There are approximately .65 acres of isolated, non-jurisdictional wetlands located in

the northwest portion of the project site that will be filled. Impacts to those wetlands will be mitigated on-site within the manmade estuary area. Prior to issuance of land clearing and tree removal permits, the applicant must obtain a County wetlands resource permit.

- b. *Uplands*: Since the site is over 5 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 Mitigation*: The majority of the project site is former citrus groves. However, there are small 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 for each phase. The developer 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.
- d. *Archeological Resources*: The project site is located in an area determined to have a higher likelihood of archeological resources than most parts of the County. Based on that likelihood, Phase I and Phase II archeological surveys have been conducted and provided for County staff's review. Additionally, the applicant has coordinated with the Florida Department of State, Division of Historical Resources (DHR). The applicant will need to provide an official determination from the DHR, prior to the issuance of an LDP for Phase 1.
- e. *Jungle Trail Management Plan*: The project site has ±1,400' of frontage along Jungle Trail, and is subject to the Jungle Trail Management Plan (JTMP). The project design does not propose any direct vehicular connections to Jungle Trail, but does propose a limited, nonmotorized connection for a dock/kayak launch. The project design includes 10' wide limited access easement, and a 30' wide Jungle Trail buffer easement along the project's entire Jungle Trail frontage. All proposed improvements within the Jungle Trail ROW will require review and compliance with the JTMP, prior to issuance of an LDP for Phase 1. The 10' wide limited access easement and a 30' wide Jungle Trail buffer easement shall be established via the final plat for Phase 1.
- f. *Pelican Island National Wildlife Refuge*: The project site is located immediately south of the Pelican Island National Wildlife Refuge (PINWR). Staff from the PINWR has actively participated in the project's development process. Through coordination with PINWR staff, the developer is proposing to remove all invasive trees and plant materials along the southern 25' of the PINWR (i.e. 25' north of the northern limits of the project site). The developer is also proposing to restore a 25' wide maritime hammock planting area along the project site's northern property boundary. Lastly, the developer is proposing to clear and regrade several existing swales along the common property boundary between the project site and the PINWR to provide better drainage for both sites. The must obtain all necessary permits and/or approvals from PINWR staff prior to issuance of an LDP for Phase 1, and shall complete all required improvements prior to issuance of a certificate of completion (C. of C.) for Phase 1.

**14. North Barrier Island Corridor Regulations:** The project site is subject to the North Barrier

Island Corridor special development regulations. These regulations include special site design regulations for building materials, building colors, roof design, site lighting, screening of visually offensive elements, signs, and landscaping. All applicable project elements have been reviewed, and staff has determined that the proposed project meets the corridor regulations.

15. **Windsor Code Requirements:** The Windsor Code includes a total of 7 sections, and regulates items such as architectural standards, building placement standards, landscaping standards, and building materials. The Windsor Code requires building design and building placement that ultimately achieves a unique neighborhood aesthetic. The Windsor Code also establishes a private architectural review procedure, and all buildings and structures will require approval through the private architectural review procedure.
16. **Ocean Way Subdivision Plat Vacation:** A portion of the project site is currently platted as the Ocean Way Subdivision. The Ocean Way subdivision consists of 12 vacant, single-family lots and a private road ROW (Ocean Run Lane). The subdivision is entirely owned by Windsor Properties, Inc. If the subject PD project is approved, then that subdivision plat will be vacated via a separate, formal plat vacation process as outlined in the County LDRs and Florida Statutes.
17. **Neighborhood Interest in the Project and Town Hall Meeting:** It should be noted that a number of adjacent property owners from the Turtle Cove Subdivision and the Wabasso Estates Subdivision have been aware of this project from its initial submittal. Those property owners have participated in the development review process, and generally do not oppose the overall project design. However, most residents of the Turtle Cove Subdivision have expressed their significant concern for the proposed staff parking area, and some residents of the Wabasso Estates Subdivision have expressed concern over the project's proposed northern private roadway connection to Highway A1A. As described in other sections of this report, Planning staff and the developer have negotiated the size and scope of the proposed staff parking area, and the increased buffering and wall requirements between the staff parking area and the Turtle Cove Subdivision. Staff also negotiated the increased wall requirements between the project's northern private roadway connection to Highway A1A and the Wabasso Estates Subdivision. These negotiated compatibility improvements are above and beyond the LDR requirements.

Also, at the recommendation of staff, the developer hosted a "town hall" style meeting to describe the project design and details to the surrounding property owners on October 7, 2021 at 5:30 PM. The meeting was held at the town center building within Windsor, and approximately 30 adjacent property owners attended. Staff also attended the meeting to observe and help answer process related questions.

18. **Concurrency:** As required under the County's concurrency regulations, the applicant has applied for and obtained a conditional concurrency certificate for the project. The concurrency certificate was issued based upon a concurrency analysis and a determination that adequate capacity was available to serve this project at the time of the determination.
19. **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:

- *Manmade Estuary and Enhanced Stormwater Treatment:* As described in above-reference Section 10 of this report, the developer is proposing a manmade saltwater estuary that will be tidally connected to the Indian River Lagoon. The estuary will provide new habitat and foraging area for native plants and animals in the area. The project's stormwater design will also provide enhanced stormwater treatment for the project's stormwater runoff.
- *Partnership with Pelican Island National Wildlife Refuge:* Through discussions with PINWR staff, the developer has agreed to provide the improvements outlined in Section 13f., which include the removal of invasive trees and plants, establishment of a 25' wide maritime hammock planting area, and drainage improvements.
- *Highway A1A Turn Lanes:* The project's approved TIS did not require or warrant the project's northbound left and southbound right turn lanes, and if the project were accessed by a County road, they would technically not be required by the County LDRs. It is acknowledged that FDOT is requiring the turn lanes as a safety improvement for the overall area. However, because the turn lanes will serve both the project's northern roadway and 110<sup>th</sup> Place, and will improve traffic safety along that segment of Highway A1A, the turn lanes are considered 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, with the following conditions:

1. Prior to issuance of land clearing and tree removal permits, the developer must obtain a County wetlands resource permit.
2. Prior to issuance of a land development permit for Phase 1, the developer shall:
  - a. Vacate the Ocean Way Subdivision plat via the formal plat vacation process.
  - b. Provide an official determination from the Florida Department of State, Division of Historical Resources.
  - c. Obtain all required permits and/or approvals from Pelican Island National Wildlife Refuge staff.
  - d. Obtain staff approval of all proposed improvements within the Jungle Trail ROW and/or the Jungle Trail buffer easement, and demonstrate consistency with the Jungle Trail Management Plan.
  - e. The 8' tall masonry wall along northern boundary of the Wabasso Estates Subdivision shall be removed from all future land development permit plans, and the northern private driveway shall not be utilized as a construction access.
3. Prior to issuance of a land development permit for any respective phase, the developer 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.
4. The developer shall install the 8' tall masonry wall along southern boundary of the Turtle Cove Subdivision as early in the site development process as possible.

5. Prior to issuance of a certificate of completion for Phase 1, the developer shall:
  - a. Pass the final inspection for each the building permit for each respective masonry wall.
  - b. Install the northbound left and southbound right turn lanes on Highway A1A.
6. The developer shall establish the required 10' wide limited access easement and 30' wide Jungle Trail buffer easement prior to or via the Phase 1 final plat.

**ATTACHMENTS:**

1. Location Map
2. Aerial
3. Conceptual PD Plan
4. Conceptual Landscape Plan
5. PD Rezoning Ordinance