

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

---

**TO:** Indian River County Board of County Commissioners

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

**FROM:** Brandon C. Creagan, LEED Green Associate; Chief, Current Development

**DATE:** December 4, 2024

**SUBJECT:** Randolph Construction Group, Inc.'s Request for Conceptual Planned Development (PD) Plan and PD Rezoning Approval for a Residential Development to be Known as Hunters Grove PD [PD-23-07-03 / 2004050087 - 94636]

---

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of December 17, 2024.

**DESCRIPTION & CONDITIONS:**

This is a request by Randolph Construction Group, Inc., through their agent MBV Engineering, Inc., to rezone approximately 17.80 acres from RS-6, Residential Single-Family (up to 6 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 project site currently has one vacant single-family home and is located at the northeast corner of 41<sup>st</sup> Street and 43<sup>rd</sup> Avenue (see Attachment 1). The purpose of this request is to secure a development approval which allows construction of a maximum of 161 multi-family units, at an overall project density of 9.04 units/acre.

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

At its regular meeting of November 14, 2024, the PZC voted 6-0 to recommend that the Board of County Commissioners (BCC) approve the project with all staff recommended conditions and one additional condition that the applicant provides a fence around the interior stormwater pond (see conditions 1f. and 2e.). The applicant was agreeable to the additional condition of approval. Also, the PZC approved the concurrent preliminary PD plan/plat subject to BCC approval of the PD rezoning and the accompanying conceptual PD plan.

**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-10, and then seek major site plan approval for the proposed development; 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 of M-2, Medium-Density Residential-2, which allows a maximum density of up to 10 units/acre.

It was determined by staff that a conventional rezoning to RM-10 would not be compatible with the surrounding zoning as there is a single-family subdivision to the east and Dodgertown Elementary to the north. There was also no RM-10 zoned property that directly abutted this site, which is a requirement of our Land Development Regulations (LDRs) and Comprehensive Plan when considering rezoning matters. While the density of the proposed PD may be similar to the RM-10 zoning district, the difference is that through the PD process, a project is held to stricter standards, and staff has the ability to shape the project to minimize the impact it can have on the surrounding area through things like site design and the requirement for public benefits. If the subject application is approved, the site will be rezoned to PD and will be governed by the approved Hunters Grove conceptual PD plan, which will be included as an exhibit in the project's rezoning ordinance.

### **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, Sebastian Landing, and The Griffon North. 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, setbacks, and perimeter buffers. 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/building 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 and preliminary PD plan proposes the development of a maximum of 161 multi-family units (2-story townhomes) at a density of 9.04 units/acre. It should be noted that the project's underlying M-2 land use allows a maximum density of 10 units/acre. However, the proposed PD project will fall slightly under this threshold.

In Planning staff's opinion, the PD rezoning option is an appropriate mechanism for approving this type of residential project within the M-2, Medium-Density Residential-2 (10 units/acre) 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 and Step 2 at this time. Since the applicant is seeking approval of the rezoning to PD and the conceptual and preliminary PD plan concurrently, any changes proposed to an approved PD 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 M-2, Medium-Density Residential-2 (10 units/acre) 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 designation. Once a specific PD rezoning is approved for a site, the applicable conceptual PD 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 (P.D. Process and Standards for Development ordinance) of the County's land development regulations (LDRs). Besides allowable uses (multi-family vs. single-family), the applicant is only requesting one (1) PD waiver for stormwater maintenance within the stormwater tract and is otherwise proposing to utilize the standard RM-10 dimensional requirements with an increase to the side setback from the standard 10' to 25'. It should be noted that the applicant has coordinated with County staff and is proposing significantly increased setbacks from the adjacent single-family subdivision along the east project perimeter. Additional details about the increased setbacks and project design is provided in the PD rezoning analysis section of this report.

### **PD REZONING ANALYSIS:**

#### **Existing Zoning and Land Use Pattern:**

The overall project site is approximately 17.80 acres. The project site currently has a vacant single-family home on the east central portion of the property, the rest of the property is heavily wooded.

- **North** of the project site is Dodgertown Elementary, and that parcel is zoned RS-6.
- **East** of the project site is the single-family subdivision known as Grace Grove, and those properties are zoned RS-6.
- **South** of the project site is 41<sup>st</sup> Street and then the Indian River County Sheriffs complex that includes the main administration building and the county jail, which is zoned CG, General Commercial. There are also properties that are a mix of mobile home and single-family home that would be considered legal non-conforming uses that are zoned CH, Heavy Commercial.
- **West** of the project site is 43rd Avenue and the county-operated facilities that contain utility services and the Emergency Operations Center (EOC), and these properties are zoned IG, General Industrial.

### **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 (41<sup>st</sup> Street), and will provide an additional connection to the existing County street system via a emergency access connection to 43<sup>rd</sup> Avenue. The project will be served by County water and sewer and will provide an appropriate mix of multi-family unit types. Therefore, the proposed PD district and accompanying conceptual PD plan are consistent with Policy 2.2.

Future Land Use Policy 4.5: Where proposed development projects abut undeveloped or developed property, the county shall require that such development be designed and constructed or guaranteed to accommodate both vehicular and bicycle/ pedestrian interconnections. Interconnections may include shared roadways or driveways that provide local traffic circulation. Exemptions shall be granted where interconnections would create a "funneling effect" through an existing neighborhood or have no potential for providing interconnectivity or through-street benefits (e.g. segments that dead-end into water bodies, built facilities, or environmentally sensitive areas). Therefore, the proposed PD district and accompanying conceptual PD plan are consistent with Policy 4.5.

**Note:** As this property is at the corner of two major roadways, and since there is a fully developed single-family subdivision to the east and a school to the north, there are no opportunities to provide interconnectivity within the development to adjacent properties. The project does provide a full-access driveway connecting to 41st Street to accommodate vehicular traffic and bicycle access, as well as a

connection to the existing sidewalk network for pedestrian access.

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 and preliminary PD plan are consistent with these policies because the Hunters Grove PD plan proposes significant common open space, housing choices in the county, and incorporates recreational facilities. Therefore, the proposed PD district and accompanying conceptual PD plan are consistent with Policies 5.3 and 5.5.

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 property along the north boundary of the subject property consists of Dodgertown Elementary, and the property along the eastern boundary consists of the Grace Grove single-family subdivision; all parcels are zoned RS-6. The adjacent properties have an underlying M-2 land use designation. Based on the adjacent property's land use designation, a compatibility landscape buffer is not required. However, to ensure compatibility with the surrounding properties, county staff has coordinated with the applicant to provide a 15' Type "C" buffer. The proposed conceptual and preliminary PD landscape plan show the proposed buffers accordingly (see Attachments 4).

The majority of the properties adjacent to the south and west portions of the project site are various Indian River County public facilities (Sheriff complex, EOC, utility services). The adjacent properties have an underlying PUB, Public Facilities land use designation. Based on the adjacent property's land use designation, a compatibility landscape buffer is not required. However, because these areas are also adjacent to 41<sup>st</sup> Street and 43<sup>rd</sup> Avenue, respectively, a 20' Throughfare Plan Road landscape buffer is required. In addition to this, approximately 300' of the southwestern portion of the property is adjacent to property with a C/I, land use, and is required to have a 30' Type "B" landscape buffer in lieu of the 20' Throughfare Plan Road landscape buffer. The proposed conceptual and preliminary PD landscape plan show the proposed buffers accordingly (see Attachments 4).

#### *General Area:*

The project site is located between an established single-family subdivision, a school, Indian River

County facilities, and legal non-conforming mobile and single-family homes. The proposed Hunters Grove PD development proposes conventional multi-family townhome buildings with significantly increased setbacks and buffering from the established single-family subdivisions, and compatible separation from the other uses and roadways that surround the property.

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 this 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:** 17.80 acres
2. **Zoning Classification:** Current: RS-6, Residential Single-Family (up to 6 units/acre)  
Proposed: PD, Planned Development
3. **Land Use Designation:** M-2, Medium-Density Residential-2 (up to 10 units/acre)
4. **Number of Units:** 161 units (maximum)
5. **Density:** Proposed: 9.04 units/acre  
Maximum: 10.00 units/acre
6. **Open Space:** Required: 30.00%  
Proposed: 43.41%
7. **Recreation Area:** Required: 1.93 acres  
Proposed: 1.93 acres
8. **Phasing:** The project will consist of a single phase. If the applicant chooses to phase this project at a later date, the phasing can be achieved through an administrative approval at the staff level.
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 by a full access driveway connection to 41<sup>st</sup> Street (see attachment 3). In addition to this because the project is proposing more than 100 residential units, an emergency access driveway is required and provided from 43<sup>rd</sup> Avenue.

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 TIS submitted by the applicant. Based on the approved TIS, no off-site traffic improvements are required or proposed for this project. However, it should be noted that the project's proposed driveway connection to 41<sup>st</sup> Street will be served by an existing bi-directional left turn lane.

- 11. Stormwater Management:** The project's conceptual and preliminary stormwater management design proposes one master stormwater pond and an interconnected system of stormwater pipes that will direct the project's stormwater runoff into those ponds (see Attachment 3). 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. 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 project's LDP, and the internal pedestrian system must be completed prior to the issuance of a C. of C.
  - b. Streetlighting:* Streetlights are required and proposed and will be maintained by the property owner. 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. All project streetlights must be installed prior to the issuance of a C. of C.
- 13. Landscape and Buffering Plan:** The applicant has provided a preliminary landscape plan that meets the criteria of Chapter 926 and is sufficient for conceptual and preliminary 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 project's LDP plans, and must be approved by staff prior to the issuance of an LDP.
- 14. Environmental Issues:** Presently, the project site is heavily wooded with a mixture of hardwood tree species (e.g. live oak), non-hardwood tree species (e.g. pine trees), cabbage palms, and invasive exotic vegetation. Hardwood specimen trees proposed to be removed must be mitigated per the County's tree mitigation requirements, which allow re-planting and/or payment into the County's tree mitigation fund. All invasive exotic vegetation will be removed during development. The developer must obtain Environmental Planning staff approval of the project's final tree protection and mitigation plan prior to issuance of an LDP.
- 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 applicant is not seeking one (1) PD waiver for stormwater maintenance within the stormwater tract and is only seeking PD rezoning approval in order to develop multi-family units instead of single-family. Therefore, the proposed public benefits are primarily

intended to control project design and compatibility with the surrounding properties.

- *Dedication of Right-of-Way:* The applicant will be dedicating 20' of right-of-way along the north side 41st Street and 15' of right-of-way along east side 43rd Avenue. This dedication shall be completed prior to issuance of an LDP.
- *Bus Stop with Shelter:* Through coordination with the Indian River County Metropolitan Planning Organization (MPO), the applicant has agreed to provide a bus stop with a shelter along the project's 41st Street frontage. The final location of this bus stop will be determined prior to the issuance of an LDP.
- *Sidewalk Extension Along 41<sup>st</sup> Street:* Staff was able to coordinate with the applicant to provide a much-needed sidewalk extension along 41<sup>st</sup> Street (north side) that will extend the sidewalk network along this corridor from the existing end of sidewalk (property owned by Indian River County Housing Authority) east approximately 1,525 linear feet to the intersection of 32<sup>nd</sup> Avenue and 41<sup>st</sup> Street. The final design of the sidewalk extension will be reviewed by staff prior to issuance of an LDP. The installation of the sidewalk extension shall be completed prior to issuance of a certificate of completion.
- *Increased Perimeter Landscape Buffering:* Through coordination with county staff, the applicant has proposed increased landscape buffers to the south and east of the project site. The applicant is providing a 15' Type "C" buffer along the north and east project perimeters where the LDRs and PD regulations do not require any landscape buffer or type of opaque feature. These increased landscape buffers provide a significant benefit and compatibility measure in favor of the adjacent properties to the south and east.

**17. Required Notice:** For this project, staff was required to publish a legal advertisement in the newspaper, send out notice by mail to all property owners within 300 feet of the project site, and post a project notice sign at the project site.

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 Hunters Grove PD, with the following conditions:

1. Prior to issuance of a land development permit, the applicant shall:
  - a. Dedicate 20' of right-of-way along the north side of 41<sup>st</sup> Street and 15' of right-of-way along the 43rd Avenue in accordance with what is shown on the conceptual PD plan.
  - b. Obtain MPO approval for the final location of the proposed bus stop with shelter.
  - c. Obtain Planning staff approval of the final landscape and streetlighting plan.
  - d. Obtain Environmental Planning staff approval of the final tree protection and mitigation plan.
  - e. Obtain staff approval of the final design of the 41<sup>st</sup> Street sidewalk extension.
  - f. Obtain staff approval of the final design of fence around the interior stormwater pond.
2. Prior to issuance of a certificate of completion, the applicant shall:
  - a. Construct the 41<sup>st</sup> Street sidewalk extension.
  - b. Install all internal sidewalks and site improvements.



- c. Install all required buffers and landscape improvements.
- d. Install the required streetlighting improvements.
- e. Install a fence around the interior stormwater pond.

**ATTACHMENTS:**

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