

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

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TO: Jason E. Brown; County Administrator

THROUGH: Stan Boling, AICP  
Community Development Director

THROUGH: Sasan Rohani, AICP  
Chief, Long-Range Planning

FROM: Bill Schutt, AICP  
Senior Economic Development Planner, Long Range Planning

DATE: January 11, 2019

RE: Franzia Properties, LLC Request to Rezone ± 16.9 Acres from A-1 to RS-6  
(RZON-2018090010-82700) (Quasi-Judicial)

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

**DESCRIPTION AND CONDITIONS**

This request is to rezone ±16.9 acres from A-1, Agricultural District (up to 1 unit/5 acres) to RS-6, Single-Family Residential District (up to 6 units/acre). The A-1 zoning district within the Urban Service Area (USA) is a holding zone until the property owner, based on market conditions, requests a zoning consistent with the property's land use designation. As shown in Figure 1, the subject property is located near the southeast corner of 66<sup>th</sup> Avenue and 8<sup>th</sup> Street. The purpose of this request is to secure the zoning necessary to develop the ±16.9 acre site at a density consistent with the allowed density of its comprehensive plan land use designation.

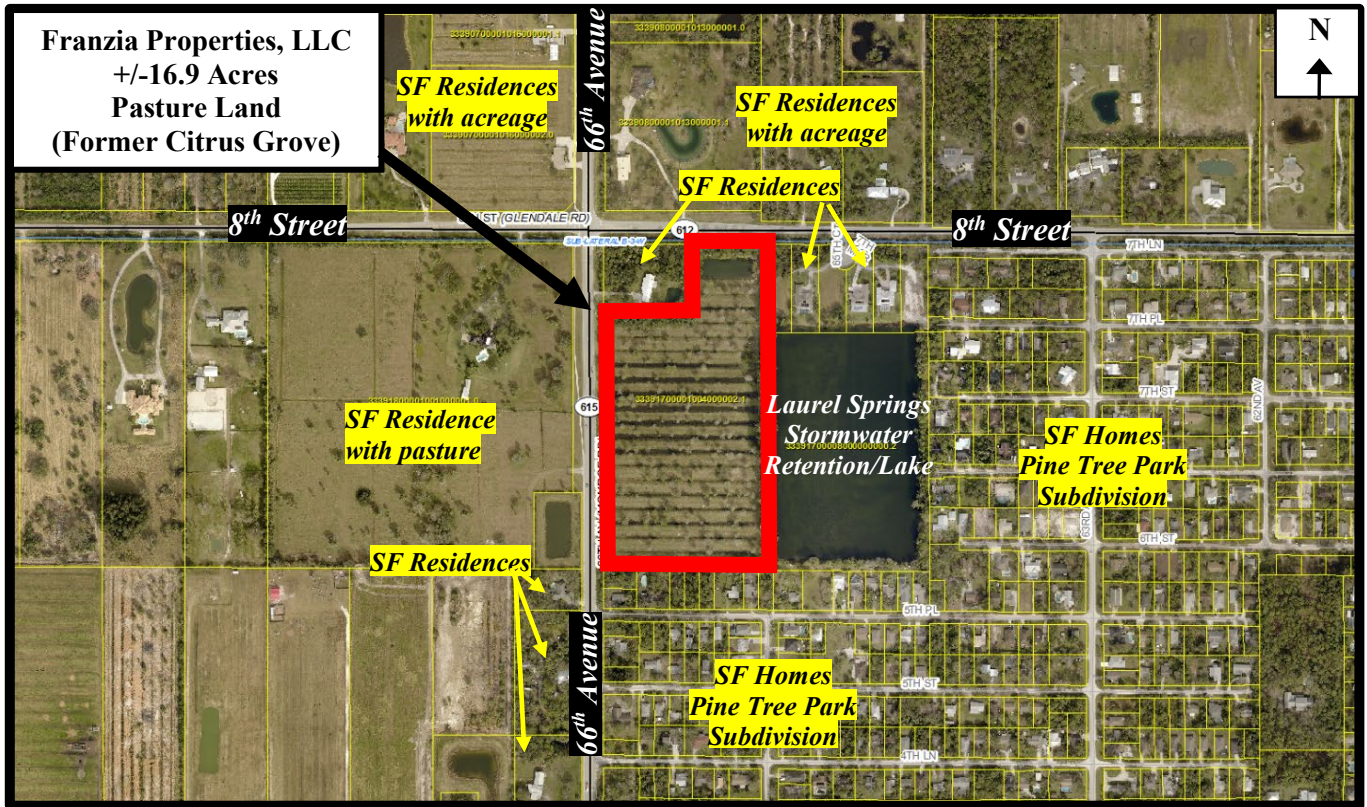
On December 13, 2018, the Planning and Zoning Commission voted 5 – 0 to recommend that the Board of County Commissioners approve this rezoning request (see Attachment 3).

**Existing Land Use Pattern**

This portion of the county consists of residential and agriculture uses. As shown on Figure 1, the subject property contains pasture land that was previously a citrus grove. Figures 2 and 3 show that the property to the south is zoned RS-6, Single-Family Residential District (up to 6 units/acre) and contains the platted Pine Tree Park Subdivision and property to the east is zoned RS-3, Single-Family Residential District (up to 3 units/acre) and contains the Laurel Springs Planned Development (PD). Approximately 2/3rds of the Laurel Springs PD area adjacent to the subject property contains a lake/stormwater retention area, with the remaining 1/3<sup>rd</sup> along 8<sup>th</sup> Street

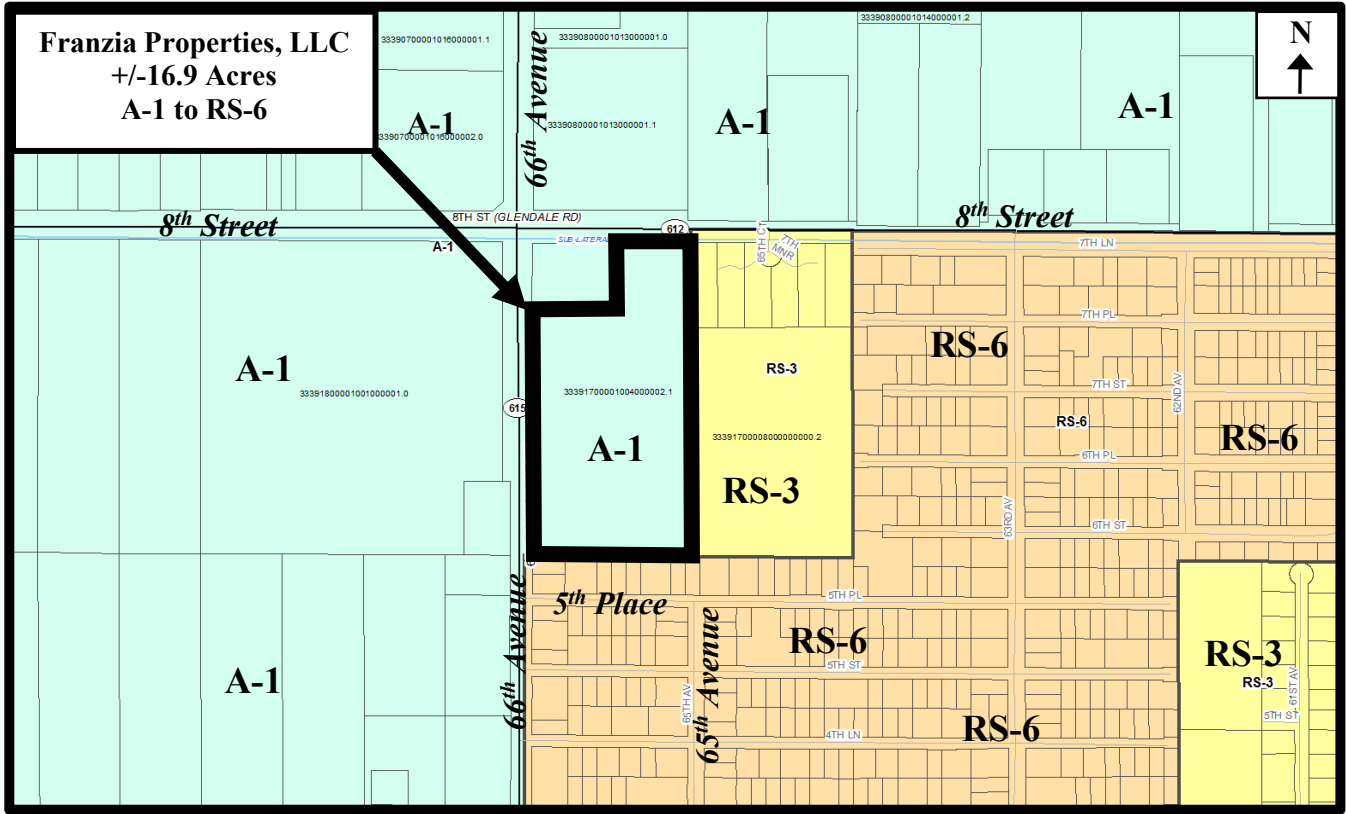
containing single family homes and undeveloped residential lots. To the north across 8<sup>th</sup> Street and to the northwest across 66<sup>th</sup> Avenue are A-1, Agricultural District (up to 1 unit/5 acres) zoned properties that contain single family residences. To the west and southwest across 66<sup>th</sup> Avenue are A-1, Agricultural District (up to 1 unit/5 acres) zoned properties that contain single family residences and pasture land.

**Figure 1 - Aerial image of subject property and surrounding uses**

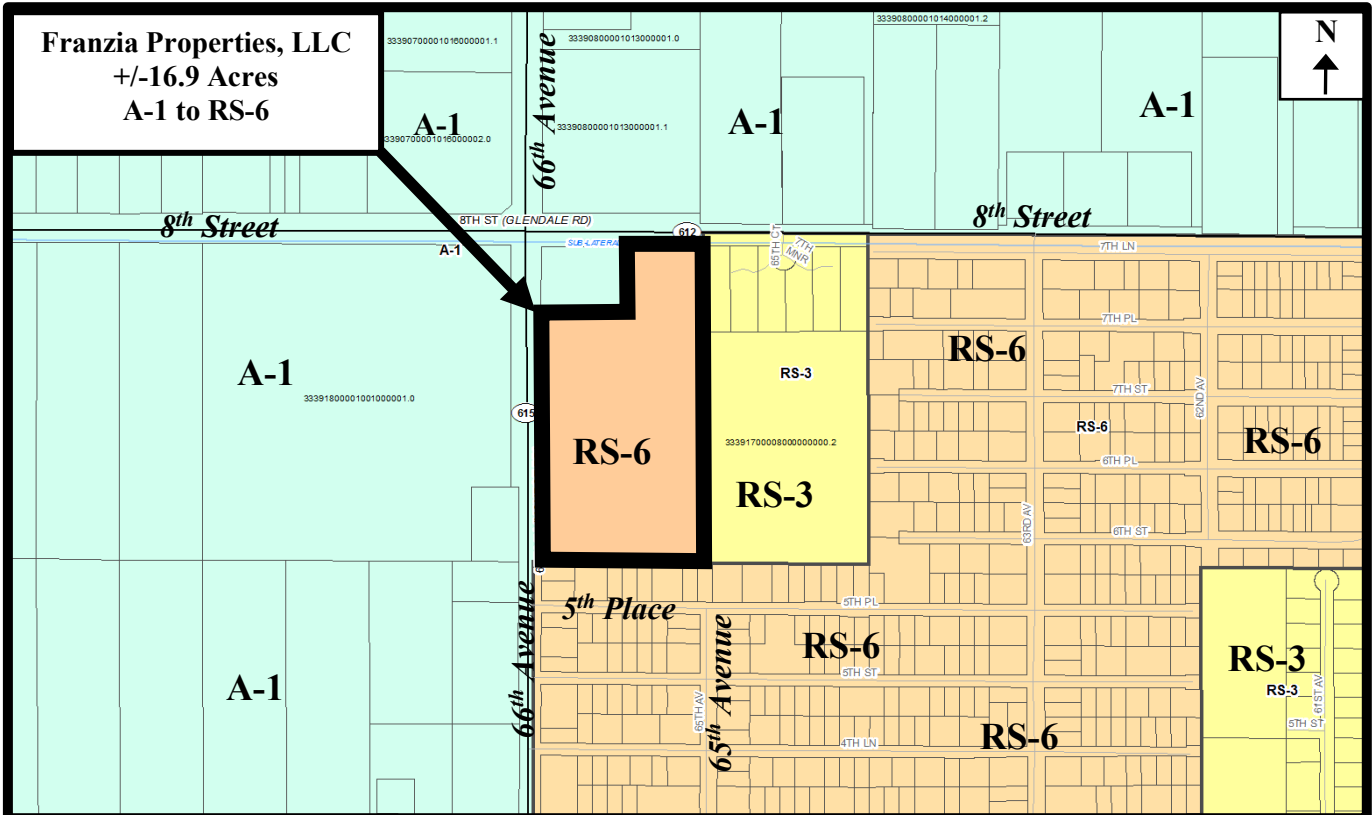


(Existing zoning and proposed zoning maps are on next page)

**Figure 2 - Existing Zoning of Subject Properties**



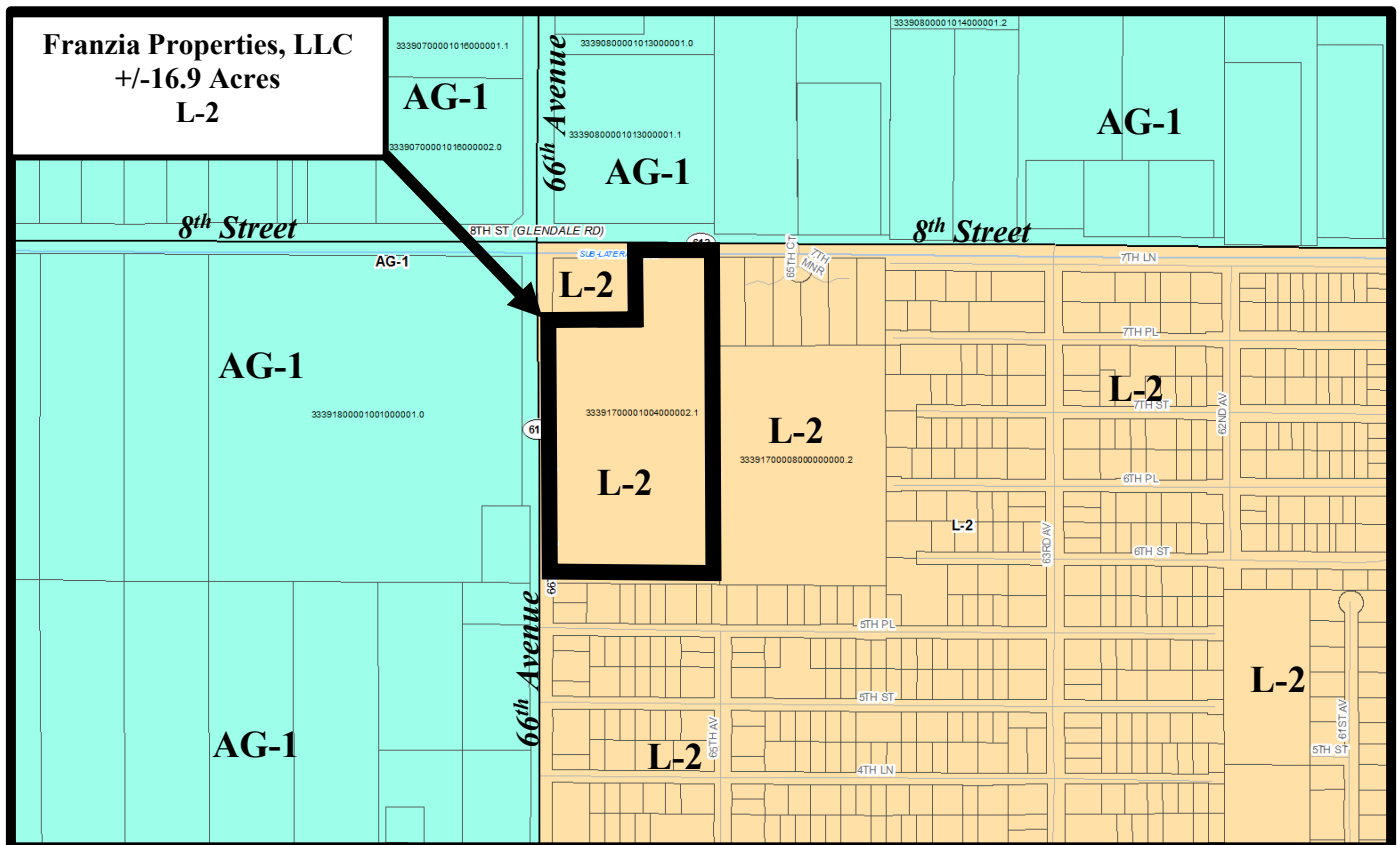
**Figure 3 - Proposed Zoning of Subject Properties**



## Future Land Use Pattern

The overall area between 8<sup>th</sup> Street and 4<sup>th</sup> Street and between 66<sup>th</sup> Avenue and 58<sup>th</sup> Avenue is an area that was mostly platted as 50' and 60' wide lots in the 1950's with the Pine Tree Park Subdivision. The Pine Tree Park plats pre-date the County's Comprehensive Plan and the County's approach of stepping down density's out from urban areas to agricultural areas. Because of the historic development density in this area, the County designated the area as L-2, Low-Density Residential-2 as opposed to L-1, Low-Density Residential-1. As shown on Figure 4, the subject property and adjacent properties to the south and east, and a property at the southeast corner of 8<sup>th</sup> Street and 66<sup>th</sup> Avenue (adjacent to subject property) are designated L-2, Low-Density Residential-2, on the Comprehensive Plan's Future Land Use Map. The L-2 designation permits residential uses with densities up to 6 units/acre. To the west, across 66<sup>th</sup> Avenue and outside of the USA, and to the north across Sub-Lateral B-3-W Canal and 8<sup>th</sup> Street, also outside of the USA, the land is designated AG-1, Agricultural-1, on the County Future Land Use Map. The AG-1 designation permits residential uses with densities up to 1 unit/5 acres.

**Figure 4 - Future Land Use of Subject Properties**



## **Environment**

Subject property has previously been cleared, used for citrus, and has most recently been used as pasture land. Based on County records, no wetlands or any other environmentally sensitive habitat have been identified on the property. According to Flood Insurance Rating Maps, the subject property is within flood zone AE: 1 percent annual chance of flooding.

## **Utilities and Services**

The subject property lies within the Urban Service Area of the County.

Water Service is available to the site from the South County Reverse Osmosis Plant, which currently has sufficient capacity to accommodate the additional demand generated by the subject rezoning request. Wastewater service is available to the site from the West County Regional Wastewater Treatment Plant, which also currently has sufficient capacity to accommodate the additional demand generated by the subject rezoning request.

## **Transportation System**

The subject property's west boundary abuts 66<sup>th</sup> Avenue and the subject property's north boundary abuts Sub-Lateral B-3-W Canal and 8<sup>th</sup> Street. In this area, 8<sup>th</sup> Street is a two lane paved road with a center turn lane for 66<sup>th</sup> Avenue. 8<sup>th</sup> Street has between 90 and 135 feet of existing public road right-of-way and is classified as an Urban Collector on the IRC Roadway Functional Classification map. 66<sup>th</sup> Avenue is a two lane road with center turn lane. 66<sup>th</sup> Avenue is classified as an Urban Minor Arterial road on the IRC Roadway Functional Classification map with between 90 and 120 feet of existing public road right-of-way.

## **Zoning District Differences**

In terms of permitted uses, there are both similarities and differences between the existing A-1 district and the proposed RS-6 district (see Attachments 4 and 5). The respective zoning districts' purpose statements best illustrate the differences between the zoning districts. These purpose statements, found in the County's Land Development Regulations (LDRs), are as follows:

Agricultural and rural districts: The agricultural, rural fringe development, and RS-1, single-family districts, are established to implement the policies of the Indian River County Comprehensive plan for managing land that is not part of the designated Urban Service Area of the county, as well as land within the Urban Service Area which warrants a very low density designation, by providing areas suitable for agriculture, silviculture, and the conservation and management of open space, vegetative cover, natural systems, aquifer recharge areas, wildlife areas and scenic areas. These districts are also intended to provide opportunities for residential uses at very low densities to promote housing opportunities in the county. These districts are further intended to permit activities which require non-urban locations and do not detrimentally impact lands devoted to rural and agricultural activities. Finally, the RFD, and RS-1 districts are intended to buffer active agricultural areas from urbanization.

Single-family residential districts: The single-family districts are established to implement the policies of the Indian River County Comprehensive Plan for managing land designated for residential uses, providing single-family housing opportunities, and ensuring adequate public facilities to meet the needs of residents. These districts are also intended to implement the county's housing policies by providing opportunities for a varied and diverse housing supply.

The County's two most prevalent single-family zoning districts are the RS-3, Single-Family Residential District (up to 3 units/acre) and the RS-6, Single-Family Residential District (up to 6 units/acre). Under RS-3 zoning, the minimum lot width is 80' and given the property configuration, a new conventional subdivision development would likely yield an actual density of 2.0 – 2.5 units. Under RS-6 zoning, the minimum lot width is 70' and a new conventional subdivision development would likely yield an actual density of 2.5-3.2 units per acre.

## **ANALYSIS**

In this section, an analysis of the reasonableness of the rezoning request will be presented. Specifically, this section will include an analysis of the request's:

- Impact on public facilities;
- Consistency with the county's comprehensive plan;
- Compatibility with the surrounding area; and
- Potential impact on environmental quality.

### **Impact on Public Facilities**

The subject property is located within the Urban Service Area, an area deemed suited for urban scale development. Within the Urban Service Area, the comprehensive plan establishes standards for: Transportation, Potable Water, Wastewater, Solid Waste, Stormwater Management, and Recreation (reference Future Land Use Element Policy 3.1). Adequate provision of those services is necessary to ensure the continued quality of life enjoyed by the community. To ensure that the minimum acceptable standards for those services and facilities are maintained, the comprehensive plan requires that new development be reviewed for a concurrency determination. For rezoning requests, that review is undertaken as part of the conditional concurrency determination application process.

As per section 910.07 of the County's Land Development Regulations (LDRs), conditional concurrency review examines the available capacity of each facility with respect to a proposed project. Since rezoning requests are not projects, county regulations call for the concurrency review to be based upon the most intense use of the subject property based upon the requested rezoning district.

For residential rezoning requests, the most intense use (according to the County's LDRs) is the maximum number of units that could be built on the site, given the size of the property and the maximum density under the proposed zoning. The site information used for the concurrency analysis associated with this rezoning request is provided on the next page.

1. Size of Area to be Rezoned:  $\pm$  16.9 acres
2. Existing Zoning District: A-1, Agricultural District (up to 1 unit/5 acres)
3. Proposed Zoning District: RS-6, Single-Family Residential District (up to 6 units/acre)
4. Most Intense Use of Subject Property Under Existing Zoning District: 3 Single-Family Units
5. Most Intense Use of Subject Property Under Proposed Zoning District: 101 Single-Family Units

\*Note: a 6 unit per acre density under RS-6 zoning would be allowed only if approved as a Planned Development special exception project involving a public hearing process similar to a rezoning. As stated previously in this report, conventional RS-6 subdivision projects are limited by the RS-6 seventy foot (70') minimum lot width requirement and given the property configuration it is estimated that the subject site could yield an actual density of 2.5 – 3.2 units per acre or 42-54 lots. Special buffer requirements at the Urban Service Area boundary and flood plain requirements may further limit actual development density on the subject site.

#### Transportation

As part of the concurrency review process, the applicant submitted a Traffic Impact study. A Traffic Impact Study reports the number of peak hour/peak season/peak direction trips that would be generated by the most intense use of the subject property under the proposed zoning district, and it assigns peak trip data to the County's thoroughfare roadway network within the project's area of influence. That area of influence is defined in section 910.09(4)(b)3 of the County's LDRs as roadway segments that receive eight (8) or more peak season/peak hour/peak direction project trips for two-lane roadways or fifteen (15) or more peak season/peak hour/peak direction project trips for four-lane (or wider) roadways.

For this rezoning request, the county's Traffic Engineering Division reviewed and approved the applicant's traffic impact study. According to the approved traffic impact study, the existing level of service on impacted roadways would not be lowered by the traffic generated by development of 101 single-family units on the subject property.

#### Water

With the proposed rezoning, the subject property could accommodate up to 101 residential units. Development on the subject property will be served by the South County Reverse Osmosis Plant, which currently has sufficient existing and planned capacity to accommodate the additional demand generated by the 101 unit theoretical maximum associated with the proposed rezoning.

### Wastewater

County wastewater service is available to the site from the West County Regional Wastewater Treatment Plant, which currently has sufficient existing and planned capacity to accommodate the additional wastewater generated by the 101 unit theoretical maximum associated with the subject request.

### Solid Waste

Solid waste service includes pick-up by private operators and disposal at the county landfill. A review of the solid waste capacity for the active segment of the county landfill as well as planned expansions of the landfill indicates that the county landfill can accommodate the additional solid waste generated by the site under the proposed rezoning.

### Stormwater Management

All developments are reviewed for compliance with county stormwater regulations, which require on-site retention, preservation of floodplain storage and minimum finished floor elevations. In addition, development proposals must meet the discharge requirements of the county Stormwater Management Ordinance.

In this case, the minimum floor elevation level of service standard applies, since the property lies within a floodplain. Also, both the on-site retention and discharge standards apply.

Since the subject property lies within a flood zone “AE”, the minimum floor elevation level of service standard applies. Both the on-site retention and discharge standards, however, do apply. The stormwater management level of service standard will be met by limiting off-site discharge and maintaining on-site retention of the stormwater runoff associated with the most intense use of the property. Those standards will be applied to any future plans for development of the subject site.

### Concurrency Summary

Based upon the analysis conducted, staff has determined that all concurrency-mandated facilities, including transportation, stormwater management, solid waste, water, and wastewater, have adequate capacity to accommodate the most theoretically intense use of the subject property under the proposed rezoning.

As with all development, a more detailed concurrency review will be conducted during the development approval process.

### **Consistency with Comprehensive Plan**

Rezoning requests are reviewed for consistency with all applicable policies of the comprehensive plan. Rezoning requests must also be consistent with the overall designation of land uses as depicted on the Future Land Use Map. In this case, the subject property is designated L-2, Low



Density-2, on the Future Land Use Map. Since RS-6 zoning is allowed in the L-2 district, the proposed zoning is consistent with the Future Land Use Map.

Other than 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 that 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 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 objectives and policies:

- Future Land Use Element Objective 1

Future Land Use Element Objective 1 states that the county will have a compact land use pattern which reduces urban sprawl. By allowing the site to be developed in a manner that is consistent with the site's land use designation, the request allows a more compact land use pattern within the Urban Service Area and reduces the chances that urban sprawl will occur. For these reasons, the request is consistent with Future Land Use Element Objective 1.

- Future Land Use Element Policies 1.11 and 1.12

Future Land Use Element Policy 1.11 states that these residential uses must be located within the Urban Service Area. In addition, Future Land Use Element Policy 1.12 states that the L-2, Low-Density Residential-2, land use designation is intended for residential uses with densities up to 6 units/acre.

Since the subject property is located within the county's Urban Service Area, is located within an area designated as L-2 on the county's Future Land Use Map, and the proposed zoning district would permit residential uses no greater than the 6 units/acre permitted by the L-2 designation, the proposed request is consistent with Policies 1.11 and 1.12.

- Future Land Use Element Policy 2.2

Future Land Use Element Policy 2.2 states that the county shall encourage and direct growth into the Urban Service Area through zoning and LDRs. Since the proposed rezoning would allow and encourage more development on the subject property and the subject property is within the Urban Service Area, the request implements Future Land Use Element Policy 2.2.

While the referenced policies 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 applicable plan policies and objectives. Based upon that analysis, staff determined that the request is consistent with the Comprehensive Plan.

## **Consistency with the County Land Development Regulations**

Rezoning requests must be consistent with all applicable sections of the County Land Development Regulations (LDRs), including Section 902.12(3) standards of review. A copy of those standards are included as Attachment 6 to this report. With this rezoning request, staff determined that the request is consistent with the LDRs, including the review standards listed in Section 902.12(3).

## **Compatibility with the Surrounding Area**

Staff's position is that the requested zoning district is appropriate for the site and that development under this zoning district would be compatible with surrounding land uses.

At least two factors indicate that the proposed RS-6 zoning district would be appropriate for this portion of the county; these are: the underlying designation on the Future Land Use Map of L-2, Low-Density Residential-2 (up to 6 units per acre); and the development pattern in this portion of the County.

Properties to the south contain the Pine Tree Park Subdivision which contains numerous 50' wide and 60' wide platted lots. Since that subdivision is zoned RS-6, rezoning the subject property would constitute an extension of the existing RS-6 zoning district, thereby ensuring compatibility.

The land to the east of this rezoning request contains Laurel Springs Subdivision. Laurel Springs subdivision is a residential developed Planned Development zoned RS-3, Single-Family Residential District (up to 3 units/acre). The southern 2/3<sup>rd</sup>'s of its land area is part of a pre-existing lake/stormwater retention area that directly abuts the subject property. The remaining northern 1/3<sup>rd</sup> of its land area contains six (6) single-family residential lots. To the east of the Laurel Springs Subdivision is the RS-6 zoned Pine Tree Park Subdivision.

Adjacent land to the north and west of the subject property (southeast corner of 8<sup>th</sup> Street and 66<sup>th</sup> Avenue) contains an existing single family home on approximately 2.26 acres. That property is zoned A-1, Agricultural-1 and like the subject property contains an L-2, Low Density-2 (up to 6 units per acre) Future Land Use designation.

The Urban Service Area (USA) boundary borders this property on two sides; 8<sup>th</sup> Street on the north side, and 66<sup>th</sup> Avenue on the west side. The USA line delineates the boundary between current/future urban type development and current/future agricultural uses and large lot single family development. With respect to the subject site, the existing 8<sup>th</sup> Street and adjacent canal right-of-way provide between 90 and 135 feet of physical separation between the subject property and the large lot single family developed A-1 zoned properties to the north. To the west, there is between 90 and 120 feet of existing public road right-of-way for 66<sup>th</sup> Avenue between the subject property and the large lot single family developed A-1 zoned properties and pasture land. The separation distance, combined with Urban Service Area perimeter buffer yard requirements (County Land Development Regulations Section 911.04(3)(c)5.) applied at the time the RS-6 property is developed, should adequately address potential impacts that may be associated with existing and potential future agricultural uses.

For these reasons, staff feels that the requested RS-6 zoning district would be compatible with development in the surrounding area.

### **Potential Impact on Environmental Quality**

Subject property is an altered site previously used for citrus and currently being used as pasture. The site contains no environmentally important land, such as wetlands or sensitive uplands. Thus, development of the site is anticipated to have little or no impact on environmental quality. For this reason, no adverse environmental impacts associated with this request are anticipated.

### **CONCLUSION**

The requested RS-6 zoning district is compatible with the surrounding area and is consistent with the goals, objectives, and policies of the Comprehensive Plan. The requested rezoning will have no negative impacts on environmental quality, and meets all applicable rezoning criteria. Most importantly, the subject property is located in an area deemed suited for low-density single-family residential uses. For these reasons, staff supports the request.

### **RECOMMENDATION**

Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject property from A-1 to RS-6 by adopting the attached ordinance.

### **ATTACHMENTS**

1. Summary Page
2. Rezoning Application
3. Unapproved Minutes of the December 13, 2018 PZC meeting
4. Table of Uses for Agricultural Zoning Districts
5. Table of Uses for Residential Zoning Districts
6. Section 902.12(3) Standards of Review
7. Rezoning ordinance