

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

TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator

PREPARED BY: Cindy Thurman, Senior Planner, Long Range Planning

DATE: January 26, 2024

SUBJECT: Consideration of an Ordinance of Indian River County, Florida, Amending the Zoning Ordinance and the Accompanying Zoning Map for ±65.13 Acres from A-1 to RM-6 (RZON96050010-95752) [Quasi-Judicial]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of February 6, 2024.

DESCRIPTION AND CONDITIONS

The applicant is requesting to rezone a portion of the subject property, located along the west side of 98th Avenue, south of S.R 60 and west of I-95, from A-1 (Agricultural Zoning District) to RM-6 (Multiple-Family Residential Zoning District). Approximately 65.13 acres of the subject property is located within the Urban Service Boundary (USB) and is subject to this request. While the overall property is approximately 116 acres, approximately 50.87 acres lies outside of the USB. Only the property within the USB is requested to be rezoned to RM-6 for the purposes of developing the site with uses permitted within the RM-6 Zoning District.

At a public hearing held on January 11, 2024, the Planning and Zoning Commission voted 5-0 to recommend that the Board of County Commissioners approve the rezoning request.

Existing Land Use Pattern

The area of Indian River County located west of I-95, and south of S.R. 60, has a mixture of land uses including commercial, manufacturing, light industrial, agricultural, and residential. While much of the land in this area is agricultural, to the south of the subject property is Verona Trace residential subdivision (zoned RM-6). Verona Trace is developed at a density of approximately 4.5 units per acre.

Zoning District Differences

In terms of permitted uses, there are both similarities and differences between the existing A-1 Zoning District and the proposed RM-6 Zoning District. The respective zoning district's purpose

statements best illustrate the similarities between the zoning districts. These purpose statements, found in the County's Land Development Regulations (LDRs), are as follows:

A-1: The A-1 Zoning District is intended to provide 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. This district also intends to provide opportunities for residential uses at very low densities to promote housing opportunities in the county. This district is further intended to permit activities which require non-urban locations and do not detrimentally impact lands devoted to rural and agricultural activities.

RM-6: The RM-6 Zoning District is intended to provide areas for development of multiple-family residential uses and to ensure adequate public facilities to meet the needs of residents, as well as provide a varied and diverse housing supply.

Analysis

The following analysis is per Chapter 902: Amendments to the Official Zoning Atlas, Section 902.12(3) which states that all proposed amendments shall be submitted to the Planning and Zoning Commission which shall consider such proposals in accordance with items (A) through (K) of Section 902.12(3).

Item A – Whether or not the proposed amendment is in conflict with any applicable portion of the Land Development Regulations.

The location of the USB requires that the development of this property include a special minimum yard and setback requirement pursuant to the LDRs. It is noted here for any future identification of conflicts with the regulations.

Section 911.04(5), "Application of district regulations, residential lots and units adjacent to the urban service area boundary", states that residential subdivision projects, site plan projects, and planned development projects located inside the urban service boundary where new residential lots or units are proposed adjacent to the urban service area boundary shall include provisions for a special buffer."

The LDRs state that the buffer is provided as a separate tract and shall consist of native vegetation planted in a fifty-foot or wider Type "B" buffer with a six-foot opaque feature, as described in Chapter 926. Where walls are used, the wall variation requirements of subdivision ordinance Subsection 913.09(9) shall apply. Where required, the buffer shall be treated as a required improvement for the project or project phase in which the buffer is to be located.

Item B – Whether or not the proposed amendment is consistent with all the elements of the Indian River County Comprehensive Plan.

The elements of the Comprehensive Plan contain goals, objectives, and policies that direct the community's development. Policies are statements in the plan that identify courses of action and provide the basis for all County land 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:

Future Land Use Element Policy 1.13

Future Land Use Element Policy 1.13 states that the M-1, Medium-Density Residential Future Land Use (FLU) designation is intended for residential uses with densities up to 8 units/acre. In addition, Future Land Use Element Policy 1.13 states that these residential uses must be located within the USB.

Since the subject property is located within an area designated as M-1 on the County's Future Land Use Map, is located within the County's USB, and the proposed zoning district permits residential uses no greater than 8 units/acre, the proposed request is consistent with Policy 1.13.

Future Land Use Element Policy 1.43

Future Land Use Element Policy 1.43 provides criteria that the Board of County Commissioners may use to determine whether or not a proposed zoning district is appropriate for a particular site. Below is a table listing the specific rezoning criteria from Policy 1.43 for multiple-family zoning districts and staff determination of how the criteria are met.

Table 1 Proposed Residential Multiple-Family (RM-6) Zoning District		
Review Criteria	Meets Criteria?	Comments
1. Adjacent to other multiple-family areas	Yes	The subject property is adjacent to multiple family districts to the south zoned RM-6
2. Adjacent to employment centers	Yes	The subject site is within 2 miles of the I-95 interchange
3. Along Arterial and Collector roads, particularly to buffer single family areas	Yes	The subject property abuts 98 th Avenue
4. Adjacent to Commercial uses, particularly to buffer single family areas	No	The subject site is not adjacent to commercial uses
5. Not abutting single family areas on all sides	Yes	The subject site is not abutting single family on all sides

Item C - Whether or not the proposed amendment is consistent with existing and proposed land uses.

The subject property is designated as M-1, Medium Density Residential-1 on the Future Land Use Map. The proposed RM-6 zoning is consistent with the M-1 Future Land Use Map designation and no future land use amendment is being proposed as part of this request. Most of the

surrounding properties are also within the existing M-1 Future Land Use designation and consist of agricultural and residential uses (see Attachment 2).

Item D - Whether or not the proposed amendment is in compliance with the adopted county thoroughfare plan.

The subject property abuts 98th Avenue on the east and 12th Street on the south. It is noted that 98th Avenue is classified as a principal arterial road on the future roadway thoroughfare plan map. Located within approximately 100 feet of public road right of way, this segment of 98th Avenue is paved. There are currently no planned road improvements for this section of 98th Avenue.

Item E – Whether or not the proposed amendment would generate traffic which would decrease the service levels on roadways below the level adopted in the comprehensive plan.

The objectives of the Comprehensive Plan’s Transportation Element are to provide a safe, balanced, efficient transportation system that maintains roadway level of service and adequately serves the needs of the community.

As part of the concurrency review process, the applicant has submitted a Traffic Impact Analysis (TIA). A TIA 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 assigns those trips on the county’s thoroughfare roadway network within the project’s area of influence.

Based on the TIA for the proposed rezoning, the following net new external trips are anticipated with the most intense use of the site:

- 3,526 daily, 262 AM peak hour (66 in/196 out), and 352 PM peak hour (221 in/131 out) trips.

All roadway segments are projected to operate at an acceptable Level of Service (LOS) based on these trip counts.

Item F – Whether or not there have been changed conditions which would warrant an amendment.

The applicant states that “currently the FLU (future land use) designation of the property inside the USB is Medium-Density Residential-1 (M-1), which allows for a maximum density of 8 units per acre. Further, the current zoning for the property inside the USB is A-1, which allows for a maximum density of 1 unit per 5 acres. Although a FLU designation of M-1 allows for 8 units per acre, the A-1 zoning designation will limit the applicant to only 1 unit per 5 acres.”

Item G – Whether or not the proposed amendment would decrease the level of service established in the comprehensive plan for sanitary sewer, potable water, solid waste, drainage, and recreation.

Based upon the analysis conducted by staff, it has been determined that all concurrency-mandated facilities, including stormwater management, solid waste, water, wastewater, and recreation have adequate capacity to accommodate the most intense use of the subject property under the proposed rezoning. Per the County LDRs, the applicant may be required to pay connection and other customary fees, and comply with other routine administrative procedures. If approved, rezoning does not guarantee any vested rights to receive water and wastewater treatment service. As with all development, a more detailed concurrency review will be conducted during the development review process.

In accordance with Section 910.07 of the County's LDRs, conditional concurrency review examines the available capacity of each facility with respect to a proposed project. Since rezoning requests are not development projects, County regulations call for the concurrency review to be based upon the most intense use of the subject property allowed within the requested zoning 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. Below is a summary of this information:

1. Size of Area to be rezoned: ± 65.13 acres
2. Existing Zoning District: A-1
3. Proposed Zoning District: RM-6
4. Most Intense Use of Subject Property:
Under Existing Zoning District: 13 Single-Family Units
5. Most Intense Use of Subject Property:
Under Proposed Zoning District: 390 Multiple-Family Units

Item H – Whether or not the proposed amendment would result in the significant adverse impacts on the natural environment.

Currently, the property is improved pasture land and contains no areas designated by the state of Florida or the U.S. Federal Government as environmentally sensitive or protected land. As such, rezoning the site is anticipated to have no adverse impacts on the natural environment.

Item I – Whether or not the proposed amendment would result in the orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The RM-6 Zoning District is established in the area surrounding the subject site and is consistent with the existing land uses. The proposed rezoning is consistent with the comprehensive plan and the surrounding land uses, and will provide for a logical development pattern with the application of buffer and setback requirements identified in the LDRs.

Item J – Whether or not the proposed amendment would be in conflict with the public interest, and is in harmony with the purpose and interest of the land development regulations.

The request is in harmony with the purpose and intent of the LDRs, and no conflict with public interests have been identified.

Item K – Any other matters that may be deemed appropriate by the planning and zoning commission or the board of county commissioners in review and consideration of the proposed amendment such as police protection, fire protection, and emergency medical services.

Based upon analysis conducted by staff, it has been determined that all concurrency mandated facilities, including police protection, fire protection, and emergency medical services have adequate capacity to accommodate the most intense use of the subject property under the proposed rezoning.

CONCLUSION

The requested RM-6 Zoning District is compatible with the surrounding area, is consistent with the goals, objectives, and policies of the Comprehensive Plan, and is consistent with the County LDRs. Located in an area deemed suitable for the uses allowed within the RM-6 Zoning District, the subject property meets all applicable criteria to be rezoned to RM-6. For these reasons, Staff supports the request.

RECOMMENDATION

Staff (and the members of the Planning and Zoning Commission) recommend that the Board of County Commissioners approve the request to rezone the portion of the subject property located within the USB from A-1 to RM-6.

ATTACHMENTS

1. Existing Zoning Map/ Proposed Zoning Map
2. Future Land Use Map
3. Rezoning Application
4. Ordinance



