

INDIAN RIVER COUNTY, FLORIDA

MEMORANDUM

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: March 5, 2018

RE: Kane Request to Rezone ± 2.009 Acres from RS-1 to RS-3 & ± 4.827 Acres from RS-1 to CON-2 (RZON-2017080084-80032) (Quasi-Judicial)

It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting of March 20, 2018.

DESCRIPTION AND CONDITIONS

This request is to rezone ± 2.009 acres from RS-1, Single-Family Residential District (up to 1 units/acre) to RS-3, Single-Family Residential District (up to 3 units/acre), and ± 4.827 acres from RS-1, Single-Family Residential District (up to 1 units/acre) to CON-2, Conservation District (up to 1 unit/40 acres). As shown in Figure 1, the subject property is located north and adjacent to Round Island Riverside Park and west of South Highway A1A. The purpose of this request is to secure the zoning necessary to develop the ± 2.009 acre site at a density consistent with the allowed density of its comprehensive plan land use designation and to conserve wetlands by rezoning the wetland area to a conservation district.

On February 8, 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 a mix of environmentally sensitive land, residential, and public recreational and conservation uses. As shown on Figure 1, the subject property is vacant, with an upland area that has been cleared on the property's eastern portion and a wetland covering the remaining $\pm 2/3$ of the property. Figures 2 and 3 show that the property to the south is zoned RS-3, Single-Family Residential District (up to 3 units/acre) and contains Round Island Riverside Park. The property to the east across South Highway A1A is also zoned RS-3, Single-Family Residential District (up to 3 units/acre) and contains Round Island Oceanside Park and vacant land. The property to the north is zoned RS-1, Single-Family Residential District (up to 1 units/acre) and is vacant. Along the Indian River Lagoon, the RS-1 district serves as a "holding zone" until a site specific estuarine wetlands boundary is determined to provide a basis for conservation zoning.

of the wetlands and conventional residential zoning of the uplands. To the west of the subject property is the Indian River Lagoon.

Figure 1
Aerial image of subject property and surrounding uses

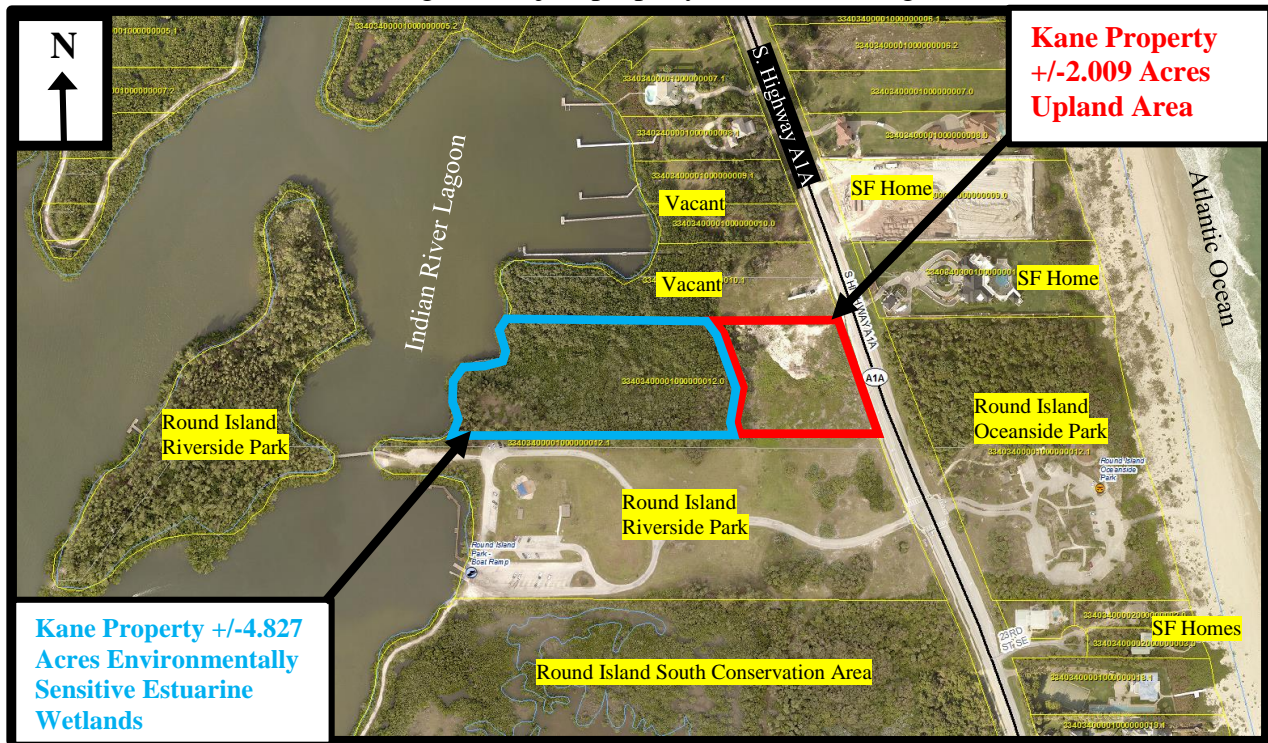


Figure 2
Existing Zoning of Subject Properties

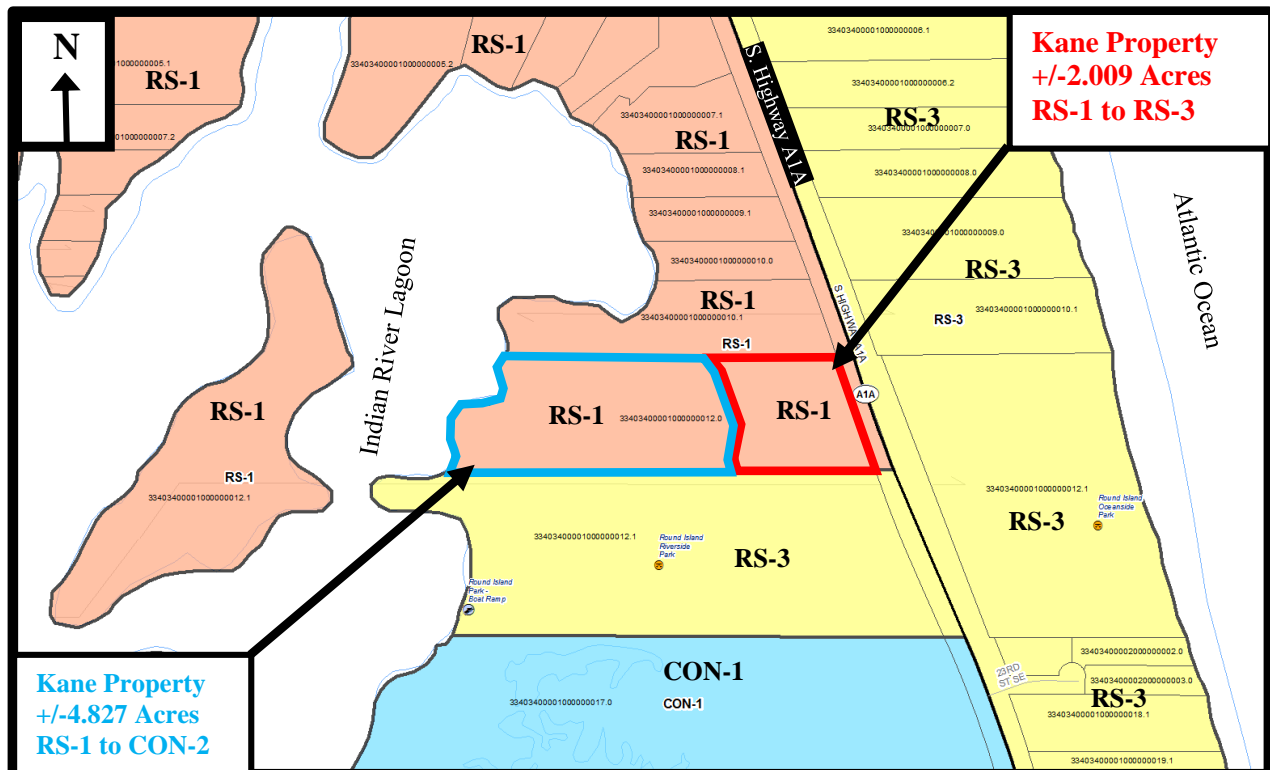
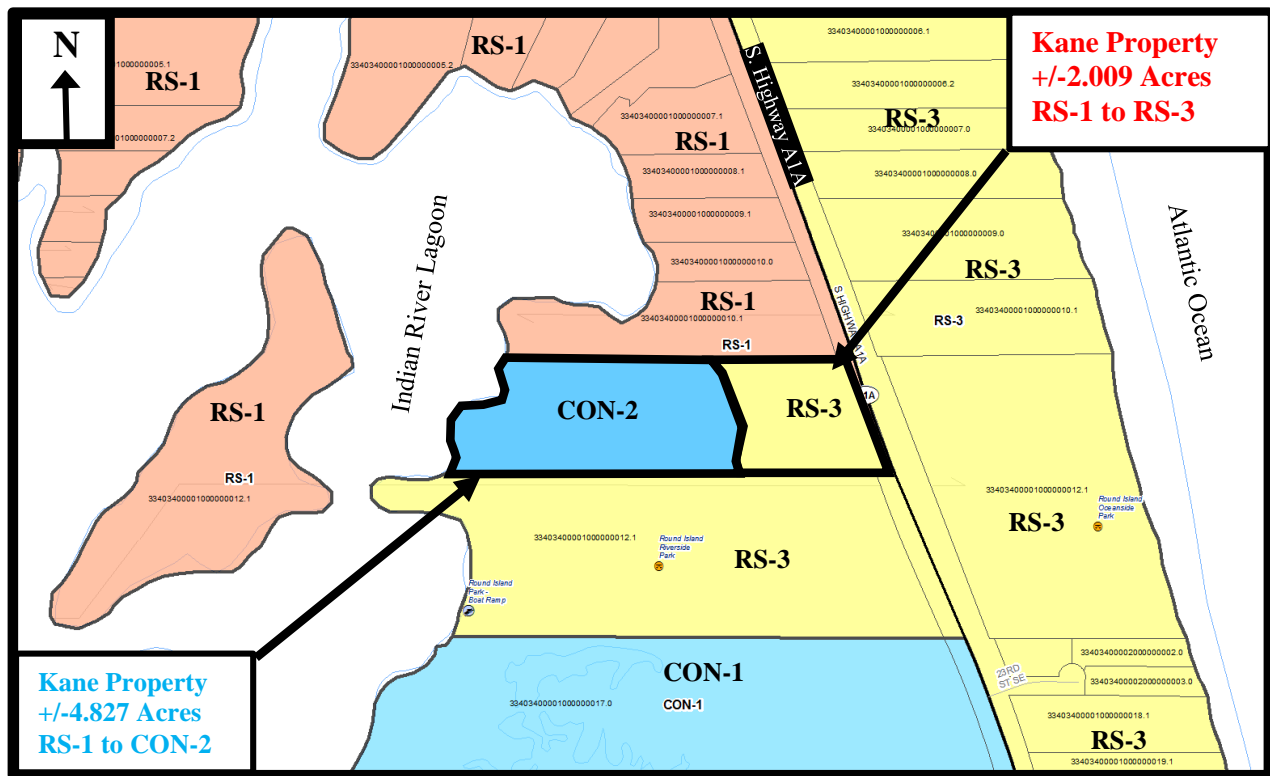


Figure 3
Proposed Zoning of Subject Properties



Future Land Use Pattern

As shown on Figure 4, the subject property and properties to the north along the Indian River Lagoon are designated C-2, Conservation-2 (up to 1 unit/40 acres), on the Comprehensive Plan's Future Land Use Map. Land to the East (across South Highway A1A) is designated REC, Recreation, and L-1, Low-Density Residential-1 (up to 3 units/acre). Property to the south is also designated REC, Recreation. The L-1 designation permits residential uses with densities up to 3 units/acre. The C-2 designation is intended to protect privately owned estuarine wetland and undeveloped lagoon island conservation areas. Development within C-2 designated areas is limited to conservation uses, passive recreational uses, and residential uses up to 1 unit/40 acres on site and up to 1 unit/acre if approved through a transfer of development rights in conjunction with a planned development (PD) project.

The subject property is currently designated C-2, Conservation-2 (up to 1 unit/40 acres) due to the presence of some amount of estuarine wetlands on site. The current designation essentially functions as an initial "broad brush" designation that is refined when site-specific environmental information is made available. Pursuant to Future Land Use Element Policy 1.7, the exact boundaries of the C-2 Future Land Use Designation can only be determined by an environmental survey with areas identified as estuarine wetlands remaining as C-2 and any uplands designated the same as contiguous adjacent upland property. With the property currently under consideration, contiguous upland area includes REC, Recreation, and L-1, Low-Density Residential-1 (up to 3 units/acre). Since REC, Recreation is a land use designation for public parks, and the property is

in private ownership, the appropriate land use designation for the upland portion of the subject site is L-1, Low-Density Residential-1 (up to 3 units/acre).

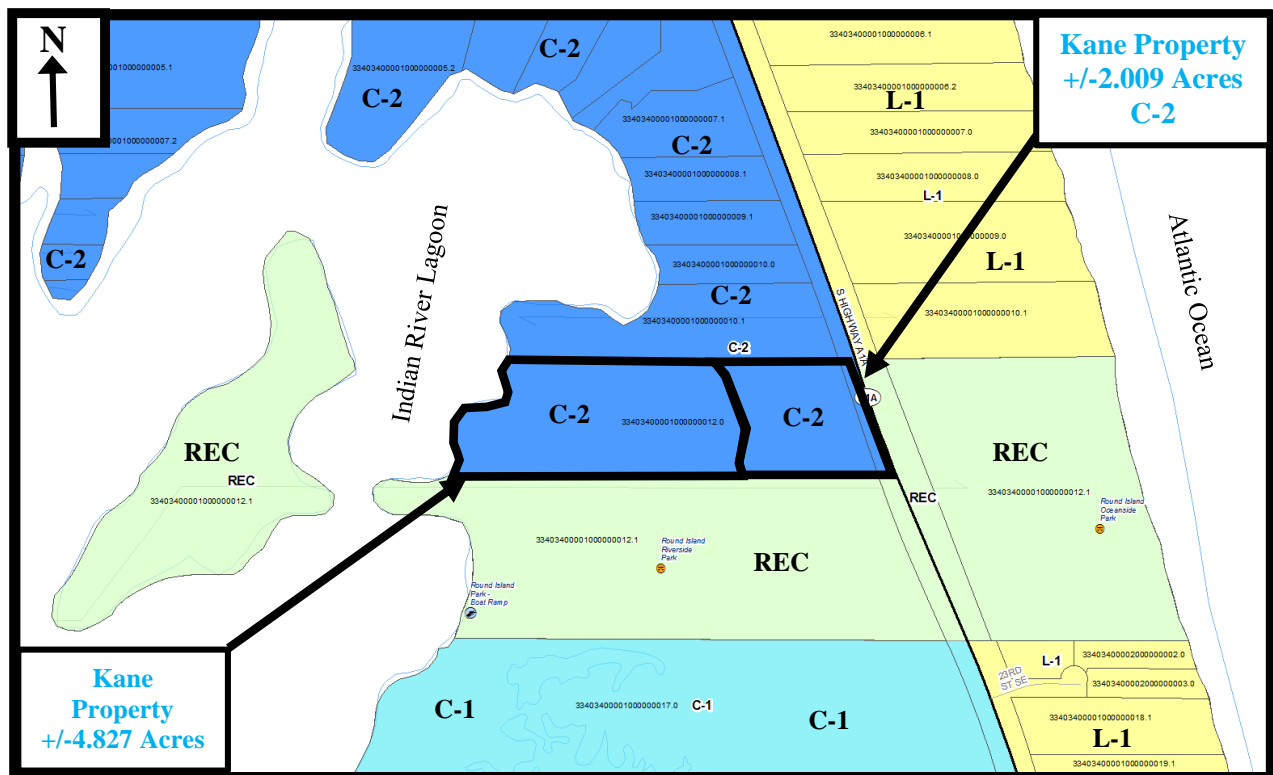
Environment

The ± 2.009 acre upland portion of the property is an altered site that was cleared. The remaining ± 4.827 acres to the west of the upland portion contains environmentally sensitive estuarine wetlands. A survey submitted by the applicant and approved by environmental planning staff denotes the boundary between the estuarine wetlands and the adjacent uplands. While the uplands are proposed to be rezoned to RS-3, pursuant to requirements listed within Future Land Use Element Policy 1.7 and Section 911.05(3) of the County Land Development Regulations, the wetland area and any remaining land west of the ± 2.009 acre upland area will be rezoned to CON-2, estuarine wetland Conservation District (up to 1 unit/ 40 acres) in conjunction with the upland rezoning. According to Flood Insurance Rating Maps, the wetlands portion of the subject property is in flood zone AE and the remaining upland area is not in a flood zone (designated X or X500).

Utilities and Services

The subject property lies within the Urban Service Area of the County. Wastewater and water service is available to the site from City of Vero Beach water and sewer utility services.

Figure 4
Future Land Use of Subject Properties



Transportation System

The property's east boundary abuts South Highway A1A. Classified as a Urban Minor Arterial road on the future roadway thoroughfare plan map, this segment of South Highway A1A is a 2-lane paved road with between 100 and 115 feet of existing public road right-of-way.

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.

As per section 910.07(2) of the Concurrency Management Chapter of the County's Land Development Regulations, projects which do not increase land use density or intensity are exempt from concurrency requirements. Since the current RS-1 zoning of the subject property potentially allows a maximum of 6 residential units on the overall property and the proposed RS-3/CON-2 zoning will potentially allow the same maximum number of residential units there will be no increase in density or intensity of development due to this rezoning request. Therefore, the subject request is exempt from the county's concurrency determination requirement.

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 C-2, Conservation-2 (up to 1 unit/40 acres). Pursuant to Future Land Use Element Policy 1.7, the exact

boundaries of the C-2 Future Land Use Designation must be determined by environmental survey with areas identified as estuarine wetlands remaining as C-2 and any upland area designated the same as contiguous adjacent upland property. With the property currently under consideration, contiguous area includes REC, Recreation, and L-1, Low-Density Residential-1 (up to 3 units/acre). Since REC, Recreation is a land use designation for public parks, and the property is in private ownership, the land use designation for the upland portion of the site is L-1, Low-Density Residential-1 (up to 3 units/acre). Since RS-3 zoning is allowed in the L-1 land use designation, 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-1, Low-Density Residential-1, land use designation is intended for residential uses with densities up to 3 units/acre.

Since the subject property is located within the county's urban service area, is located within an area designated as L-1 on the county's Future Land Use Map, and the proposed zoning district for the uplands would permit residential uses no greater than the 3 units/acre permitted by the L-1 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.

- Future Land Use Element Policies 1.5, 1.6 and 1.7

Future Land Use Element Policy 1.5 states that the conservation land use designations shall be applied to those areas which contain or possess lands with qualities or features that play a vital or

essential role in the normal functioning of the county's ecosystems. Future Land Use Element Policy 1.6 states that privately owned estuarine wetlands will be designated as Conservation-2, while Future Land Use Element Policy 1.7 states that the boundaries of Conservation-2 shall be determined by an environmental survey.

Because the subject property contains privately owned estuarine wetland areas that possess qualities and features that play a vital or essential role in the county's ecosystems and because the boundaries of those wetlands have been determined by a survey, changing the zoning of the estuarine wetlands to CON-2, Conservation District-2 (up to 1 unit/ 40 acres), is consistent with and will implement Future Land Use Element Policies 1.5, 1.6 and 1.7.

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.

Compatibility with the Surrounding Area

Staff's position is that the requested zoning districts are appropriate for the site and that development of the uplands under the RS-3 zoning district and preservation of the wetlands under the CON-2 zoning district would be compatible with surrounding land uses.

At least two factors indicate that the proposed RS-3 zoning district would be appropriate for this portion of the county; these are: the underlying designation on the Future Land Use Map of L-1, Low-Density Residential-1 (up to 3 units per acre); and the development pattern in this portion of the County.

Since properties to the east and south are zoned RS-3, rezoning the subject property to RS-3/CON-2 would constitute an extension of the RS-3 zoning, thereby ensuring compatibility.

Equally important is the development pattern in this portion of the county. This area of the county is primarily developed with low density single family residential properties. Many of these properties are at a density that is equivalent to the density that would be allowed under the proposed RS-3/CON-2 zoning. Therefore, no incompatibilities are anticipated to occur as a result of the proposed rezoning.

For these reasons, staff feels that the requested RS-3/CON-2 zoning districts would be compatible with development in the surrounding area.

Potential Impact on Environmental Quality

The upland portion of the subject property has been cleared to a large extent and is no longer in its natural state while the wetlands portion of the overall site is in its natural state. When an application for development approval is submitted, the County will conduct a detailed review of potential environmental impacts of development on the subject property and apply applicable development criteria. Also, CON-2 zoning of the western 2/3rds of the site provides for maximum environmental protection. For these reasons, no adverse environmental impacts associated with this rezoning request are anticipated.

CONCLUSION

The requested zoning districts are compatible with the surrounding area, are consistent with the comprehensive plan, will have no negative impacts on environmental quality, and meet all applicable criteria to be rezoned to RS-3 and CON-2. Most importantly, the subject ±2.009 acre uplands are located in an area deemed suitable for low-density single-family uses and the ±4.827 acre estuarine wetlands have now been identified by a site specific environmental survey for re-designation to conservation. 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 RS-1 to RS-3 and CON-2 by adopting the attached ordinance.

ATTACHMENTS

1. Summary Page
2. Rezoning Application
3. Unapproved Minutes of the February 8, 2018 Planning and Zoning Commission meeting
4. Rezoning ordinance

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