

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

TO: Jason E. Brown; County Administrator

THROUGH: Phillip J. Matson, AICP; Community Development Director

THROUGH: Bill Schutt, AICP; Chief, Long Range Planning

FROM: Matt Kalap; Planner, Long Range Planning

DATE: October 19, 2020

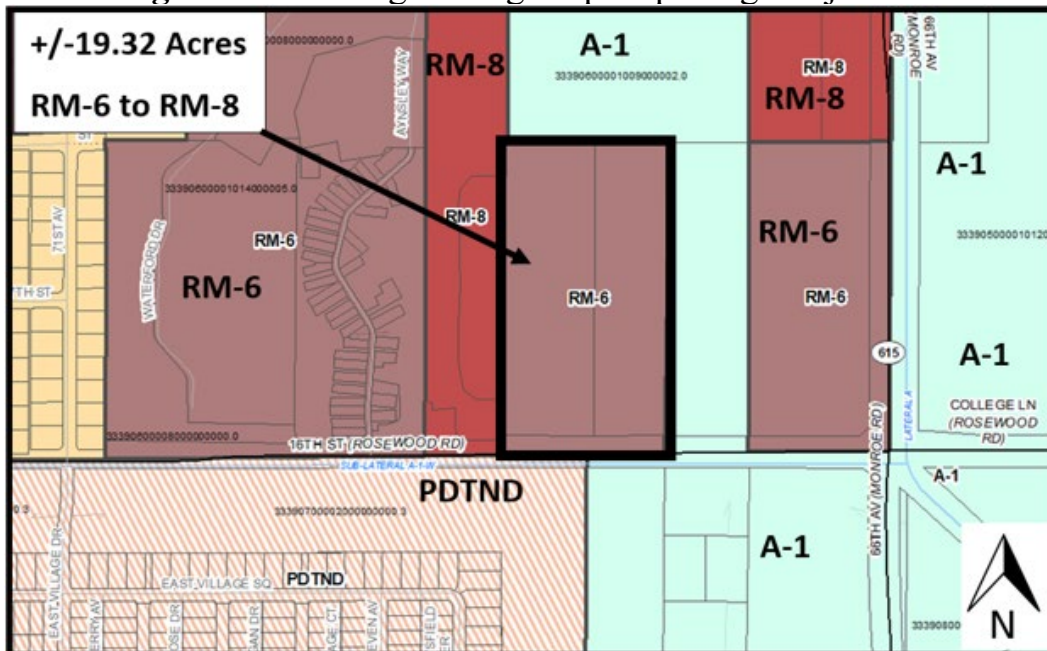
RE: MJS Vero Land, LLC Request to Rezone +/-19.32 Acres from RM-6 to RM-8 (RZON2005090430-87617) **[Quasi-Judicial]**

It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting of November 3, 2020.

**DESCRIPTION AND CONDITIONS**

This request is to rezone ±19.32 acres located North of 16<sup>th</sup> Street and approximately +/-870 feet West of 66<sup>th</sup> Avenue, from RM-6 Multiple-Family Residential District (up to 6 units per acre), to RM-8 Multiple Family Residential District. The subject parcels are depicted in the image below (Figure 1). The purpose of this request is to secure the zoning necessary to develop the +/- 19.32 acre site at a density consistent with the density allowed by the site's comprehensive plan land use designation.

**Figure 1 - Existing Zoning Map Depicting Subject Site**



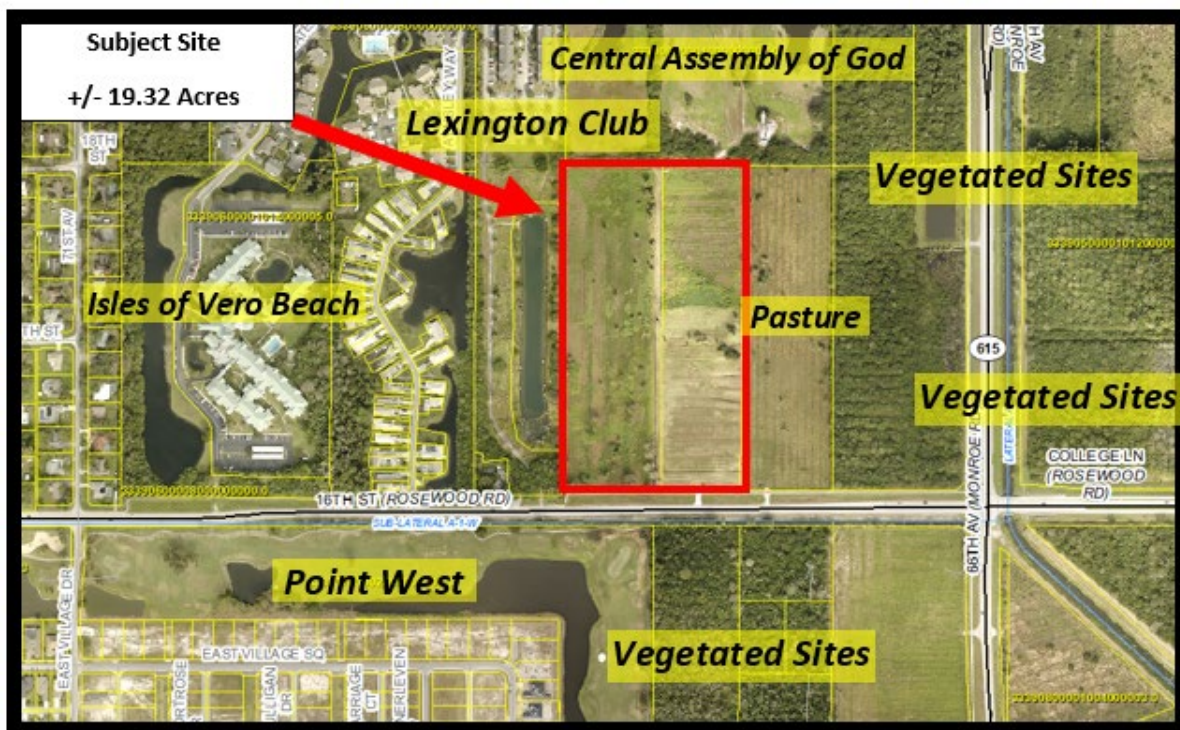
## Planning and Zoning Commission Action

On September 24, 2020, 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

As shown in Figure 2, the properties surrounding the subject site consists of pastureland, vegetated sites, multiple-family residential uses, and a religious institution. Additionally, the subject site is within close proximity to Indian River State College, and the State Road 60 and 66<sup>th</sup> Avenue Commercial/Industrial node. The subject site contains two separate vacant parcels partially vegetated with Brazilian Pepper trees and several large trees.

**Figure 2 - Aerial Imagery Depicting the Subject Site and Adjacent Uses**



Figures 3 and 4 show that the parcels directly to the south/southeast of the subject site are currently zoned A-1, Agricultural District (up to 1 unit per 5 acres). To the southwest is the Point West subdivision which is zoned PDTND, Planned Development Traditional Neighborhood Design. The property to the north is currently zoned A-1, Agricultural 1 District (up to 1 unit per 5 acres) and contains the Central Assembly of God religious institution. To the east, and adjacent to Subject Property 1, is an approximately 9.5 acre parcel zoned A-1 (up to 1 unit per 5 acres) that parcel is currently being used as pastureland and contains cattle. Further east is a parcel zoned RM-6 (up to 6 units per acre). Directly to the west is a parcel zoned RM-8 (up to 8 units per acre) which contains the Lexington Club at Vero multi-family development. While Lexington Club is located on a parcel zoned RM-8, the development density is greater than 8 units per acre. This is because, Lexington Club received an Affordable Housing Density Bonus that increased its developed density to approximately 9.5 units per acre.

Figure 3 - Existing Zoning Map Depicting Subject Site

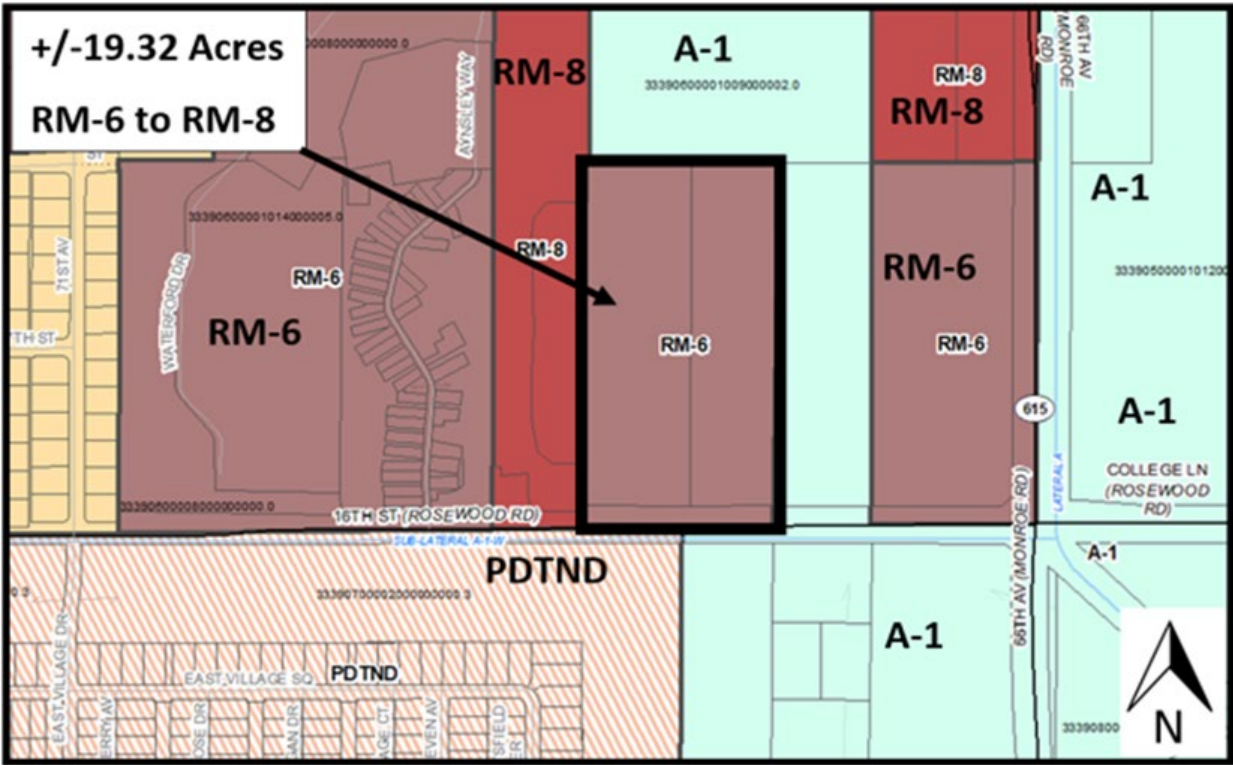
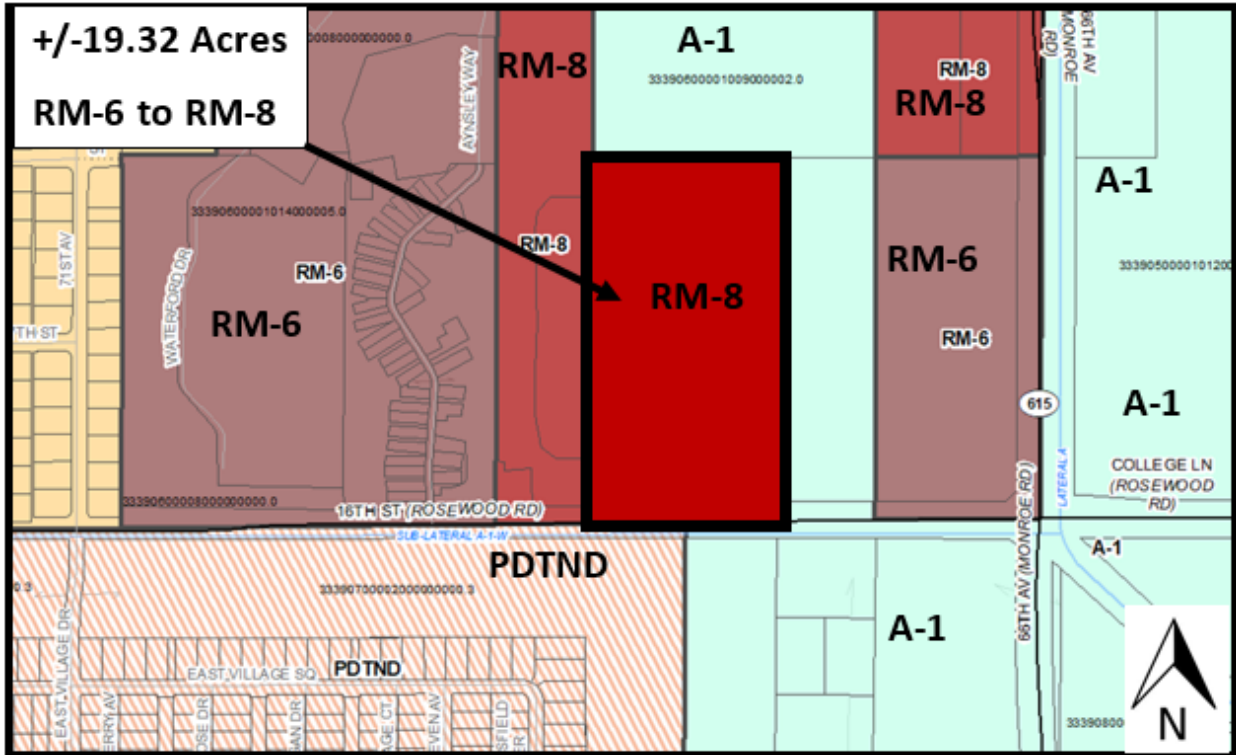


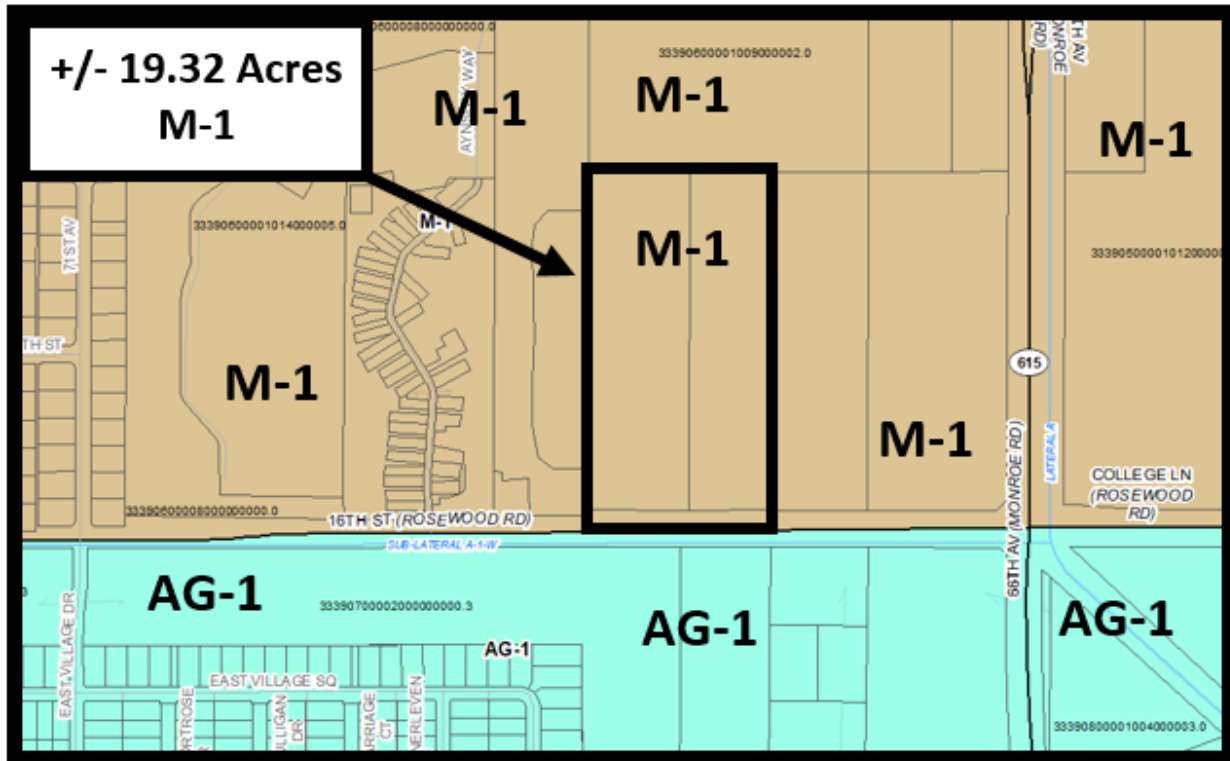
Figure 4 - Map Depicting the Proposed Zoning of Subject Site



## Future Land Use Pattern

As shown in Figure 5, the subject site is designated M-1, Medium-Density Residential-1, on Indian River County's Comprehensive Plan Future Land Use Map. The M-1 designation permits residential uses with densities of up to 8 units per acre. The properties to the east, west and north of the subject site also have a M-1 future land use designation. The properties to the south, southwest, and southeast of the subject properties are designated AG-1, Agricultural-1, on the county's future land use map. The AG-1 designation permits residential and agricultural uses with densities up to 1 units/acre.

**Figure 5 - Map Depicting the Future Land Use Designation of the Subject Site**



## Environment

The subject site is vacant and was previously used for agriculture. The subject site also contains vegetation, mostly grass and Sabal Palms with several invasive Brazilian Pepper trees and several specimen trees. Prior to development, the site will be reviewed by County Environmental Planning staff for tree preservation requirements under Chapter 927 of the Indian River County Land Development Regulations. Based on County records, no wetlands or any other environmentally sensitive habitat have been identified in the subject site. According to Flood Insurance Rating Maps, the subject site is within Flood Zone X (area of minimal flood hazard).

## **Utilities and Services**

The subject site is within the Urban Service Area of the County.

Water Service is available from the North and South County Reverse Osmosis Plants (interlinked), which currently have sufficient capacity to accommodate the additional demand generated by the subject rezoning request. Wastewater service is available from the West Regional Wastewater treatment plant. The West Regional Wastewater Treatment Plant has sufficient capacity to accommodate the additional demand generated by the subject rezoning request. Per Indian River County Land Development Regulations, uses that develop on the site will be required to connect to County Water and Sewer service.

## **Transportation System**

The subject site abuts 16<sup>th</sup> Street. This roadway is classified as a Major Collector road on the future roadway thoroughfare plan map. Located within an approximate 115-130 foot wide public road right-of-way (width varies), this segment of 16<sup>th</sup> Street is a two lane paved road. There are currently no planned road improvements for this section of 16<sup>th</sup> Street listed in the County's Comprehensive Plan.

## **Zoning District Differences**

In terms of potential uses, there are no substantial differences between the existing RM-6 district and the proposed RM-8 districts. The most notable differences between the existing RM-6 district and proposed RM-8 district are, that the proposed RM-8 zoning district allows for an additional 2 units per acre and, specific uses such as, bed and breakfasts, group homes, congregate living and, child or adult care facilities must go through a less stringent permitting process (see Attachment 4 for details). The purpose statement for the multi-family zoning districts, found in the County's Land Development Regulations (LDRs), is as follows:

**Multiple-Family Residential District:** The multiple-family districts are established to implement the policies of the Indian River County Comprehensive Plan for managing land designated for residential uses, providing opportunities for multifamily residential units 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 RM-6, Multiple-Family Residential District (up to 6 units per acre) and the RM-8, Multiple-Family Residential District (up to 8 units per acre) are the County's two most prevalent multi-family zoning districts. In terms of permitted uses and size and dimension criteria, there are both similarities and differences between the existing RM-6 district and the proposed RM-8 district (see Attachment 4). With respect to lot size for multi-family and duplex development, under RM-6 zoning, the minimum lot size is 12,000 square feet. Under RM-8 zoning, the minimum lot size is 10,000 square feet.

## **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 site 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 (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 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 allowed within the requested rezoning district.

For RM-8 rezoning requests, the most intense use of a property (according to the County's LDR's) is the maximum number of units that could be built on the site, based on the size of the property and maximum density under the proposed rezoning. The site information used for the concurrency analysis associated with this rezoning is as follows:

- |   |   |
|---|---|
| 1. Size of Area to be Rezoned:  | ± 19.32 acres   |
| 2. Existing Zoning District:  | RM-6, Multiple-Family Residential District (up to 6 units/acre) |
| 3. Proposed Zoning District:  | RM-8, Multiple-Family Residential District (up to 8 units/acre) |
| 4. Most Intense Use of Subject Property Under Existing Zoning District: | 115 Multiple-Family Units                                       |
| 5. Most Intense Use of Subject Property Under Proposed Zoning District: | 154 Multiple-Family Units                                       |

## 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 154 multiple-family units on the subject property.

## Water

With the proposed rezoning, the subject property could accommodate up to 154 residential units. Presently, County Water and Wastewater service is available to the subject parcels. Development on the subject property will be served by the North & South County Reverse Osmosis Plants (interlinked), which currently has sufficient existing and planned capacity to accommodate the additional demand generated by the 154 unit theoretical maximum associated with the proposed rezoning.

## Wastewater

County wastewater service is available to the site from the West Regional Wastewater Treatment Plant, which currently has sufficient existing and planned capacity to accommodate the additional wastewater generated by the 154 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, and preservation of floodplain storage and minimum finished floor elevations when located within a floodplain. In addition, development proposals must meet the discharge requirements of the county Stormwater Management Ordinance. Since the site is located within the Indian River Farms Water Control District (IRFWCD), development on the property will be prohibited from discharging any runoff in excess of two inches in a twenty-four hour period, which is the approved IRFWCD discharge rate.

In this case, the minimum floor elevation level of service standard does not apply, since the property does not lie within a floodplain. Both the on-site retention and discharge standards do apply. The stormwater management level of service standard will be met by limiting off-site discharge to the IRFWCD's maximum discharge rate of two inches in twenty-four hours, and maintaining on-site retention of the stormwater runoff for the most intense use of the property.

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

### Recreation

A review of county recreation facilities and the projected demand that would result from the most intense development that could occur on the property under the proposed zoning district indicates that the adopted levels of service would be maintained.

### Concurrency Summary

Based upon the analysis conducted, staff has determined that all concurrency-mandated facilities, including transportation, stormwater management, solid waste, recreation, water, and wastewater, have adequate capacity at this time 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 M-1, Medium-Density Residential-1, on the Future Land Use Map. Since RM-8 zoning is allowed in the M-1 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 1.13 and 1.14

Future Land Use Element Policy 1.13 states that medium density residential uses shall be located within the Urban Service Area. In addition, Future Land Use Element Policy 1.14 states that the M-1, Medium-Density Residential-1, land use designation is intended for residential uses with densities up to 8 units/acre.

Since the subject property is located within the county's Urban Service Area, is located within an area designated as M-1 on the county's Future Land Use Map, and the proposed zoning district would permit residential uses no greater than the 8 units/acre permitted by the M-1 designation, the proposed request is consistent with Policies 1.13 and 1.14.

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 zoning districts and staff determinations of how the criteria are met. Please note that the Subject Properties are currently zoned RM-6 which is a multiple family zoning district.

<b>Table 1 Proposed Residential Multiple Family Zoning District</b>		
<b>Review Criteria</b>	<b>Meets Criteria?</b>	<b>Comments</b>
1. Adjacent to other multiple-family areas	Yes	The subject site proposed to be rezoned is adjacent to multiple family districts to the west.
2. Adjacent to employment centers	No	The subject site proposed to be rezoned is not directly adjacent to an employment center, however, the subject site is within close proximity to the regional mall, State Road 60, and Indian River State College
3. Along Arterial and collector roads, particularly to buffer single family areas	Yes	The subject site proposed to be rezoned is along a collector road and would act as a buffer to single family areas to the south from more intense development along State Road 60
4. Adjacent to commercial uses, particularly to buffer single family areas.	No	The subject site proposed to be rezoned is not directly adjacent to commercial uses. However, the Central Assembly of God religious institution is adjacent to the subject site, the SR 60 corridor is to the north and single family homes are to the southwest.
5. Not abutting single family areas on all sides	Yes	The subject site proposed to be rezoned is not abutting single family areas on all sides.

## Future Land Use Element Objective 2

Future Land Use Element Objective 2 states that in unincorporated Indian River County, all residential development greater than 0.2 units/acre, and all non-agriculture related commercial/industrial uses will be located within the Urban Service Area, which contains the infrastructure and services needed to accommodate such development. Since the subject site proposed to be rezoned is located within the Urban Service Area, the request is consistent with Future Land Uses Element Objective 2.

## 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.

## Transportation Element Policy 8.1

Transportation Element Policy 8.1 states that the County will implement Future Land Use Element policies which restrict urban sprawl, limit strip commercial development, promote infill, encourage TND projects, promote public transportation, and encourage higher intensity uses in major corridors. Since the subject site is proposed to be rezoned to a higher intensity residential use and is within close proximity to SR 60 and Indian River State College, the request supports Transportation Element Policy 8.1

## Housing Element Policy 1.9

Housing Element Policy 1.9 is under an overall objective to increase housing affordability. This policy states that the County shall support housing developments near transportation hubs, major employment centers, and mixed use development by expediting the permit process for these types of housing projects. Allowing increased density of multi-family zoning will provide more opportunity for developers to increase the supply of owner occupied and renter occupied housing which can, over time, decrease the cost of housing (supply vs. demand). Since the subject site proposed to be rezoned is within close proximity to SR 60, Indian River State College, and Commercial/Industrial Nodes, the request supports Housing Element Policy 8.1.

## Housing Element Objective 2

Housing Element Objective 2 states that within its residential areas, Indian River County will have adequate sites to accommodate current and anticipated housing demand for all income groups and groups with special housing needs. This objective also states that these sites shall have an appropriate land use and zoning designation which allows for a balanced housing market with a mixture of housing types, including mobile and manufactured homes. Consistent with this objective, the proposed rezoning would allow and encourage more multi-family residential development, which is proposed in response to current and anticipated housing demand.

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 (LDRs)**

Rezoning requests must be consistent with all applicable sections of the County LDRs, including Section 902.12(3) standards of review. A copy of those standards are included as Attachment 5 to this report. With this rezoning request, staff determined that the request is consistent with the LDR 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 subject site and that development under this zoning district would be compatible with surrounding land uses. This is based on the fact that the land to the west is zoned RM-8 and the Future Land Use Designation for the subject site and adjacent parcels to the north, east and west are M-1, Medium-Density Residential-1 (up to 8 units per acre).

With respect to the adjacent A-1 zoned properties to the north and to the east, the A-1 zoned property directly to the east is currently owned by Laurel Homes Inc, and is adjacent to multiple family zoning districts on both the east and west property boundary lines. The land to the north while zoned A-1, Agricultural-1, contains a large church with expansive green space. In the Urban Service Area (USA), A-1 zoned properties act as a holding zone until the property owner, based on market conditions, requests a zoning consistent with the property's land use designation. As land within the USA continues to be developed, it is anticipated that zoning district changes will be requested for these properties. Additionally, in recent years, both 66<sup>th</sup> Avenue has been widened and 16<sup>th</sup> street has been significantly improved.

The aforementioned factors indicate a trend toward continued urbanization in this portion of the county. Therefore, no incompatibilities between these properties and the subject property are anticipated to occur as a result of the proposed rezoning. For these reasons, staff feels that the requested RM-8 zoning district would be compatible with development in the surrounding area.

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

The subject properties proposed to be rezoned from RM-6 to RM-8 currently contains vacant, partially vegetated lands formerly used for agriculture. Since the subject property contains no land designated as environmentally sensitive or protected, such as wetlands or sensitive uplands, development of the site is anticipated to have minor adverse impacts on environmental quality. In addition, the same degree of site alteration is anticipated whether the site is ultimately developed with RM-6 or RM-8 uses. When new development is proposed for the subject site, a more detailed environmental analysis will be conducted during the development approval process.

## **CONCLUSION**

The requested RM-8 zoning district is compatible with the surrounding area and is consistent with the goals, objectives, and policies of Indian River County's Comprehensive Plan. Most importantly, the subject site is located in an area deemed suitable for M-1, Medium-Density Residential-1 uses allowed under the requested RM-8 zoning. For these reasons, staff supports the request.

## **RECOMMENDATION**

Based on the analysis, staff and the Planning and Zoning Commission recommends that the Board of County Commissioners approve this request to rezone the subject site from RM-6 to RM-8 by adopting the proposed rezoning ordinance.

## **ATTACHMENTS**

1. Summary Page
2. Rezoning Application
3. Excerpt from the Draft Minutes of the September 24<sup>th</sup> 2020 P&Z Meeting
4. Table of Uses, and Size and Dimension Criteria for Multi-Family Zoning Districts
5. Section 902.12(3), Standards of Review
6. Rezoning Ordinance