

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: December 8, 2020

RE: **THE KERN GROUP OF FLORIDA, INC. REQUEST TO REZONE +/- 38.85 ACRES FROM CG TO CRVP (RZON-2020010090-87415) [Quasi-Judicial]**

It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting of December 15, 2020.

DESCRIPTION AND CONDITIONS

This request is to rezone +/-38.85 acres from CG, General Commercial District, to CRVP, Commercial Recreational Vehicle Park District. As shown in Figure 1, the subject property is located south of the Vero Beach Outlets Mall, +/-2,500 feet east of 98th Avenue and +/-1,550 feet north of the 12th Street Right-Of-Way and between 125 to 1,000 feet west of I-95. The purpose of this request is to secure the zoning necessary to develop the +/-38.85 acre site with uses permitted in the CRVP zoning district.

Planning and Zoning Commission Action

On November 12th 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

This portion of the county contains Interstate Highway oriented uses and a mixture of general commercial, industrial, residential mobile home parks, and undeveloped/vegetated land. As shown on Figure 1, the subject property contains vegetation. Figures 2 and 3 show that the property directly to the south and west is zoned RM-6, multi-family residential (up to 6 units/acre), and is vegetated/vacant. To the north of the subject property, land is zoned CG, General Commercial District and Con-1, Public Lands Conservation District. The CG zoned land contains the Vero Beach Outlets Mall and interstate-oriented businesses (e.g. restaurants and hotels). Land to the east (across Interstate 95) is zoned RMH-8, Residential Mobile Home Park (up to 8 units per acre) and IL, Light Industrial and contains mobile home parks and industrial uses.

Figure 1 - Aerial image of Subject Property and Surrounding Uses



Figure 2 - Existing Zoning of Subject Property

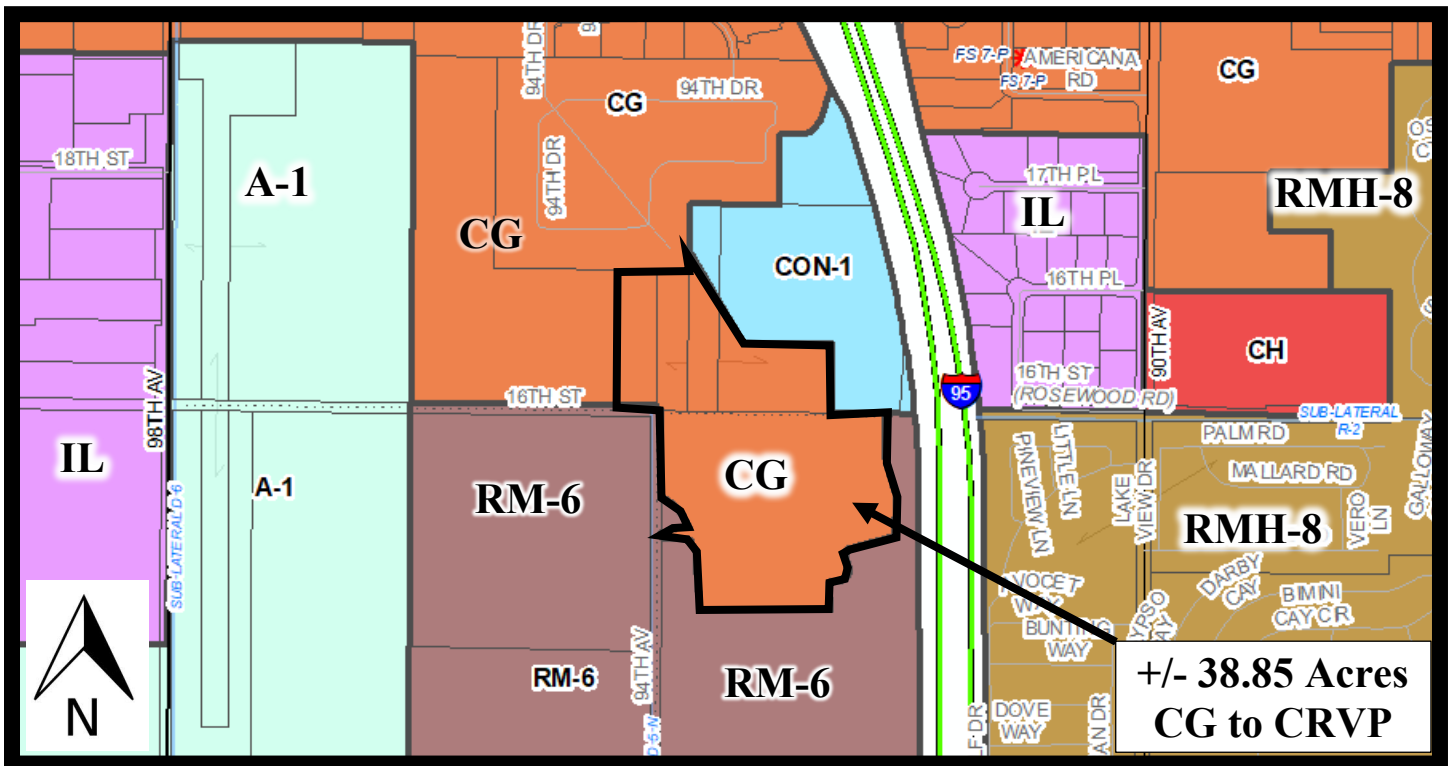
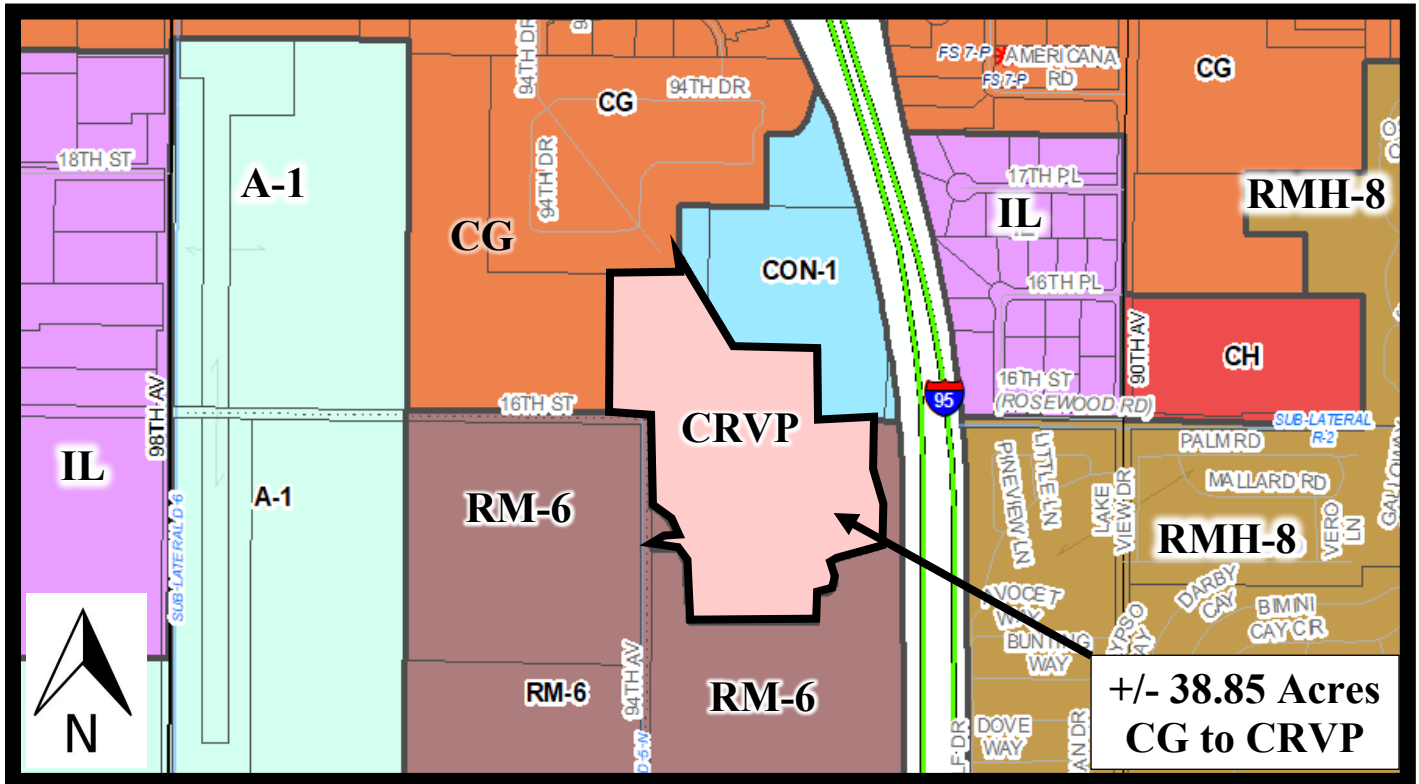


Figure 3 - Proposed Zoning of Subject Property

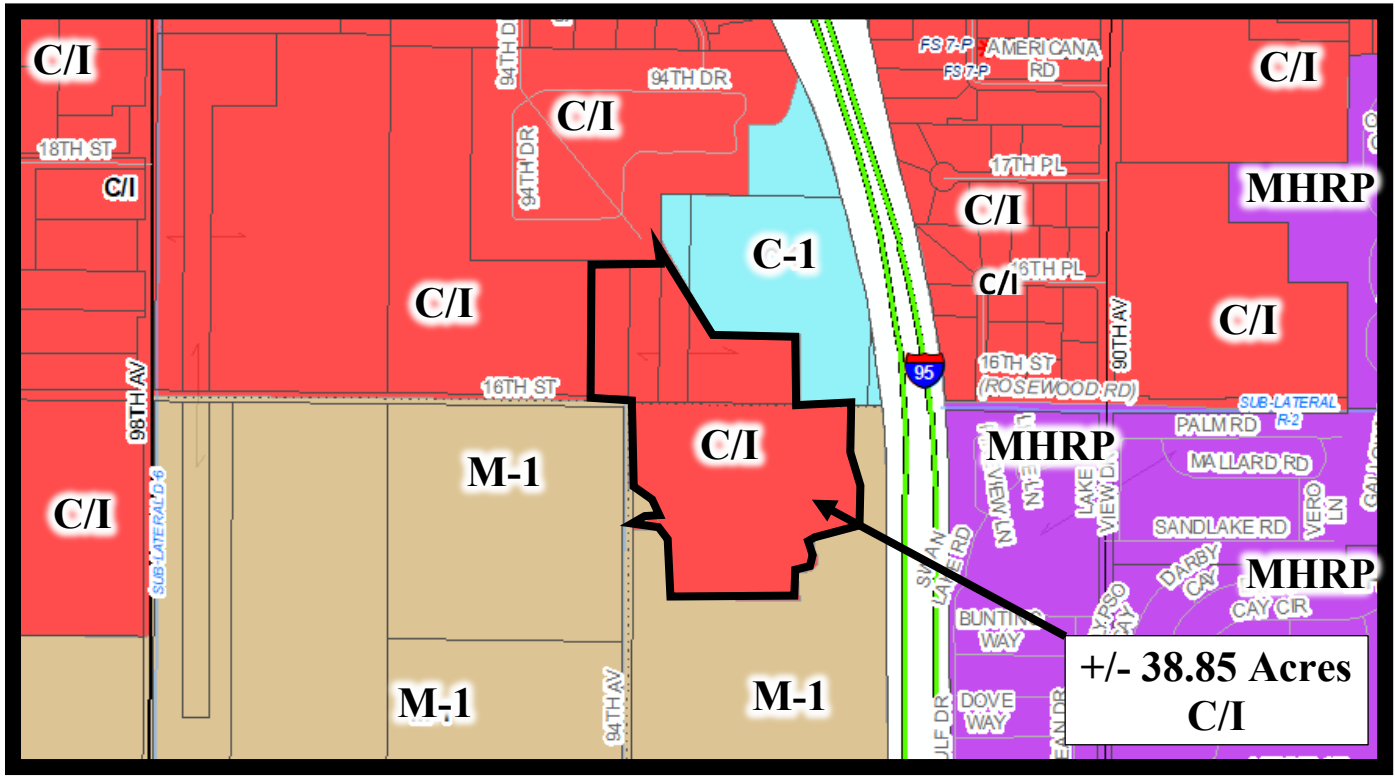


Future Land Use Pattern

As shown on Figure 4, the subject property and properties to the north and northwest are designated C/I, Commercial/Industrial, on the Comprehensive Plan’s Future Land Use Map. The C/I designation permits various commercial and industrial zoning districts. Property to the northeast of the subject property is designated C-1, Conservation-1 (zero density). Properties to the south and southwest have a future land use designation of M-1, Medium-Density Residential-1 (up to 8 units/acre).

(Future Land Use map on next page)

Figure 4 - Future Land Use of Subject Property



Environment

According to Flood Insurance Rate Maps, all but a small portion of the subject property is in Flood Zone X (area of minimal flood hazard). The small portion not in Flood zone X is located along the western boundary of the area proposed to be rezoned. That area is in flood zone A.

County Environmental Planning staff reviewed the site as part of a pre-application conference and part of a technical review committee conference for a potential RV park and noted that the site appears to contain potential habitat for listed species, native uplands and potential protected and specimen trees. Prior to any development of the site, applicant will need to coordinate with County Environmental Planning staff to address county requirements for preservation and protection of these environmental features.

Utilities and Services

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

County Water and Wastewater service is available to the requested parcels and the current plant capacity is adequate. Water Service is available from the North and South County Reverse Osmosis Plants (interconnected), 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 Facility, which currently has sufficient capacity to accommodate the additional demand generated by the subject rezoning request.

Per the County Utilities Department, to access such Water and Wastewater treatment service, the Applicant may be required to pay hook-up, installation and other customary fees, comply with other routine administrative procedures, provide easements, and/or remove, relocate, install or construct line extensions and other equipment. This does not guarantee that Water and Wastewater treatment service will be available to the applicant in the future and does not provide the applicant with any vested rights to receive Water and Wastewater treatment service. The availability of Water and Wastewater treatment services is subject to the approval of all applicable governmental agencies having jurisdiction over these matters.

Transportation System

The subject property abuts the Vero Beach Outlets Mall and has direct access to 94th Drive (entrance to outlet mall), which is a private road with 4 lanes. 94th Drive has direct access to State Road 60, a road classified on the County's future roadway thoroughfare plan map as an urban principal arterial road. In this area State Road 60 has approximately 250 feet of right-of-way, 6 lanes east of the Outlets mall entrance (plus dual turn lanes) and 4 lanes west of the outlets mall entrance (plus a turn lane). There are currently no planned road improvements for this section of State Road 60 listed in the County's Comprehensive Plan and no planned road improvements for 94th Drive.

West of the subject property are two designated, but unbuilt roadways; 16th Street and 94th Avenue. While the road right-of-way for 16th Street connects the subject property to 98th Avenue (paved 2 lane road), the County does not currently have plans to construct this section of 16th Street. Similarly, while the road right-of-way for 98th Avenue runs adjacent to the west side of the subject property and intersects with the 16th Street right-of-way, there are also no plans to construct the roadway.

Prior Future Land Use, Zoning, and Development Proposal for Subject Property

In 1998, the BCC approved a Future Land Use Map designation change and rezoning that reconfigured the shape and location of the State Road 60 Commercial/Industrial Node south of the Vero Beach Outlets Mall to accommodate a planned Phase II expansion of that outlet mall under a Development of Regional Impact order. That proposal included 320,000 square feet of commercial building floor area, 280 hotel/motel rooms, 12 screen cinema, and golf course and recreational area. As part of the Future Land Use map and rezoning change, the irregularly shaped southern +/-26.4 acres of the property had its Future Land Use changed from M-1, Medium Density Residential-1 (up to 8 units per acre) to C/I, Commercial Industrial and had its zoning changed from RM-6, Residential Multi-Family (up to 6 units per acre) to CG, General Commercial. An identically sized +/-26.4 acres located adjacent and to the northeast of the subject property was changed from C/I, Commercial/Industrial to C-1, Conservation-1 (zero density). That area was placed under a conservation easement to the Saint Johns River Water Management District.

While the Future Land Use and Zoning were changed, the proposed Phase II expansion plan for the outlet mall was never constructed. Development approvals associated with the expansion, including the Development of Regional Impact ultimately expired.

Zoning District Differences

In terms of permitted uses, there are substantial differences between the existing CG district and the proposed CRVP 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:

CG: General Commercial District: The CG, General Commercial District, is intended to provide areas for the development of general retail sales and selected service activities. The CG district is not intended to provide for heavy commercial activities such as commercial service uses, heavy repair services nor industrial uses.

CRVP: Commercial Recreational Vehicle Park District: The CRVP, commercial recreational vehicle park district, is established to implement the Indian River County Comprehensive Plan policies for allocating commercial land uses. The purpose of the CRVP district is to provide areas where transient mobile homes, travel trailers, truck campers, pickup coaches, motor homes, and similar vehicles used for temporary habitation during travel, vacation, and recreation purposes can be accommodated for short periods of time. The CRVP district is intended to accommodate recreational vehicles up to a density of fourteen (14) spaces per gross 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 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.

As per section 910.07(2) of the Concurrency Management Chapter of the County's LDRs, projects which do not increase land use density or intensity are exempt from concurrency requirements. With respect to trip generation, potential commercial uses (assuming the most intense possible use) under the existing CG zoning could theoretically produce 12,793 daily trips, while the trip generation for a commercial recreational vehicle park under the CRVP zoning could theoretically produce 1,482 daily trips.

Based on the above, this rezoning request is exempt from concurrency review because the requested zoning would not increase the use intensity of the site. When new development is proposed for the subject property, a more detailed concurrency analysis 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 C/I, Commercial/Industrial, on the Future Land Use Map. Since CRVP zoning is allowed in the C/I designated area, 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, Comprehensive Plan 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 Future Land Use Objective 1, Future Land Use Element Policies 1.17, 1.23, and 2.2, Economic Development Element Objective 6, and Future Land Use Element Table 2.14.

Future Land Use Element Objective 1

Future Land Use Element Objective 1 states that the county will have a compact and energy efficient land use pattern. By allowing the site to be developed in a manner that is consistent with the site's land use designation, and by keeping a transient related residential option near the interstate freeway, the request allows a more compact and energy efficient 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 1.17 and 1.23

Future Land Use Element Policy 1.17 states that all commercial/industrial uses must be located within the County's Urban Service Area. Future Land Use Element Policy 1.23 states that C/I Node configuration shall provide for the most efficient use of land, and of transportation and other public facilities and services, while eliminating sprawl and strip development.

Since the subject property is located within the County's Urban Service Area and the requested CRVP district is intended to be located in C/I Nodes the request is consistent with Future Land Use Element Policy 1.17. The proposed CRVP district is also appropriate for the subject property because of its location adjacent to a north/south Interstate Highway and a major east/west state road. Commercial recreational vehicle parks are a transient oriented residential business appropriate for locations near major road corridors and appropriate for being located behind commercial uses (does not require immediate road frontage like commercial retail uses).

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 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. 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.

Economic Development Element Objective 6

Economic Development Element Objective 6 states that the county will increase tourism and tourist tax revenue. The proposed rezoning to commercial recreational vehicle park will provide the opportunity to develop the site for a recreational vehicle park which will assist the county's efforts to promote tourism by offering an amenity for a growing segment of the tourism market. This will in turn allow the county to increase its tourist tax revenue (bed taxes) to use for promoting the County's local tourism industry.

Future Land Use Element Table 2.14

Future Land Use Element Table 2.14 illustrates which zoning districts are permitted in certain land use designations. As indicated in that table, the CRVP zoning district is permitted in the C/I, Commercial Industrial Future Land Use designation. Because the subject property is located on land that has a C/I Future Land Use designation, this request is consistent with Future Land Use Element Table 2.14.

Since the subject property is located within the County's Urban Service Area and the requested CRVP district is intended to be located in C/I designated areas, and benefit from being at locations near major interstate and in-state roadways the request is consistent with Future Land Use Element Objective 1, Policies 1.17, 1.23, 2.2. and Table 2.14. Furthermore, the addition of recreational

vehicles will serve to bring in tourists that will spend money locally and assist the County in meeting its local tourism objectives and policies.

While the referenced objectives, policies, and table 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 LDRs, including Section 902.12(3) standards of review. A copy of those standards are included as Attachment 7 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

The subject property abuts a small portion of the Vero Beach Outlets Mall at its north/northwest corner and more substantially abuts a conservation area to the north/northeast. Part of the portion that abuts the Vero Beach Outlets Mall includes 94th Drive which provides direct access to the subject property. A very small portion of the subject property near 94th Drive is behind the Vero Beach Outlets Mall and will have minimal impacts on that property. Should the rezoning be approved, the site design for a commercial recreational vehicle park could be developed to keep uses away from the outlet mall. In addition, the CRVP regulations require a minimum of a fifty-foot wide buffer yard with a type “B” landscape buffer strip and a six-foot opaque feature which will help to separate the commercial use from the uses eventually developed in the CRVP district.

Property to the west includes CG, General Commercial zoned property which abuts the northern +/-40% of the property and RM-6, Residential Multi-Family (up to 6 units per acre) zoned property which abuts approximately 60% of the property on its west side. RM-6 zoned property also abuts the property to the south and to the east (small portion between Interstate 95 and subject property). As noted above, a minimum of a fifty-foot wide buffer yard with type “B” landscape buffer is required around the entire perimeter of recreational vehicle park. Once developed, the buffer will help to separate any potential commercial use to the west from the recreational vehicle park and any potential future uses within the RM-6 zone areas to the west and south. To the west, unimproved 94th Avenue and Sublateral D5-N and a portion of unimproved 16th Street also provide an additional 60-foot-wide buffer to separate potential future uses from any developed recreational vehicle park.

Interestingly, the perimeter buffer yard requirement for a commercial recreational vehicle park is substantially greater than the buffer yard requirement between the CG, General Commercial zoning district (existing zoning) and RM-6, Residential Multi-Family zoning district. The buffer requirement between those zoning districts is a 20-foot Type “C” Buffer.

Given the existing CG zoning to the north and northwest, the C/I Future Land Use designation of the property, the buffer requirement around the entire recreational vehicle park, the large area of

conservation area to the north/northeast, the separation distance of the subject property do to the presence of unimproved 16th Street and unimproved 94th Avenue, the subject property is appropriate for CRVP development under the requested rezoning. For those reasons, staff finds that the subject property, under the proposed zoning district, will be compatible with surrounding areas.

Potential Impact on Environmental Quality

Based on a review of historical air photos, review of available documents, and discussion with County Environmental Planning staff, the subject property was cleared many years ago and has since become re-vegetated. The property now appears to contain potential habitat for listed species, native uplands and potential protected and specimen trees. In addition, the area includes a portion of the ten-mile ridge surficial aquifer recharge area. Prior to any development of the site, the applicant will need to coordinate with County Environmental Planning staff to address county requirements for preservation and protection of these environmental features.

CONCLUSION

The requested CRVP zoning district is compatible with the surrounding area and is consistent with the goals, objectives, and policies of the Comprehensive Plan. Located in an area deemed suitable for commercial uses, including CRVP district uses, the subject property meets all applicable County criteria to be rezoned to CRVP.

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 properties from CG to CRVP by adopting the proposed rezoning ordinance.

ATTACHMENTS

1. Summary Page
2. Rezoning Application
3. Excerpt from the Draft Minutes of the November 12th 2020 P&Z Meeting.
4. Table of Uses for Commercial Zoning Districts
5. Table of Uses for Commercial Recreational Vehicle Park District
6. Future Land Use to Zoning District Comparison – Table 2.14
7. Section 902.12(3) *Standards of Review*
8. Rezoning Ordinance