

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

TO: Indian River County Board of County Commissioners

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

FROM: Patrick J. Murphy; Senior Planner, Current Development

DATE: May 24, 2024

SUBJECT: Community Baptist Church, Inc.’s Request for Special Exception Use and Site Plan Approval for a K-12 Private School [SP-SE-23-03-10 / 96010103-95990]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of June 4, 2024.

DESCRIPTION & CONDITIONS

ONE 16 Engineering & Consulting LLC, on behalf of Community Baptist Church, Inc., is requesting special exception use and site plan approval to convert an existing 4,000 square foot accessory building for the purpose of a K-12 private school. The 6.01-acre site is located south of and adjacent to Roseland, specifically at 12534 Roseland Road (see attachment 2). The site is zoned RS-3, Single-Family Residential (up to 3 units/acre), a zoning district which requires special exception use approval for a school (educational center, including primary and secondary schools).

Community Baptist Church currently exists upon the subject property and includes a 9,000 square foot church/assembly building with associated parking facilities, a pastor’s residence, and several accessory buildings (i.e. storage sheds, basketball court, playground). The original church site plan approvals date back to the late 1980’s. In 1993, County staff granted a change of use approval to convert an existing single-family residence into the Community Baptist Church. In 1996, the Indian River County Board of County Commissioners (BCC) granted special exception use approval to operate a childcare facility from the property. In 2001, the church received special exception use approval from the BCC to expand the church via the addition of a 9,000 square foot sanctuary and fellowship hall. Additional parking, stormwater treatment, and landscaping were added to the site during development of the new building.

Directly west of the church assembly building is an existing, multi-purpose building of approximately 4,000 square feet, which was approved in the 2001 special exception approval as a Phase 2 improvement. This building is now being requested by the applicant for conversion into a K-12 private school. The existing building will contain nine (9) classrooms (a few grades will utilize the same classroom space), a school office, director’s office, flex-space areas, storage rooms, and bathroom facilities. The maximum student capacity is capped at 90 students, based on available space, but the school informed Planning staff that the enrollment will be less, for academic reasons. No additional parking will be provided, or required, as there is ample existing parking for use by both the school and the church (which are used during non-overlapping times of the day).

Currently, the Board of County Commissioners (BCC) is to consider the request and approve, approve with conditions, or deny the special exception use and site plan request for the proposed K-12 private

school. The BCC also needs to consider the request for a waiver from the Type “C” buffer plantings along the southeast property line, and approve, approve with conditions, or deny the request. Pursuant to Section 971.05 of the County’s Land Development Regulations (LDR’s), the BCC is to consider the appropriateness of the requested use for the subject site and surrounding area. The BCC may attach reasonable conditions and safeguards necessary to mitigate impacts and to ensure compatibility of the use with the surrounding area.

PLANNING AND ZONING COMMISSION (PZC) RECOMMENDATION:

At its meeting of May 9, 2024, the PZC voted 7-0 to recommend that the BCC grant special exception use and site plan approval with the conditions recommended by staff (see attachment 1).

ANALYSIS

1. **Size of Site:** 6.01 acres
2. **Zoning Classification:** RS-3, Single-Family Residential (up to 3 units/acre)
3. **Land Use Designation:** L-2, Low-Density Residential-2 (up to 6 units/acre)
4. **Building Area:** 16,185 square feet (all existing, no new buildings proposed)
5. **Impervious Area:** 62,302 square feet or 1.43 acres (no new impervious areas)
6. **Open Space:** Required: 40%
Proposed: 76.21%
7. **Off-Street Parking:** Required: 56 spaces for the K-12 school
Required: 67 spaces for the church sanctuary
Existing: 99 spaces, operation of uses does not overlap

Note: The school will operate Monday through Friday (from 8:30 a.m. to 3:30 p.m.), while the church operates on Sundays (8:30 a.m. to 10:30 a.m.) and Wednesday evenings (6:30 p.m. to 8:00 p.m.). Thus, the separate uses will not compete for available parking.

8. **Utilities:** The site is currently served by public water and sewer service provided by County Utility Services. The County Department of Utility Services and the Department of Health have approved these utility provisions.
9. **Access and Traffic Circulation:** Access to the project site is provided via an existing full-movement driveway connection to Roseland Road (see attachment 4). Minor improvements will be made to the driveway to strengthen the turn flares that connect to the pavement of Roseland Road. No other driveways are required or proposed. The traffic circulation plan includes a two-way loop road/drive aisle that circles internally through the site, with a one-way drop-off area that provides adequate queuing for student drop-off and pick-up.

The existing driveway connection and traffic circulation plan have been reviewed and approved by Traffic Engineering and Fire Prevention. Due to the low volume of traffic that will be generated from a school of this small size, a traffic impact study (TIS) was not required. Also, no other offsite traffic improvements (i.e. turn lanes) are required or proposed.

10. Stormwater Management: The project's stormwater management design that was previously approved and constructed includes a master stormwater system with four (4) separate stormwater management areas that are interconnected with stormwater pipes and drainage structures that direct the project's stormwater runoff into the master system (see attachment 4). The stormwater system outfalls to a swale along Roseland Road. Since the applicant does not propose any additional impervious areas the stormwater system does not require any expansion or improvements.

11. Environmental Issues:

1. *Wetlands:* County Environmental Planning staff has determined that no jurisdictional wetlands exist on the subject site. Therefore, no wetlands criteria apply to the proposed development.
2. *Uplands:* Since the project site exceeds 5 acres, the County's native upland set-aside criteria apply. A small area of intact native upland plant community exists upon the project site, along the southwest property line. The applicant preserved this area when the site was expanded in 2001 and it remains today (see attachment 5).
3. *Tree Preservation:* Presently, the project site is partially wooded with a mixture of hardwood tree species (e.g. live oak), non-hardwood tree species (e.g. pine trees), and cabbage palms. County Environmental Planning staff has reviewed and approved the project's landscape plan. Multiple large oaks are located throughout the site, which were planted when the church operations were expanded. The entire southwest property is densely vegetated and will serve as an enlarged buffer from the adjacent single-family residential use. No existing trees are proposed for removal.

12. Required Dedications and Improvements:

There are no required dedications or off-site improvements associated with this request.

13. Landscape Plan: A landscape and buffer plan has been reviewed and approved for the subject site. With respect to buffering, the plan depicts Type "C" buffers, along the northeast property line (adjacent to single-family residential zoning/use) and along the property's frontage on Roseland Road (northwest property line). As mentioned above, the southwest buffer is met via existing vegetation. The southeast property line also requires a Type "C" buffer, but a waiver is being requested by the applicant and is discussed further in item 16(6) of the report.

14. Concurrency: The applicant has applied for and obtained a conditional concurrency certificate for the project, which is sufficient for site plan approval. The concurrency certificate was based upon a concurrency determination that adequate capacity was available to serve the subject project at the time of the determination. The applicant will be required to obtain a final concurrency certificate prior to issuance of a building permit for this project.

15. Surrounding Land Use and Zoning:

North: Roseland Road, Single-family homes / RS-1
East: Single-family homes / RS-3
South: Wetlands and preserved lands / City of Sebastian
West: Single-family homes / RS-3

16. Specific Land Use Criteria (Administrative Permit Use): Pursuant to LDR section 971.14(4), the specific criteria for the proposed school (Educational centers including schools, primary and secondary) are addressed as follows:

1. *Sites for secondary schools shall be located near thoroughfares so as to discourage traffic along local residential streets in residential subdivisions. Elementary schools should be discouraged from locating adjacent to major arterial roadways;*

NOTE: The site fronts upon and has direct access to Roseland Road, which is identified as a major collector roadway on the County's Thoroughfare Plan. However, the existing building that is proposed for conversion into the school is setback +/- 300 feet from Roseland Road. Therefore, there is adequate separation for younger school-aged children (K-2nd grade) from Roseland Road.

2. *For the type of facility proposed, the minimum spatial requirements for the site shall be similar to standards utilized by the Indian River County school board and the State;*

NOTE: Based on the smaller scale of the school (maximum of 90 students), the minimum spatial requirements provided by the proposed site design are similar to the standards utilized by the Indian River County School Board and the State of Florida.

3. *Except as provided below, no building designed for occupancy by students shall be located within one hundred (100) feet of any property line not adjacent to a street or roadway, and no building designed for occupancy by students shall be located within fifty (50) feet of any property line abutting a local road right-of-way;*

- a. *Where a building designed for occupancy by students is to be located adjacent to a mixed use or TND site, or to a property zoned RM-6, RM-8, RM-10, commercial, or industrial, and there is a non-residential use or reduced setback project (small lot subdivision or planned development) on that adjacent property, then the building setback along that adjacent property may be reduced to no less than twenty-five (25) feet.*

- b. *Where a building designed for occupancy by students is to be located adjacent to property zoned RM-4, RM-3, single-family, or agricultural, and there is a non-residential and non-agricultural use on that adjacent property, then the building setback for the educational use may be reduced to no less than fifty (50) feet.*

- c. *Where a setback of one hundred (100) feet is required, the setback may be reduced to fifty (50) feet if a Type B buffer with a six (6) foot opaque feature is provided within the setback.*

- d. *Where the education facility is located adjacent to an existing cemetery, place of worship, childcare facility, adult care facility, community center, school, or other non-residential use, buffer requirements for each use may be combined into a single buffer located between the education facility and adjacent use. The single buffer shall be greater than or equal to a Type "C" buffer.*

NOTE: The site is not located adjacent to a mixed use, TND site, or any of the zoning districts mentioned above, nor has the applicant requested any building setback reductions. Based on the above-referenced school building setback requirements, the

school building must be setback 100 feet from any property lines not adjacent to a street, and 50 feet from the Roseland Road property line. The existing building is located more than 140 feet from all property lines. Buffer requirements are not being combined.

4. *The applicant shall demonstrate that existing and proposed recreation, parking, and traffic circulation facilities adequately accommodate projected student enrollment including adequate pick-up and drop-off queue area to ensure that vehicle queues during peak pick-up and drop-off times do not adversely impact adjacent streets.*

NOTE: The Engineer of Record (EOR) submitted a traffic circulation and vehicle queue plan to the County's Traffic Engineering Division and Fire Prevention Bureau during review of the site plan. These plans were approved by the applicable County staff. The recreation areas include an existing playground area located near the school building and away from adjacent residences, an existing, unlighted basketball court south of the school building, and an open field just west of the school. Also, the provided parking exceeds the minimum required parking for the school by 43 parking spaces.

5. *No rooms within the school shall be regularly used for the housing of students when located in a single-family residential district;*

NOTE: This proposal does not include any housing for students.

6. *The facilities shall have a Type "C" buffer in the A-1, A-2, A-3, RFD, RS-1, RS-2, RS-3 and RS-6 districts;*

- a. *The board of county commissioners may waive or reduce the buffer requirements where the educational facility is located next to an existing cemetery, place of worship, childcare facility, adult care facility, community center, school, or other non-residential use. Consideration shall be given to security, noise, and visual impacts. Where a waiver or buffer reduction is granted, normal perimeter landscaping requirements shall apply, and alternative requirements (such as fencing) may be required.*

NOTE: The site abuts a 134-acre property in the City of Sebastian along its southeast property line, which contains wetlands and upland preserve areas that are jointly owned and maintained by the County and the St. Johns River Water Management District. The applicant is requesting a waiver from both the Type "C" buffer and normal landscape requirements (1 tree per 40 lineal feet along said property line). Since there is no occupation of or future development foreseen upon the adjacent property, County staff does not object to this waiver request.

5. *The facilities shall have a Type "C" buffer in all other residential districts not listed in the subsection above.*

- a. *The board of county commissioners may waive or reduce the buffer requirements where the educational facility is located next to an existing cemetery, place of worship, child care facility, adult care facility, community center, school, or other non-residential use. Consideration shall be given to security, noise, and visual impacts. Where a waiver or buffer reduction is granted, normal perimeter landscaping requirements shall apply, and alternative requirements (such as fencing) may be required.*

NOTE: The project site is located within the RS-3 district. Therefore, this subsection does not apply.

All conditions recommended by staff have been accepted by the applicant.

RECOMMENDATION

Staff recommends that the Board of County Commissioners grant special exception use and site plan approval for the K-12 private school, with the following conditions:

1. A formal review of the life safety plan shall be conducted by the Indian River County Building Division, and must be approved prior to issuance of a change of occupancy permit to convert the existing building into a school.
2. The maximum student enrollment shall not exceed 90 students.
3. Any future request to add outdoor lighting to the playfield area or to construct new principal use buildings will require a new/separate special exception approval (PZC review and BCC approval).

ATTACHMENTS

1. Excerpt from Draft May 9, 2024 PZC Minutes
2. Location Map
3. Aerial
4. Site Plan
5. Landscape Plan