

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

TO: Board of County Commissioners

THROUGH: John Titkanich, Jr.; County Administrator

PREPARED BY: Chris Balter; Chief, Long Range Planning

DATE: May 16, 2023

RE: Retreat at Citrus Ridge, LLC. request to Rezone Approximately ±51.78 Acres from A-1, Agricultural-1 District (up to 1 unit/5 acres) to RM-6, Multiple-Family Residential District (up to 6 units/1 acre) (RZON2006070074-94118) [**Quasi-Judicial**]

It is requested that the following information be given formal consideration by the Indian River County Board of County Commissioners at its regular meeting on June 20, 2023.

DESCRIPTION AND CONDITIONS

The applicant requests to rezone ±51.78 acres located south of and adjacent to 16th Street, north of and adjacent to 12th Street, and approximately 460' east of 98th Ave from A-1, Agricultural-1 District (up to 1 unit/5 acres) to RM-6, Multiple-Family Residential District (up to 6 units/1 acre). The purpose of this request is to secure the zoning necessary to develop the site with future uses permitted in the RM-6 zoning district. The subject site is depicted in (Attachment 1).

Note: The current A-1 zoning designation of the subject parcel are considered remnant “holding zones” within the Urban Service Area (USA) until the property owner, based on market conditions, requests a rezoning consistent with the property’s land use designation. The purpose of this request is to secure the zoning necessary to develop the property with uses appropriate in the USA and permitted in the requested zoning district.

Existing Land Use Pattern

This portion of the county consists of a mixture of commercial, industrial, multi-family residential uses, and undeveloped land. The subject property is currently zoned A-1, Agricultural-1 District. To the north of the subject property is undeveloped agricultural land, to the west is developed industrial land, and to the south and east is undeveloped multi-family land.

Zoning District Differences

In terms of permitted uses, there are both similarities and differences between the existing A-1 district and the proposed RM-6 (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:

A-1: Agricultural-1 District: The A-1, agricultural 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. These districts are also intended to provide opportunities for residential uses at very low densities to promote housing opportunities in the county. These districts are further intended to permit activities that require non-urban locations and do not detrimentally impact lands devoted to rural and agricultural activities.

RM-6, Multiple-Family Residential District. The RM-6, Multiple-Family Residential District is intended to provide areas for the development of multi-family residential units and 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: Administrative Mechanisms, 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.

Staff cannot identify any conflicts with the proposed rezoning and any of the land development regulations.

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

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 Policy 1.13

Future Land Use Element Policy 1.13 states that the M-1, Medium-Density Residential-1, land use 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 urban service area.

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 urban service area, and the proposed zoning district would permit residential uses no greater than 6 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 zoning districts and staff determinations 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 site proposed to be rezoned is adjacent to multiple family districts to the south and east.
2. Adjacent to employment centers	No	The subject site proposed to be rezoned is not 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	No	The subject site proposed to be rezoned is not along a collector road, but the single-family areas that are around in the area are off a major collector and have sufficient buffering.
4. Adjacent to commercial uses, particularly to buffer single family areas.	Yes	The subject site proposed to be rezoned is adjacent to commercial uses to the northeast.
5. Not abutting single family areas on all sides	Yes	The subject site proposed to be rezoned is not abutting single family areas on any side.

Future Land Use Element Objective 2

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.

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.

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

The proposed amendment for the subject property is designated M-1, *Medium Density Residential* on the Future Land Use Map. Since RM-6 zoning is allowed in the M-1 designation, the proposed zoning district is consistent with the Future Land Use Map designation. The properties surrounding the subject site consists primarily of multi-family residential uses, commercial uses, and industrial uses.

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

The subject property abuts 16th Street and 12th Street, which are presently platted, but not yet constructed. If a project develops the developer will be required to build out their portion of 16th Street and 12th Street.

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. That area of influence consists of roadway segments that receive eight (8) or more peak season/peak hour/peak direction project trips for a two-lane roadway or fifteen (15) or more peak season/peak hour/peak direction project trips for a four-lane (or wider) roadway.

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

The applicant states that "the current zoning is a holding district for until such time as an appropriate use of the property is proposed. The property is surrounded by multi-family and the rezoning would be consistent with the surrounding zoning." The applicant also states that this project will provide needed rental housing for the community. Staff can agree that there is a need for additional rental housing in the community; as well as that the current A-1 zoning is a holding zoning until the property owner, based on market conditions requests a rezoning consistent with the property's land use designation.

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, potable water, wastewater, and recreation have adequate capacity to accommodate the most intense use of the subject property under the proposed rezoning. Per Indian River County Land Development Regulations, 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 approval 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 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. The site information used for the concurrency analysis is as follows:

1. Size of Area to be Rezoned: \pm 51.78 acres
2. Existing Zoning District: A-1, Agricultural-1 District (up to 1 unit/5acres)
3. Proposed Zoning District: RM-6, Multiple-Family Residential District (up to 6 units/acre)
4. Most Intense Use of Subject Property Under Existing Zoning District: 10 Single-Family Units
5. Most Intense Use of Subject Property Under Proposed Zoning District: 310 Multiple-Family Units

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

The subject property proposed to be rezoned from A-1 to RM-6 is currently undeveloped land. Since the subject property contains no land designated by the State of Florida or the U.S. Federal Government as environmentally sensitive or protected land, such as wetlands or sensitive uplands, rezoning the site is anticipated to have no adverse impacts on environmental quality. When development is proposed for the subject site, a more detailed environmental analysis based on the site-specific development proposal will be conducted.

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

The proposed amendment is consistent with the comprehensive plan and the surrounding land uses and will provide for a logical and orderly pattern of uses.

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.

Staff has not identified any detrimental effect to the public welfare, and believes the request is in harmony with the purpose and intent of the land development regulations.

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 the 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.

PLANNING & ZONING COMMISSION

At its regular meeting on May 25, 2023 the Indian River County Planning and Zoning Commission voted 5-0 to recommend that the Board of County Commissioners approve the request to rezone the subject properties from A-1 to RM-6.

CONCLUSION

Based on the analysis, staff has determined that the requested zoning district is compatible with surrounding areas, is consistent with the comprehensive plan, meets all concurrency criteria, will have no negative impacts on environmental quality, and meets all applicable rezoning criteria. Most importantly, the subject property is located in an area deemed suited for medium-density multiple-family residential uses. For these reasons, staff supports the request.

RECOMMENDATION

Based on the analysis, staff and the PZC recommend that the Board of County Commissioners approve this request to rezone the subject property from A-1 to RM-6.

ATTACHMENTS

1. Zoning Map
2. Future Land Use Map
3. Rezoning Application
4. Table of Uses for Agricultural Zoning Districts
5. Table of Uses for Multiple-Family Residential Zoning Districts