Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then the TCRPC must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

Indian River County has proposed five amendments to the Future Land Use Map (FLUM) of the County Comprehensive Plan. The County has requested a formal review of the amendments by the DCA.

Evaluation

The location of the subject properties are shown on the Exhibits and information regarding the amendments is contained in Table 1. While there are five separate properties for which new FLUMs are proposed, the County has grouped them into two ordinances.
### Table 1

**Proposed Amendments to the Future Land Use Map**  
*Indian River County Comprehensive Plan*  
*DCA Reference No. 10-1*

<table>
<thead>
<tr>
<th>Amendment Number/Name</th>
<th>Approx. Acreage</th>
<th>Current FLUM Designation</th>
<th>Proposed FLUM Designation</th>
<th>Approximate Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Canoe Launch Park/Ansin Tract</td>
<td>28.0</td>
<td>L-1</td>
<td>C-1</td>
<td>9700 Water Vilet Avenue, Sebastian</td>
</tr>
<tr>
<td>2. South Prong Preserve/Shadowbrook Estates Parcel and Ryall Parcel</td>
<td>37.5</td>
<td>AG-1</td>
<td>C-1</td>
<td>7775 and 7780 85th Street, Vero Beach</td>
</tr>
<tr>
<td>3. Corrigan 460 Tract/Berry Groves Exchange</td>
<td>457.9</td>
<td>AG-2</td>
<td>C-1</td>
<td>Two miles west of I-95 and 1.5 miles north of SR 60</td>
</tr>
<tr>
<td>4. 510, LLC</td>
<td>6.4</td>
<td>L-2</td>
<td>C/I</td>
<td>North of CR 510, south of 87th Street and east of 47th Avenue</td>
</tr>
<tr>
<td>5. United Indian River Packers, LLC</td>
<td>6.4</td>
<td>C/I</td>
<td>L-2</td>
<td>North of 77th Street and west of the Florida East Coast Railroad</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>536.2</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Key to FLUM Designations

- **AG-1**  
  Agricultural – maximum of 1 dwelling unit per five acres
- **AG-2**  
  Agricultural - maximum of 1 unit per ten acres
- **L-1**  
  Low Density Residential – maximum of 3 dwelling units per acre
- **L-2**  
  Low Density Residential – maximum of 6 dwelling units per acre
- **C-1**  
  Conservation 1 – no dwelling units allowed
- **C/I**  
  Commercial Industrial

#### A. Amendments grouped under Ordinance LUDA 2009-0261

Each of these three properties were acquired by the County for conservation purposes under the County Environmental Lands Program. Under the proposed Conservation (C-1) FLUM designation, there will be no development except for minor facilities associated with passive recreational activities.

1. **Canoe Launch Park/Ansin Tract**

   This 28 acre property is located along County Road (CR) 512, in the northern part of the County. The property is nearly entirely surrounded by lands that lie within the City of Sebastian (see Exhibits 2,3,4,5). The property is undeveloped, and consists of pine flatwoods and forested riverine wetlands. The current FLUM designations on the property are Low Density Residential (L-1) and Commercial/Industrial (C/I). The proposed FLUM is Conservation 1 (C-1).
The existing land uses on surrounding lands are residential to the north, the St. Sebastian River to the east, CR 512 and a residential subdivision beyond to the south, and a gas station and cemetery to the west. The FLUM designations on surrounding properties are very Low Density Residential and Conservation (City designations) to the north, L-1 to the east, L-1 and C/I to the south and west.

2. South Prong Preserve (Shadowbrook Estates Parcel and Ryall Parcel)

These two parcels are a combined 37.5 acres in size and are located on the north and south sides of SR 510, adjacent to the southern boundary of the City of Sebastian (see Exhibits 2,6,7,8). The Shadowbrook parcel is an abandoned citrus grove with a vacant single family residence; but also includes an area of forested wetlands along Blackwater Creek, a tributary of the St. Sebastian River. The Ryall parcel is also an old grove, but also includes forested riverine wetlands associated with the upper reach of the South Prong of the St. Sebastian River.

The existing FLUM designations are Agricultural (A-1) for the Shadowbrook parcel and Rural Residential (R) for the Ryall parcel. The existing land uses on surrounding properties are Agricultural. The FLUM designations on surrounding lands are Very Low Density Residential (City) to the north, AG-1 and Very Low Density Residential to the east, AG-1 to the north and AG-1 and R to the west.

3. Corrigan 460 Tract/Berry Groves Exchange

This 457.9 acre property is located two miles west of I-95 and 1.5 miles north of State Road 60 (see Exhibits 2,9,10,11). The property is undeveloped and consists primarily of freshwater wetlands. The current FLUM designation is Agricultural (AG-2). Surrounding lands to the north, east and west are undeveloped. The property to the south is used for agricultural purposes. The FLUM designations on all surrounding lands is AG-2 (Agricultural, but allowing one dwelling unit per 10 acres).

The County concludes that there will be no incompatibilities with surrounding land uses for any of these three amendments since only passive recreational activities will be permitted. The County indicates that the amendments are considered to be consistent with applicable policies in the Future Land Use Element.

B. Amendments included under LUDA 2009-0262

The County indicates that the purpose of these two amendments it to “swap” the land use designations for the two properties.
1. 510 LLC is a 6.4 acre property located along the north side of CR 510, just east of U.S. 1 (see Exhibits 2,12,13,14). The property includes two abutting parcels. The property is currently used as a Palm Tree Grove. The proposed use is for commercial development.

The current FLUM designation is Low Density Residential (L-2), which allow up to 6 dwelling units per acre. The proposed FLUM is C/I. Existing land uses on surrounding properties include undeveloped lands and residential uses to the north, CR 510 to the east, undeveloped lands (with an approved multi-use project) to the south and single family homes to the west. The FLUM designations on surrounding lands are L-2 to the north, east and west, and C/I and Medium Density Residential to the south.

2. The United Indian River Packers, LLC subject property is 6.4 acres of a total 16.3 acre parcel located north of 77th Street adjacent to the Florida East Coast rail line, along the west side of Old Dixie Highway between the unincorporated villages of Winter Beach and Wabasso (see Exhibits 2,15,16,17). The existing use on the property is for storm water ponds for a large packing house. No change is proposed in the use.

The current FLUM designation on the property is C/I. The proposed FLUM is L-2. The existing land uses on surrounding properties are undeveloped lands and a golf course to the north, the FEC rail line and Old Dixie Highway to the east, a citrus packing house and residential development to the south, and large storm water ponds associated with a golf course to the west. The FLUM designations on surrounding lands are L-2 to the north and west, and C/I to the south and east.

At the location of the 510 LLC Property, the County is in the process of designing a four-lane, divided roadway for CR 510. The County needs to acquire a drainage easement, a temporary construction easement and 10 feet of right-of-way for CR 510 from the landowner. The owner has agreed to dedicate the right-of-way and convey the easements in exchange for the County abandoning 86th Street where it abuts the subject property. 86th Street is an unpaved dirt road.

The County argues that these two amendments are a reconfiguration of land uses rather than an expansion of commercial/industrial land use. This locational shift, according to the County, does not call for the same level of scrutiny, review or justification as an amendment that involves increased density or intensity. The County indicates that such locational shifts are specifically addressed in Policy 14.3 of the Future Land Use Element.

Relative to the compatibility of the proposed C/I designation for the 510 LLC property, the County indicates that lands fronting on CR 510 are appropriate for commercial/industrial uses. The subject property abuts property already designated
as C/I. Incompatibilities with adjoining property designations as L-2 are limited according to the County because:

- The property to the north is proposed for multi-family residential development (a good transition from Commercial to single family).
- The property to the west contains an institutional use (a church). Institutional uses have some of the same characteristics of commercial uses.
- Compatibility with the few homes adjacent to the west can be addressed during the site plan review process where development will be subject to Wabasso Road Corridor requirements including setbacks, vegetated buffers and other design elements.

The County indicates that the shape of the 510 LLC property does not lend itself to ideal residential development; but that its significant frontage and visibility make it good for commercial uses. The County considers these amendments to be consistent with the policies contained in the Future Land Use Element.

**Extrajurisdictional Impacts**

Under the informal agreement facilitated by the TCRPC, local governments in the northern three counties of the region are to provide copies of amendment materials to other local governments that have expressed an interest in receiving such materials. The County provided copies of the amendment materials to the Cities of Vero Beach, Sebastian and Fellsmere, as well as to Martin and St. Lucie Counties. Council provided a copy of the amendment materials for the 510 LLC parcel to the Town of Orchid. Council sent a memorandum to surrounding local governments on December 17, 2009 seeking comments regarding the potential for negative extrajurisdictional impacts as a result of the amendments. As of the date of preparation of this report, no comments have been received.

**Effects on Significant Regional Resources or Facilities**

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.

**Analysis of Consistency with Strategic Regional Policy Plan**

**Comments/Recommendations for Modification**

1. Amendment 510, LLC

The County has indicated that this amendment (and the United Indian River Packers, LLC amendment) requires less justification than other amendments, since it involves only a locational shift in future land use designations rather than an increase in land use density or intensity. Furthermore, the County indicates that property such as this that fronts on major roadways is appropriate for a
Commercial/Industrial FLUM designation, and that lands across CR 510 and 86th Street are already designated C/I (see Exhibit 12). The County goes on to point out that there may be compatibility issues with lands to the north and west, although those incompatibilities are limited since adjoining properties are proposed for multi-family residential use, have institutional uses (a church) or contain residential uses on multiple lots.

The introduction of commercial uses into residential areas often creates conflicts. Compatibility is an important issue, especially since residential homeowners often make investments based on the land use/zoning designation on adjoining lands. While most areas can and should accommodate a mix of uses, the transition from one use to another is particularly important. Careful design and site planning can help to ensure this transition is done so that existing uses, in this case residential and institutional, are protected. Exhibit 18 shows one alternate site plan that would address this transition so that:

1) Open space is located to provide a buffer/transition to the adjacent neighborhood.
2) Most of the commercial uses are located along CR 510, to ensure that loading/unloading and other similar activities are located as far as possible from the neighborhood. Access via a slip street and some parking are also proposed in the front of the building.
3) Landscaping is required along the shared property lines and parking lots.
4) 86th Street need not be closed thereby allowing access to the commercial area from CR 510 and from the surrounding neighborhoods.

The County should ensure that an approved site plan is compatible with existing uses and complementary to the surrounding area.

**Consistency with Strategic Regional Policy Plan**

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The TCRPC finds the proposed amendments to be CONSISTENT with the SRPP.

**Recommendation**

The Treasure Coast Regional Planning Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

**Attachments**
List of Exhibits

Exhibit

1. General Location Map
2. Amendment Location Map
3. Location and Existing Land Use of Canoe Launch Park/Ansín Tract and Surrounding Properties
4. Location and Proposed Land Use of Canoe Launch Park/Ansín Tract and Surrounding Properties
5. Aerial of Canoe Launch Park/Ansín Tract
6. Location and Existing Land Use of South Prong Preserve/Shadowbrook Estates/Ryall Parcels and Surrounding Properties
7. Location and Proposed Land Use of South Prong Preserve/Shadowbrook Estates/Ryall Parcels and Surrounding Properties
8. Aerial of South Prong Preserve/Shadowbrook Estates/Ryall Parcels
9. Location and Existing Land Use of Corrigan 460 Tract/Berry Groves Exchange and Surrounding Properties
10. Location and Proposed Land Use of Corrigan 460 Tract/Berry Groves Exchange and Surrounding Properties
11. Aerial of Corrigan 460 Tract/Berry Groves Exchange
12. Location and Existing Land Use of 510 LLC and Surrounding Properties
13. Location and Proposed Land Use of 510 LLC and Surrounding Properties
14. Aerial of 510 LLC
15. Location and Existing Land Use of United Indian River Packers LLC and Surrounding Properties
16. Location and Proposed Land Use of United Indian River Packers LLC and Surrounding Properties
17. Aerial of United Indian River Packers LLC
18. Hypothetical Site Plan for 510, LLC Amendment and Adjoining Property
Exhibit 1
General Location Map
Exhibit 2
Amendment Location Map

- Canoe Launch Park/Ansins Tract
- South Prong Preserve/Shadowbrook Estates/Ryall Parcel
- Corrigan 460 Tract/Berry Groves
- United Indian River Packers, LLC
- 510 LLC
Exhibit 3
Location and Existing Land Use of Canoe Launch Park/Ans in Tract and Surrounding Properties

Subject Property L-1 to C-1

Legend
- RNG 35 E
- North

LUDA 2009-261
Exhibit 4
Location and Proposed Land Use of Canoe
Launch Park/Ansins Tract and Surrounding Properties

Legend

<table>
<thead>
<tr>
<th>Legend Code</th>
<th>Landuse Category</th>
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<tbody>
<tr>
<td>USA Boundary Line</td>
<td>L-1 3 du / 1 Ac.</td>
</tr>
<tr>
<td>Twp/Rgn/Sec Line</td>
<td>L-2 6 du / 1 Ac.</td>
</tr>
<tr>
<td>M-1 8 du / 1 Ac.</td>
<td>M-2 10 du / 1 Ac.</td>
</tr>
<tr>
<td>MHP 8 du / 1Ac.</td>
<td>L-1 3 du / 1 Ac.</td>
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<tr>
<td>Mini</td>
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<tr>
<td>PUB</td>
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<tr>
<td>REC</td>
<td>REC</td>
</tr>
<tr>
<td>MFRP 8 du / 1Ac.</td>
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</tr>
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<tr>
<td>T 1du / 1 Ac.</td>
<td>T 1du / 1 Ac.</td>
</tr>
<tr>
<td>Pub Comm. / Industl</td>
<td>Pub Comm. / Industl</td>
</tr>
</tbody>
</table>

RNG 35 E

LUDA 2009-261
Exhibit 6
Location and Existing Land Use of South Prong Preserve/Shadowbrook Estates/Ryall Parcels and Surrounding Properties

Legend
- Base Lines
- UGA Boundary Line
- TwpRingSec Lines
- Landuse
- RNG 35 E

LUDA 2009-261
Exhibit 7
Location and Proposed Land Use of South Prong
Preserve/Shadowbrook Estates/Ryall Parcels and Surrounding Properties

Legend
- Base Lines
- USA Boundary Line
- TwpRngSec Lines
- Landuse
- RNG 35 E

North

LUDA 2009-261
Exhibit 8
Aerial of South Prong Preserve/
Shadowbrook Estates/Ryall Parcels
Exhibit 9
Location and Existing Land Use of Corrigan 460 Tract/Berry Groves Exchange and Surrounding Properties
Exhibit 12
Location and Existing Land Use of 510 LLC and Surrounding Properties

Legend

Base Lines
USA Boundary Line
Topo/RegSec Lines
M-1 10 du / 1 Ac.
L-1 3 du / 1 Ac.
L-2 8 du / 1 Ac.
M-2 10 du / 1 Ac.
RHP 8 du / 1 Ac.
AG-1 1du / 5 Acre
AG-2 1du / 10 Acre
AG-3 1du / 20 Acre
BCID
C-1 0 du / Acre
C-2 1du / 40 Acre
C-3 1du / 2.5 Acre
Y 1du / 1 Acre
C-10 Comm / Indust.
C-10 Reg. Comm.
C-10 Rec.

RNG 35 E

North

LUDA 2009-262
Exhibit 13
Location and Proposed Land Use of 510 LLC and Surrounding Properties

Legend
- Base Lines
- USA Boundary Line
- Twp/Rng Sec Lines
- Landuse
  - AB-1 1du/5Ac.
  - AB-2 1du/10Ac.
  - AG-1 1du/20Ac.
  - BCID
  - C-1 1du/Ac.
  - C-2 1du/40Ac.
  - C-3 1du/2.5Ac.
  - CH Comm./Indust.
- RNG 35 E
  - L-1 3du/1Ac.
  - L-2 6du/1Ac.
  - M-1 8du/1Ac.
  - M-2 10du/1Ac.
  - MHRP 8du/1Ac.
  - PUB
  - REC
  - T 1du/1Ac.

North

LUDA 2009-262
Exhibit 15
Location and Existing Land Use of United Indian River Packers LLC
and Surrounding Properties

[Map showing land use and properties]

Legend:
- Base Lines
- USA Boundary Line
- Topographic Lines
- Landuse
  - AG-1 0 du / 5 Ac.
  - AG-2 1 du / 10 Ac.
  - AG-3 1 du / 20 Ac.
  - BCID
  - C-1 0 du / 1 Ac.
  - C-2 1 du / 40 Ac.
  - C-3 1 du / 2.5 Ac.
- CR Comm., / Indust.
Exhibit 16
Location and Proposed Land Use of United Indian River Packers LLC and Surrounding Properties
Exhibit 17
Aerial of United Indian River Packers, LLC
Exhibit 18
Hypothetical Site Plan for 510, LLC and Adjoining Property

- Slip Street with On-street Parking
- Landscape Buffer
- Pedestrian Link
- Open Space configured as Park