To: Council Members                          AGENDA ITEM 4B21
From: Staff
Date: October 9, 2019
Subject: Local Government Comprehensive Plan Review
Draft Amendment to the City of Sebastian Comprehensive Plan
Amendment No. 19-01ESR

Introduction

The Community Planning Act, Chapter 163, Florida Statutes, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the City of Sebastian was received on September 10, 2019 and contains an amendment to assign future land use designations on approximately 1,047 acres of recently annexed lands. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendments

On August 28th, the City Council approved a voluntary annexation petition for approximately 1,118 acres of privately-owned property and canal right-of-way. The property is located south of County Road 510, west of 74th Avenue, North of 69th Street, and east of 82nd Avenue. The site abuts the City limits to the north and is a former agricultural site (citrus grove).

Currently, the property is assigned the County’s land use designation of Agriculture, up to 1 dwelling unit per 5 acres (Ag-1), which would allow up to 209 dwelling units. The property owner is now requesting City land use designations be assigned to approximately 1,047 acres of the property due to annexation into the City of Sebastian. The acreage consists of lateral canals owned and maintained by the Sebastian River Improvement District. The proposed land use designations are: Commercial General (CG) on 112.3 acres; Commercial Limited (CL) on 10.1 acres; Industrial (IN) on 126.7 acres; Institutional (INS) on 130.7 acres; Medium Density Residential (MDR) on 384 acres; Low Density Residential (LDR) on 70.5 acres; Very Low
Density Residential (VLDR) on 169.4 acres; and Conservation (C) on 43 acres. The applicant has provided a conceptual site plan as part of the application, shown in Exhibit 5. While the applicant’s analysis uses the acreage of the proposed land use designations less the road rights-of-way internal to the site, this is not how density and intensity is normally calculated when right-of-way is being dedicated not taken. The gross acreage is normally used. As a “greenfield” development site, right-of-way should be dedicated freely to the public as part of the development approval process. Therefore, the proposed land use designations allow for a maximum of 1,224,000 sq.ft. of commercial, 2,534,000 sq.ft. of industrial, 26,140 sq.ft. of institutional, and 3,932 dwelling units.

Adjacent future land use designations include: County Low Density Residential-1, up to 3 dwelling units per acre (L-1), Conservation-3, 1 unit per 2.5 acres (C-3), and City Commercial General (CG) to the north; County Agricultural-1, 1 unit per 5 acres (AG-1), County Conservation-3, 1 unit per 2.5 acres (C-3), and Planned Development (Liberty Park TND) to the east; and County Agricultural-1, 1 unit per 5 acres (AG-1) to the west and south. The staff report notes that the proposed future land use is not incompatible with surrounding land uses to the north or east of the project boundary, and recognizes that the mix of land uses proposed for this project are inconsistent with the agricultural and rural uses that are currently located in this area. However, the staff report goes on to say that the proposed land uses are compatible with the future projected land use needs of the City and future projected growth patterns for the City.

Regarding the adequacy of public facilities, beginning with water and sewer service, currently Indian River County has water and sewer transmission mains on CR 510 along the northern boundary of the site and utilities are planned to be extended south of the Urban Services Boundary (USB) along the property to the east. The corridor also acts as the USB line for lands south of Sebastian. Though capacity is available for this project if it is developed in the near future according to the applicant’s analysis, capacity is not "reserved" for this area of the County as the wastewater treatment plant and the Florida Department of Environmental Protection consumptive use permit capacity is limited to growth potentials inside the USB. According to the Interlocal Agreement for utility services between the City and the County, the County agrees to provide services to the City for existing and future developments. The staff report states the County has indicated these services are not necessarily available for developments outside of the USB. The staff report also notes that in 2014 when the City of Fellsmere annexed over 8,800 acres of agricultural land, the USB was modified to include all of this acreage. It is also noted that the City’s land development regulations mandate hook-up to central potable water and wastewater systems for all new developments prior to receiving development orders. Therefore, the proposed development must provide sewer and water service as a condition of development. The City’s staff report further states that these services may be provided by the County or alternative service providers, however no septic systems would be allowed. A statement regarding service availability has not been provided to Council from the Indian River County Utilities Department.

Planned improvements to thoroughfare roads located on the perimeter of the property (CR 510 and 82nd Avenue) are included within the Indian River County Metropolitan Planning Organization’s Transportation Improvement Plan (TIP) as priority projects funded over time.
Acquisition of right-of-way (ROW) on 82nd Avenue and stormwater treatment pond locations are currently in process through the Florida Department of Transportation, and CR 510 ROW acquisition is funded for 2020/2023, but construction has not been programmed. It is believed that improvements to these corridors will open up the lands on the southern border of Sebastian for future development. The staff report notes that the County has surmised that a change in land use changes the value of the land and will increase the cost of the ROW acquisition. However, the City believes that until the property has been rezoned and has a proposed higher use, land use changes are speculative at best and do not equate to value.

With respect to transportation capacity, the applicant has submitted a traffic analysis that concludes that with the extensive network of streets and connections to the existing grid, all links will operate at acceptable levels of service, so the project meets the level of service criteria defined in the City’s comprehensive plan for traffic.

The City’s staff report indicates that recreation requirements in the Comprehensive Plan are being met through the designation of over 130 acres as Institutional and future participation in the recreation impact fee program during site development. The applicant’s analysis of recreation is based on the 2010 Evaluation and Appraisal Report’s indication that there are approximately 313 acres of recreation area and future demand (through 2025) of only approximately 130 acres and that facilities needs are all met or exceeded as well. However, Council has concerns with this approach. The designation of land as Institutional does not by itself achieve compliance with the recreation needs of the almost 4,000 proposed dwelling units since the Institutional designation is also used for stormwater drainage lakes (as shown on the conceptual plan for example). In addition, the Recreation and Open Space Element update drafted by Council for the City in January of 2018 shows an existing inventory of 126.38 acres of Neighborhood and Community park land and a projected total surplus of only 15.96 acres in 2026 based on growth in the City’s current population within the then-current boundary. It also shows a projected deficit in some of the types of facilities (gymnasium, soccer fields, etc.) in 2026. The discrepancy apparently arises from the inclusion of other open space, drainage areas, and unimproved acreage in the 2010 inventory contrary to how the level of service requirement is written (only Neighborhood and Community Parks “count”). Furthermore, as stated above, Council is concerned that the applicant’s calculations are incorrectly reducing the maximum density potential by excluding new road rights-of-way. The resulting potential 3,932 dwelling units (compared to the 3,699 used in the analysis) would result in more impact. The most recent (2010 Census) calculation of persons per household of 2.30 should also be considered in lieu of the 2.17 figure used in the calculations in the applicant’s analysis. In addition, in order to ensure suitable distribution of park land in the City, any calculated need for recreation land should be in addition to any “surplus” existing elsewhere. The provision of adequate recreation land and facilities should be ensured throughout the development approval process to achieve a high quality of life for the new residents and protection of the existing residents from any degradation in the level of service.

In summary, the City’s staff report indicates that adequate public facilities can be provided for transportation, utilities, police/fire, housing, drainage, and recreation and open space. As described above, Council has concerns with the analysis for water, sewer, and recreation. In addition, no analysis or discussion of public school capacity has been provided. While public
school concurrency requirements may have been eliminated from Florida Statutes, the provision of adequate schools for the education of the children among a potential new resident population of over 9,000 will be paramount to the success of this expansion of the City of Sebastian.

The City recognizes that a large-scale amendment does not readily fall into their existing land use categories. Accordingly, as part of the land use amendment, the City has added the following conditions pertaining to the desired mixed-use development of the site into the adopting ordinance:

a. Rezoning of the property shall be done through the City of Sebastian's Planned Unit Development process as described in Article XX of the Land Development Code.

b. Housing types shall be mixed to meet various income levels and lifestyle choices.

c. Future dedication of ROW to the appropriate entity will occur at the time of development to promote an interconnected, extended and improved grid road system, along with a well-planned transportation system of roads and streets throughout the development, in coordination with Indian River County, to specifically include 81st Street, 77th Street, and 73rd Street as well as 74th Avenue.

d. Provision for a mixed-use “Town Center” area.

e. Future allocation and donation of institutional lands necessary for governmental services such as post offices, public safety, schools, etc. as identified by concurrency analysis in accordance with the City of Sebastian land development codes and ordinances at the time of development.

f. Strategic assembly of commercial and industrial development consistent with the City's Comprehensive Plan.

g. Future dedication of conservation lands to appropriate entity at the time of development to include any natural areas of significant importance, and the provision of greenway trails to promote a system of connectivity and access consistent with the City's Comprehensive Plan and land development codes.

h. Allocation of parks and recreational lands consistent with the City's Comprehensive Plan and land development codes specifically: a minimum of 2 acres/1000 residents of publicly accessible recreation lands, and a minimum of 2 acres/1000 residents of other recreational lands.

i. Buffers adjacent to low density areas outside of the PUD Overlay to include increased greenspace along the site's south property line and the part of the east property line south of Liberty Park TND.

j. As a condition of future developments, sufficient land area shall be allocated for infrastructure required to support the development and mandate hook-up to central potable water and wastewater systems for all new developments prior to receiving development orders. Therefore, the Graves Brothers Sebastian South PUD Overlay must provide sewer and water service as a condition of development. These services may be provided by the County or alternative services; however, no septic systems would be allowed in accordance with City policy and land development codes.
Regional Impacts

No adverse effects on regional resources or facilities have been identified. However, the City and the County should collaborate to plan in advance for and manage the transition of the area along 82nd Avenue from primarily agricultural to other uses that respond to the changing transportation patterns being brought about by the roadway extensions and improvements. The approval of the proposed future land use designations in the City of Sebastian along the east side of 82nd Avenue will lead inevitably to changes along the west side and further south down the road. Unmanaged, the resulting growth will create adverse impacts to regional resources and facilities such as natural areas, agricultural lands, and roadways.

Extrajurisdictional Impacts

Council requested comments from local governments and organizations expressing an interest in reviewing the proposed amendment on September 20, 2019. On October 2, 2019, Indian River County provided correspondence to Council related to conditions included in the future land use amendment ordinance: location of specific land uses creating a new commercial strip along 82nd Avenue; dedication of conservation lands; and provision of water and wastewater services. That correspondence is included as Exhibit 6. The County’s letter also indicates that it has initiated a Chapter 164, Florida Statutes, Governmental Conflict Resolution Act process to attempt to work out the disagreements with the City of Sebastian. Furthermore, as stated above, the development of this site will potentially lead to further development pressure in neighboring jurisdictions as well as other impacts.

Conclusion

The subject 1,047 acre property represents an extraordinary opportunity for the City of Sebastian to plan an expansion that will demonstrate all that has been learned about town planning and preferred forms of development since the last large expansion of the City by General Development many years ago and secure a prosperous and healthy future for new and existing residents. The City of Sebastian should be commended for promoting a future growth direction for the proposed development of the Graves Brothers Company properties to include a network of interconnected streets and roadway grid system; a variety of housing types to accommodate a range of income levels and lifestyle choices; and provisions for a mixed-use “Town Center” and neighborhood commercial.

There are a number of Goals, Strategies, and Policies in the “Future of the Region” section of the Strategic Regional Policy Plan (SRPP) which are applicable to the proposed future land use amendment and which were utilized in forming the recommendations listed below. Under Preferred Development Form Strategies, Goal 2.1 calls for preserving natural systems. Goal 4.1 states that future development should be part of existing or proposed cities, towns, or villages. Under Strategy 4.1.1, Policy 4.1.1.1 lists a number of fundamental planning principles for new towns and Strategy 4.1.2 states that determinations should be made on the preferred locations for new cities, towns, and villages. In the Sustainability section, Policy 10.1.1.1 under Goal 10.1 calls for the planning and design of new development to effectively accommodate alternative modes of transportation. Finally, in the section on Children, Goal 12.1 calls for improved
independence and self-sufficiency of the children in the Region. Policy 12.1.1.2 encourages the location and provision of schools, parks, recreation, and other uses (such as retail, civic uses, etc.) within biking or walking distance of residential areas.

In an effort to assist the City in achieving its planning goals as stated in the staff report and conditions incorporated into Ordinance No. O-19-05, to address concerns brought up in the Summary above, and to ensure consistency with the SRPP, Council offers the following observations and recommendations:

OBSERVATIONS

1. In reviewing Exhibit D (Conceptual Site Plan) and Exhibit E (Proposed Site FLUM Map), the principal organizing element for the allocation of land uses, densities, and intensities appears to be the grid of existing drainage canals. The assignment of future land use designations per this rigid arrangement of drainage infrastructure will likely impede a fine-grained street network and system of cohesive neighborhoods. A more detailed concept plan illustrating the design intent, and strategies for achieving that intent through a re-engineered drainage system, is recommended.

2. To further the observation above, the system of canals, coupled with the land use assignments and illustrative future street network suggest the potential for limited access, single-use development pods more consistent with suburban patterns of growth inconsistent with the SRPP. An added level of detailed planning should be provided to give some confidence that disconnected, suburban growth patterns will not be the result of these future land use amendments.

3. The proposed amendment utilizes existing City of Sebastian Future Land Use categories: The following observations pertain specifically to the FLU categories:
   a. The “Town Center” area is proposed to receive the existing CG-Commercial General designation which limits residential to “residential complexes, or other transient quarters.” Council has concerns that this designation is too restrictive to accommodate a “Town Center” that has fully integrated residential and commercial uses.
   b. The proposed CL-Limited Commercial node designation is also limited to “limited transient lodging facilities.” This designation might also restrict housing opportunities and the ability for adaptive re-use over time.
   c. The VLR-Very Low Density Residential designation has a maximum allowable density of 3 dwelling units per acre. This designation has been assigned to areas on the map consistent with the City’s buffering objectives and consideration of land adjacent to conservation areas. Without a more detailed plan, and strategies for reconfiguring the drainage system, Council is concerned that these areas will not be effectively incorporated into the overall community.
   d. The MR-Medium Density Residential designation permits a maximum allowable density of 8 dwelling units per acre. This is a relatively low residential density that is not generally considered transit-supportive. Council recommends that
higher residential densities, particularly adjacent to, and within, the “Town Center” and CL areas, be encouraged.

4. Like the allocation of land uses, the distribution of drainage ponds or lakes is organized by the existing drainage canal system. The strict adherence to this existing system will inevitably limit the design potential of this very important growth opportunity for the City. An overall master plan should be provided to illustrate the long-term design vision for the City.

5. The City staff report indicates a desire to incorporate a variety of housing types and price point ranges. The staff report also states that the site will be rezoned Planned Unit Development (PUD). The PUD development process, which is typically characterized as planning by negotiation, can be unpredictable and generate unintended results. Council recommends that companion Land Development Regulations be established for the annexation area that specifically prescribes the design intent and development parameters.

6. The creation of an extensive strip of commercial development along the east side of 82nd Avenue will influence development along the west side of the street and will potentially cannibalize other existing commercial areas such as those within “old” Sebastian.

7. Section 171.062(2) of the Florida Statutes provides that an area annexed into a municipality retains its existing (County) land use and zoning designations until such time as the municipality adopts a comprehensive plan amendment for the annexed area. This provides the City with the opportunity to “pause” and give further consideration to the points raised in this Council report and undertake the best course of action for the land owner and the City as a whole.

RECOMMENDATIONS

1. Council recommends the development of a detailed vision or master plan which illustrates:

   a. Potential future roadway, alleyway, and trail network (including all neighborhood streets), with consideration of walking, biking, transit, as well as automobiles;
   b. Future drainage and storm water planning concepts illustrating an overall system for water treatment and retention which fully integrates and accommodates future development. Larger ponds are typically more efficient that a series of small ponds and provide greater opportunity for site design and environmental benefits;
   c. Details of neighborhood design concepts showing how the desired range of housing types can be provided in a cohesive neighborhood structure;
   d. Detailed concepts for the “Town Center” and how that component of the community is connected to the adjacent areas. Consideration should be given to engaging the “Town Center” with 82nd Avenue so that it is not “hidden” which could limit future success as has happened in other communities;
   e. A network of public parks, open spaces, and civic and institutional areas.
2. To accommodate the greatest flexibility and consistency with the vision plan described above, Council recommends that new future land use categories be developed that are tailored to the annexation area which provide greater flexibility, and in some cases, greater densities and intensities while also providing for high quality open space.

3. City staff should consider companion Land Development Regulations specific to the annexation area that ensure the stated goals of mixed-use, a dense network of streets, a variety of housing types, and a “Town Center” are accomplished.

4. The City should obtain confirmation of the availability of potable water and sanitary sewer service to the site and, if not currently available, a timeline for availability.

5. Condition “h” in Ordinance O-19-05 should be modified to require dedication to the City of Sebastian of 4 acres of public recreation land within the subject property per 1,000 residents of the new development. This dedication shall be made without regard to any existing or projected “surplus” of recreation land elsewhere in the City. Prior to further development approvals, the Council recommends the City adopt an update to the Recreation and Open Space Element of their Comprehensive Plan and appropriate changes to the Land Development Code such as those proposed in January of 2018. This would provide important safeguards and guidance on the use of cash in lieu and the application of private recreation credit provisions.

6. The City should coordinate with the Indian River County School District regarding impacts to public school capacity, potential future school sites, the co-location of schools with proposed parks, etc. in order to ensure that the new residents will have the opportunity to readily bike or walk to school.

**Recommendation**

Council should approve this report and authorize its transmittal to City of Sebastian and the Florida Department of Economic Opportunity.

**Council Action – December 13, 2019**

Commissioner Smith from Martin County moved approval of the staff recommendation. Vice Mayor Weinroth from Palm Beach County seconded the motion, which carried unanimously.

**Attachment**
## List of Exhibits

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Exhibit 2
Existing Future Land Use Map
Exhibit 4
Proposed Site Future Land Use Map
Exhibit 5
Conceptual Site Plan
October 2, 2019

Stephanie Heidt, AICP
Economic Development and
Intergovernmental Programs Director
Treasure Coast Regional Planning Council
421 SW Camden Ave
Stuart, FL 34994
sheidt@tcrpc.org

Re: City of Sebastian Comprehensive Plan Amendment No. 19-01ESR
(Graves Brothers Company 1,047 Acre Future Land Use Map Amendment)

Dear Ms. Heidt:

This is in response to your invitation for comments concerning the City of Sebastian’s proposed Comprehensive Plan Future Land Use Map amendment pertaining to the Graves Brothers Company 1,047 acre property. County staff has provided comments to the City during the course of the amendment process. Please note the following comments.

1. The City Ordinance amending the Future Land Use Map of the City’s Comprehensive Plan (Ordinance No.O-19-05) contains 10 conditions (Section 2, a-j) pertaining to mixed-use development of the subject property. Although those conditions are included in the ordinance and in an annexation agreement relating to the property, County staff recommends that such conditions be specified in a text amendment to the City’s Comprehensive Plan concurrent with the Future Land Use Map amendment.

2. The conceptual site plan (Exhibit D) and the proposed site Future Land Use Map (Exhibit F) reflect certain aspects consistent with the Indian River County 2030 Comprehensive Plan “new town” concept, such as a town center, extension of an internal street grid system, and conserved lands adjacent to and encompassing the south prong of the St. Sebastian River. Other aspects, however, are inconsistent with the new town concept set forth in the Indian River County 2030 Comprehensive Plan. Those aspects include the lack of a perimeter greenbelt along the west edge outside of the urban service area, and the establishment of two miles of strip commercial/industrial use along (future) 82nd Avenue. Although City commercial/industrial land use classifications allow for multifamily residential use, and thus an opportunity for mixed use along the 82nd Avenue corridor and clustering of commercial/industrial uses at intersections, such a mixture and clustering is not specified under the proposed FLUM nor reflected on the conceptual site plan. To address that issue and to provide consistency with the Indian River County 2030 Comprehensive Plan, County staff recommends that the City adopt a comprehensive plan text amendment concurrent with the land use designation amendment to address that issue.

C:\Users\roland\Desktop\Sebastian Comp Plan Amend 19-01ESR IRC comments to TCRPC.doc
3. Condition a. of Section 2 of Ordinance O-19-05 indicates that rezoning of the property shall be done through the City’s Planned Unit Development (PUD) process, which includes open space requirements. For consistency with the County Comprehensive Plan, the open space percentage of overall property development should approach 50%. Although the City’s PUD process may result in open space approaching or surpassing 50%, County staff recommends that such an open space percentage be specified in a text amendment concurrent with the FLUM amendment.

4. The subject property is adjacent to the County’s South Prong Preserve Conservation Area, which feeds into the St. Sebastian River. These uplands serve to buffer the wetlands from a variety of potential impacts including, but not limited to stormwater runoff, edge effect on native habitat, potential groundwater impacts and impacts to the wildlife corridor along the slough. Regarding the dedication of conservation lands at time of development (Condition g. of Section 2 of Ordinance O-19-05), County staff recommends that the City consider conservation of uplands adjacent to in addition to the wetland slough to serve as a buffer and contribute towards the greenway.

5. Condition j. of Section 2 of Ordinance O-19-05 indicates, “the Graves Brothers Sebastian South PUD Overlay must provide sewer and water service as a condition of development. These services may be provided by the County or alternative services...” An Interlocal Agreement (ILA) between the City and County does not currently allow an entity other than the County to provide water or wastewater services within the City. The ILA also provides that such services shall be consistent with County’s comprehensive plan as well as the City’s plan. Expansion of water and wastewater services to the subject property is not currently consistent with County’s comprehensive plan and raises concerns of service capacity.

Please be aware that the County has initiated a Chapter 164 Florida Governmental Conflict Resolution Act process concerning the annexation of the subject property and will be meeting with City representatives in an effort to resolve these and other issues associated with the annexation of the subject property.

Thank you for this opportunity to comment. If you have any questions, please feel free to contact me at (772) 226-1254 or rdeblois@ircgov.com.

Sincerely,

[Signature]

Roland M. DeBlois, AICP
Interim Community Development Director

Cc: Jason Brown, County Administrator
Lisa Frazier, AICP, City of Sebastian
Bill Schmitt, AICP
Phil Matson, AICP
Dylan Reingold