

Sebastian Annexation and Land Use Change

*The 2019 Graves Brothers Inc.,
annexation of ~1,100 acres*

OUTLINE OF CONVERSATION

- *2019 Graves Annexation of ~1,100 acres*
- *2018 Graves Annexation of 67 acres*
- *Land Use Amendment for 2019 annexation*
- *County's New Town Regulations*
- *Protection of the South Prong Slough*
- *Sewer and Water*
- *Transportation and Level of Service*

2019 Graves Brothers, Inc. Annexation ~1,100 acres

- ▶ *The Graves Brothers have filed an application to annex ~1,100 acres south of C.R.510 into the City of Sebastian*
- ▶ *Part of that application is a request to immediately change the land use designation of the Subject Property to various existing land use categories already found in Sebastian's Comprehensive Land Use Plan*
- ▶ *The annexed land is a large block of land that includes both a slough of the South Prong and a Dispersed Water Management (Water Farm) Project. \$5M*
- ▶ *The rest of the land former and/or current citrus land*

2019 Graves Brothers, Inc. Annexation ~1,100 acres (continued)

- ▶ *The lands to the east of the annexed property is the Liberty Park project, a Traditional Neighborhood Development*
- ▶ *The lands to the South and West are agriculture lands*
- ▶ *To the north is a mix of lands that includes County environmental properties*
- ▶ *Most of the western border appears to be additional Graves holdings*
 - ▶ *Future annexed areas?*

2018 Graves Brothers, Inc. Annexation

- ▶ *2018 annexation for Graves Bros. Inc., 67 acres north of C.R. 510*
- ▶ *Provided the connectivity point with City of Sebastian*
- ▶ *Why did Graves not annex the 1,100-acre property south of C.R.510 in 2018?*

2018 Graves Brothers, Inc. Annexation (continued)

- ▶ ***Florida Statute Chapter 171 Local Government Boundaries (Annexation Statute)***
- ▶ ***Florida law requires that annexations be “contiguous” and “reasonably compact”***
- ▶ ***Contiguous means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality.***
- ▶ ***Compactness means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns.***

2018 Graves Brothers, Inc. Annexation (continued)

- ▶ ***County of Volusia v. City of Deltona 925 So.2d 340 (2006)***
- ▶ ***The appellate court found that the annexation did not comply with the requirements of contiguous and compactness***
- ▶ ***The court found that an annexation which only had 1.6% coterminous border with the city was not “substantially contiguous”.***
- ▶ ***Examining the 2018 and 2019 Graves Bros. annexations, these are the rough percentages of coterminous border:***
- ▶ ***2018 annexation: $133.5 \text{ m} / 2,750 \text{ m} = 4.9\%$***
- ▶ ***2019 annexation: $570 \text{ m} / 9,690 \text{ m} = 5.8\%$***
- ▶ ***Combining the 2018 & 2019 annexations: $133.5 \text{ m} / 11,050 = 1.2\%$***

Sebastian's Proposed Land Uses

- ▶ *Sebastian claims they are applying interim land uses and zoning*
- ▶ *The City proposes the following land use categories to apply:*
 - ▶ *112.3 acres of Commercial General*
 - ▶ *10.1 acres of Commercial Limited*
 - ▶ *126.7 acres of Industrial*
 - ▶ *130.7 acres of institutional*
 - ▶ *384 acres of Medium Density Residential (up to 8 units an acre)*
 - ▶ *70.5 acres of Low Density Residential (up to 5 units an acre)*
 - ▶ *169.4 acres of Very Low Density Residential (up to 3 units an acre)*
 - ▶ *43 acres of Conservation*

Sebastian's Proposed Land Uses (continued)

- ▶ *Land Use v. Zoning*
- ▶ *Land use is considered a legislative item. Local governments have a lot of leeway to approve or deny applications for land use changes*
 - ▶ *“Fairly Debatable”*
- ▶ *The land use change is where a local government has the most room to negotiate with a landowner.*
- ▶ *Zoning is considered Quasi-Judicial, and once a landowner demonstrates consistency to the comprehensive land use plan and complies with the procedural requirements, the burden shifts to local government to deny the application.*

Sebastian's Proposed Land Uses (continued)

- ▶ ***P&Z Staff Report: “The city is in the process of updating its comprehensive plan and proposes to include future land use designations more applicable to smart growth concepts and mixed use.”***

- ▶ ***TAKE AWAY MESSAGE: The city should absolutely not change the land use on the proposed annexed property until they have developed and vetted a more appropriate land use category.***

New Town Regulations

- ▶ *What are the County's New Town regulations?*
 - ▶ *Internal road grid development system*
 - ▶ *Town center with activity centers and commercial/industrial at major grid road intersections*
 - ▶ *SIGNIFICANT OPEN SPACE REQUIREMENTS: 50% of total land area, with at least 70% in the form of large contiguous blocks. (Over 550 acres of open space with >385 acres of open space around perimeter and/or large contiguous blocks of land)*
 - ▶ *Required dedication for City parkland and potential school site(s)*
 - ▶ *Aesthetic development standards.*

New Town Regulations (continued)

- ▶ *The applicant could have applied for a New Town designation from the County. This would have given them substantial development density entitlements, resulting in a 600% increase in residential development rights alone. (from .2 units an acre to 1.5 units an acre)*
- ▶ *Applicant has chosen not to go the New Town route.*
- ▶ *Sebastian staff keeps asserting that because the applicant is only annexing 1,100 acres, that the New Town designation was not available (County requires minimum New Town size of 1,500 acres). However, our review appears to demonstrate that the landowner has well over 1,500 acres of contiguous lands.*
- ▶ *City staff agrees that some of these New Town principals should apply and these principals will be found in the new land use categories being created.*

Environmental Protection

- ▶ *The proposed annexed property is adjacent to existing conservation lands*
- ▶ *The proposed annexed property contains a slough of a south prong to the St. Sebastian River.*
- ▶ *The proposed annexed property is in the process of developing a ~200-acre dispersed water management project. The SJRWMD is providing ~\$5,000,000.00 to the landowner for this project.*
- ▶ *The proposed annexed property lies in an important basin that feeds into the St. Sebastian River.*
- ▶ *The State and other local governmental entities are spending \$\$\$ of money to clean up the water, including here in Indian River County up near Roseland.*

Environmental Protection (continued)

- ▶ *What has Sebastian proposed for environmental conservation on the 1,100-acre property?*
 - ▶ *A whopping 43 acres.*
- ▶ *You won't find in the staff report any reference to the DWM project.*
- ▶ *The consideration given to protecting the south prong slough is dismal.*
- ▶ *The consideration given to the DWM project and its benefits on water quality is non-existent.*
- ▶ *Sebastian could be a real partner for clean water and resource protection, but they have chosen not to be.*

Sewer and Water

- ▶ *Sebastian does not have its own sewer and water system. Existing city development is either on septic and well water, or utilizes utility services from the County.*
- ▶ *The County has stated it will not provide utility services for this project as currently proposed.*
 - ▶ *No capacity in the near-term; unlikely to provide under the proposed development pattern. County is required to follow its comprehensive land use plan for provision of services.*
- ▶ *City is almost ignorant to the County's objects, arguing that it will have to provide utility services to a development that it objects to.*
- ▶ *City staff says it will not permit a project without sewer and water, but they don't say how they will enforce that*

Transportation and Level of Service

- ▶ *Historically, a development of this size would have to undergo a development of regional impact (DRI) review. Unfortunately, the DRI statute was eliminated.*
- ▶ *The traffic study states that the INCREASE IN IN TRIPS from the annexation and land use change would result in **additional 35,382 daily trips.***
- ▶ *The traffic study's contention that adequate infrastructure will exist to handle the increased trips relies significantly on the improvements to C.R. 510 and 82nd Ave.*
- ▶ *Sebastian is not requiring the landowner to dedicate the needed right-of-way for 82nd Ave. and dismisses claims that the land use change will result in increased costs for right-of-way acquisition.*

Conclusion

- ▶ *This presentation has provided an overview of many, but not all the major topics surrounding the annexation and land use change.*
- ▶ *PIAS, CWC, IRNA and other organizations, along with the County and even the City of Fellsmere, encourages the City of Sebastian to hit the pause button.*
- ▶ *Sebastian needs to finalize a new land use category for this project.*
- ▶ *Sebastian needs to execute an annexation agreement with the landowner and the county.*
- ▶ *Sebastian needs to hold community meetings with the various concerned groups to receive input for how to develop the C.R. 510 corridor.*

Conclusion (continued)

- ▶ *Through the new land use category, and/or through an annexation agreement, Sebastian needs to require the landowner to commit to the following:*
 - ▶ *Dedication of needed right-of-way for improvements to roads.*
 - ▶ *Dedication of school site(s)*
 - ▶ *Enlarge the conservation areas around the South Prong Slough*
 - ▶ *Require the lands that are part of the DWM project to be set-aside as open space.*
 - ▶ *Commit to the design principles outlined in the County's Comprehensive Land Use Plan for New Towns.*
 - ▶ *Cap the number of residential units for the entire parcel to ~1,500 (1.5 units an acre)*