

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

TO: Jason E. Brown; County Administrator

THROUGH: Phillip J. Matson, AICP; Community Development Director

THROUGH: Ryan Sweeney; Chief, Current Development

FROM: Brandon C. Creagan, LEED Green Associate; Senior Planner, Current Development

DATE: May 23, 2022

SUBJECT: Bhakta Farms, LLC's Request for Major Site Plan and Special Exception Use Approval for a Farm Based Rum Distillery (Agricultural Industry) with Associated Accessory Residential Units [SP-SE-20-07-26 / 2004020221-86955]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of June 7, 2022.

DESCRIPTION & CONDITIONS

Mills, Short & Associates, LLC, on behalf of Bhakta Farms, LLC, have submitted an application for major site plan and special exception use approval to construct and operate a farm based rum distillery (agricultural industry) with associated accessory residential units. The subject site is approximately 173.9 acres in size and is located on the north side of State Road 60 approximately 2,723 feet east of the intersection of State Road 60 & 130th Avenue (see attachment 2). The site is zoned A-2, Agricultural-2 (up to 1 unit per 10 acres), a zoning district in which special exception use approval is required for agricultural industries. The proposed project will consist of four (4) phases that will include office space, employee housing, sugar cane/fruit fields, the distillery, barrel/bottling storage areas, a tractor barn, a guard house, a pool/guest house, guest cottages, and expansion areas as needed (see attachment 5).

The BCC now needs to consider the special exception use request for the proposed farm based rum distillery (agricultural industry) with associated accessory residential units, conduct a public hearing, and either approve, approve with conditions, or deny the request. Pursuant to Section 971.05 of the LDRs, the PZC is to consider the appropriateness of the requested use for the subject site and compatibility of the use with the surrounding area. The BCC may recommend 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 April 28, 2022, the PZC voted 6-1 to recommend that the BCC grant major site plan and special exception use approval with the conditions recommended by staff (see attachment 1).

ANALYSIS

1. **Area of Development:** 173.9 acres

Note: The area of development is a sub-area of the larger ± 900-acre farm owned by Bhakta Farms, LLC.

2. **Zoning Classification:** A-2, Agricultural-2 (up to 1 unit per 10 acres)

3. **Land Use Designation:** AG-2, Agriculture-2 (up to 1 unit per 10 acres)

4. **Impervious Area:** Proposed: 359,408 square feet or 8.25 acres

5. **Building Areas:**
- | | |
|------------------------|---|
| Office: | 3,500 SF |
| Distillery: | 5,625 SF |
| Bottling: | 7,200 SF |
| <u>Barrel Storage:</u> | <u>42,000 SF (3 separate buildings)</u> |
| Total: | 58,325 SF |

6. **Open Space:**
- | | |
|-----------|-------|
| Required: | 80% |
| Proposed: | 95.2% |

7. **Traffic Circulation:** The project site will be accessed by two existing driveway connections as well as an emergency access all off of State Road 60. There will also be an internal roadway system to allow access between the different development areas within the site. Based on the project's proposed traffic generation, a traffic impact study was not required. Also, based on the project location and the project's proposed traffic generation, no off-site traffic improvements are required or proposed. The project's driveway locations, design, and internal circulation plan have been reviewed and approved by Traffic Engineering and Fire Prevention.

8. **Off-Street Parking:** The site plan will provide sixty-nine (69) total parking spaces on site that will be distributed between each phase. Phase 1 will contain forty-one (41) spaces, Phase 2 eleven (11) spaces, Phase 3 seventeen (17) spaces, and there are no additional spaces proposed for Phase 4. The bulk of the parking spaces will be located within the distillery area, and the rest of the parking spaces will be situated throughout the residential areas of the project.

9. **Landscape Requirements:** Due to the fact that all of the properties that immediately abut the parcel are vacant and that all of the distillery operation is contained no closer than 867 feet from any property line, the project will only provide internal buffering, with the exception of the required State Road 60 landscape buffer. The project's landscape plan shows the required landscape improvements, and those landscape improvements shall be installed prior to the issuance of a project certificate of occupancy (C.O.) for each phase with the exception of the State Road 60 landscape buffer that will be required to be installed with the C.O. for Phase 1.

10. **Environmental Issues:** Based on the environmental assessment provided by the applicant, additional coordination with USACOE, USFWS, and FWC will be required due to potential impacts to listed species (e.g. Audubon's crested caracara, sandhill cranes, wood storks, etc.). Verification of approval/concurrence from these agencies will be required prior to site plan release. The County Environmental Planner has reviewed and approved the site plan pending

the above site plan release conditions. No other special environmental features exist within the area of development.

11. **Stormwater Management:** The applicant submitted a preliminary stormwater management plan that has been reviewed and approved by Public Works. That plan proposes to utilize the existing grove furrows/ditches to convey and treat the minimal amount of stormwater runoff that will be generated by the project. Prior to site plan release, the applicant must obtain a County Type “B” Stormwater Permit pursuant to Chapter 930 of the County LDRs.
12. **Utilities:** The project is outside of the Urban Service Area and County water/sewer services are not available. Therefore, water/wastewater services will be provided via private on-site well(s) and septic systems(s). The County Department of Utility Services and the Department of Health have reviewed and approved the proposed site plan.
13. **Specific Land Use Criteria:** Pursuant to LDR section 971.08(2), the following criteria for agricultural industries apply to this project:

1. *Agricultural industries may be allowed to locate within the A-1, A-2, or A-3 districts only upon a finding by the reviewing body that such industries are directly related to active agricultural operations and that such industries, due to the characteristics of the operation, would not be more appropriately located in an industrial zoning district;*

Note: The Subject property is located within the A-2 zoning district, and is a sub-part of a ± 900-acre farm. Therefore, it is staff’s opinion that the unique nature of the proposed operation, coupled with the project’s location, size, and scale, is more appropriate in the A-2 zoning district, rather than an industrial zoning district. The operation is also directly tied to an active agriculture operation because many of the ingredients will be grown/produced directly on the same project site.

2. *All buildings and structures shall be located at least one hundred (100) feet from all property lines;*

Note: The site plan demonstrates that all structures are at least 100 feet from all property lines.

3. *Agricultural industries shall include but not be limited to stockyards, feedlots and packinghouses;*

Note: The proposed project would qualify as an agricultural industry as there are agricultural components like sugar cane and fruit fields that are being implemented as part of this project. There are also aspects of the project that would be most similar to a packinghouse where produce or other goods are processed, packaged, and distributed. In this case a distillery will be in operation where farm products and ingredients will be processed on-site and then packaged, stored/aged, and distributed to wholesale consumers.

4. *The business must be located in an area designated either as AG or R on the comprehensive plan land use map;*

Note: It is confirmed that that property is within an area that is designated as AG-2 on the comprehensive plan land use map, and meets the above referenced requirements.

14. Surrounding Land Use and Zoning:

North: Agricultural Land, Vacant / A-2

East: 130th Avenue, Residence, Agricultural Land, Vacant / A-2

South: State Road 60, Citrus Groves, Agricultural Land, Vacant / A-2

West: Agricultural Land, Vacant / A-2

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

RECOMMENDATION

Staff recommends that the BCC grant major site plan and special exception use approval for a farm based rum distillery (agricultural industry) with associated accessory residential units to be known as Bhakta Farms Distillery with the following conditions:

1. Prior to site plan release, the applicant shall obtain all required jurisdiction permits as listed on the site plan and verification of approval/concurrence of environmental impact to protected species from the USACOE, USFWS and FWC
2. Prior to issuance of a project certificate of occupancy (C.O.) for each Phase, the applicant shall install all required landscape improvements as shown on the approved project landscape plan. The State Road 60 landscape buffer will be required to be installed with the C.O. for Phase 1.

ATTACHMENTS

1. Excerpt from Draft April 28, 2022 PZC Minutes
2. Location Map
3. Aerial
4. Site Plan
5. Overall Landscape Plan
6. Detailed Landscape Plan