

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

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TO: Jason E. Brown; County Administrator

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

THROUGH: John Stoll; Chief, Long Range Planning

FROM: Chris Balter; Senior Planner, Long Range Planning

DATE: May 25, 2022

RE: Indian River County Board of County Commissioners, and Kelly Stanton of Supermix request to Rezone Approximately  $\pm 9.24$  Acres from A-1, Agricultural-1 District (up to 1 unit/5 acres) to IG, General Industrial District (RZON2021090086-90882) **[Quasi-Judicial]**

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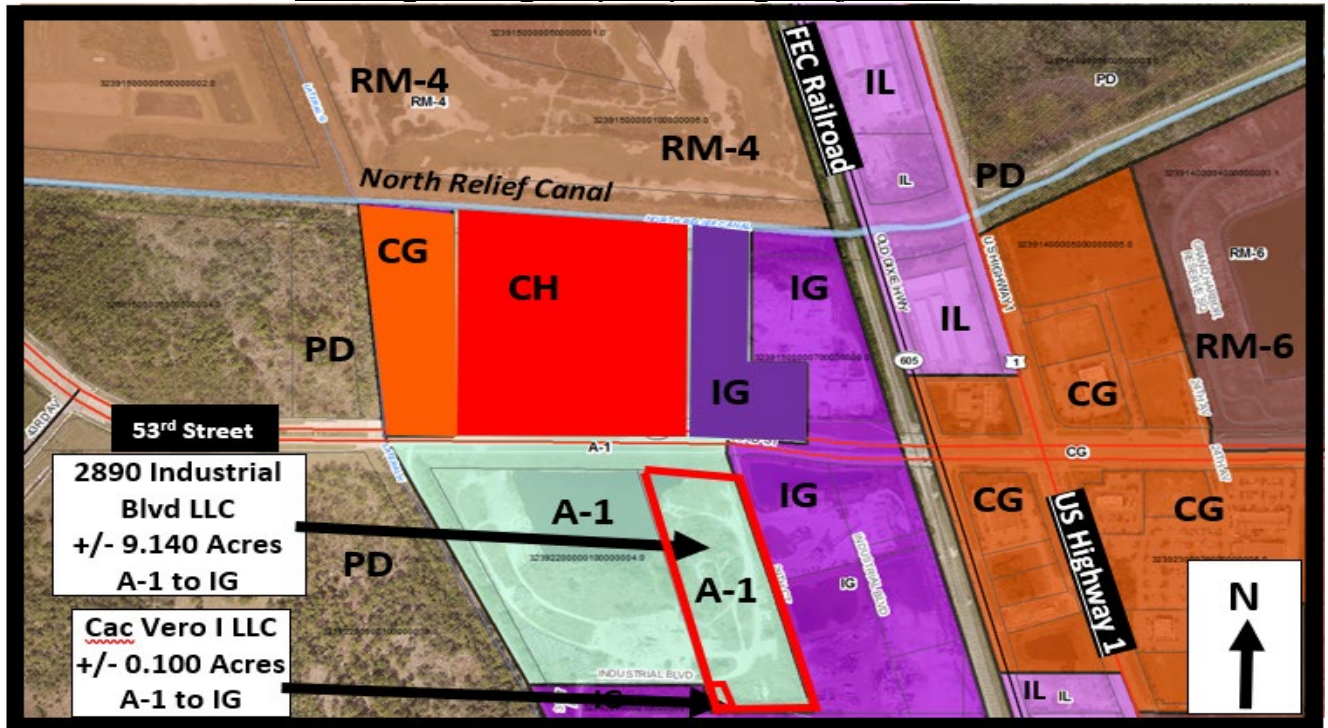
It is requested that the following information be given formal consideration by the Indian River County Board of County Commissioners at its regular meeting of June 7, 2022.

**DESCRIPTION AND CONDITIONS**

The applicants request to rezone  $\pm 9.24$  acres located south of and adjacent to 53<sup>rd</sup> Street and 29<sup>th</sup> Court, from A-1, Agricultural-1 District (up to 1 unit/5 acres) to IG, General Industrial District. The parcels have sat unutilized since the previous mining operation has ceased operation. The purpose of this request is to secure the zoning necessary to develop the site at a density consistent with the density allowed by the site's comprehensive plan land use designation. The subject site is depicted in the image below (Figure 1).

Note: The current A-1 zoning designations of the subject parcels 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 properties with uses appropriate in the USA and permitted in the requested zoning districts.

Existing Zoning Map Depicting Subject Site



Aerial Image of Subject Properties and Surrounding Uses



### **Existing Land Use Pattern**

The properties surrounding the subject site consist primarily of industrial uses, commercial retail uses, and vacant sites. The subject properties are currently zoned A-1 Agricultural District (up to 1 unit/5 acres) to the west and to the east, IG General Industrial District. The abutting property to the east contains Titan America LLC a cement facility (IG zoned) and a portion of a man-made lake from a prior mining operation (A-1 zoned).

### **Zoning District Differences**

In terms of permitted uses, there are substantial differences between the existing A-1 and IG districts and the proposed IG district. The respective zoning districts' purpose statement best illustrates the differences between the zoning districts. These purpose statements, found in the County's Land Development Regulations (LDRs), are as follows:

IG: General Industrial District: The IG, general industrial district, is intended to provide areas where a broad range of industrial activities may locate and operate without significant adverse impacts on nearby properties. The IG district is further intended to promote the establishment of employment centers that are accessible to the transportation system and other necessary urban services.

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.

### **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 amendment with 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 that 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 Future Land Use Element Policies 1.17, 1.18, and 1.43.

#### Future Land Use Element Policies 1.17 and 1.18

Future Land Use Element Policy 1.17 states that all commercial/industrial uses must be located within the County's Urban Service Area. Future Land Use Element Policy 1.18 states that the commercial/industrial land use designation allows uses, subject to applicable zoning district regulations, that include business and personal services, retail, office, and storage/warehousing uses.

Since the subject property is located within the County's Urban Service Area and the requested IG, district is intended for uses permitted within the commercial/industrial land use designation, the request is consistent with Future Land Use Element Policies 1.17 and 1.18.

#### 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 are tables listing the specific rezoning criteria from Policy 1.43, the IG zoning, district and staff determinations of how the criteria have been met.

<b>Table 1</b> <b>SUBJECT PROPERTY #1</b> <b>Proposed General Industrial (IG) Zoning District</b>		
<b>Review Criteria</b>	<b>Meets Criteria?</b>	<b>Comments</b>
1. Along arterial roads and major intersections	Yes	The subject properties abut 53rd Street to the north which is an Urban Principal Arterial roadway. Nearby to the east, 53 <sup>rd</sup> Street intersects with U.S.-1 and Old Dixie Highway.
2. Along railroad tracks	Yes	Subject Properties are within 700 feet of the railroad tracks.
3. Near industrial areas	Yes	The CEMEX facility north of the subject properties; to the east is Titan; both zoned IG, General Industrial.
4. Separated from residential development by a major roadway or intervening property	Yes	The subject property is over ¼ mile away from Waterway Village (the nearest residential development).
5. Separated from retail and office areas	Yes	There are no retail or office areas adjacent to the subject property. Retail uses are east of the FEC Railway and Old Dixie Highway.

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

The proposed amendment for the subject properties is designated C/I, *Commercial/Industrial*, on the Future Land Use Map. Since IG zoning is allowed in the C/I designation, the proposed zoning district is consistent with the Future Land Use Map designation. The properties surrounding the subject site consist primarily of industrial uses, commercial retail uses, and vacant sites.

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

The subject properties abut 53<sup>rd</sup> Street. This roadway is classified as an Urban Principal Arterial road on the future roadway thoroughfare plan map. Located within an approximate 150-220' wide public road right-of-way (width varies), this segment of 53<sup>rd</sup> Street is a four-lane divided paved road. There are currently no planned road improvements for this section of 53<sup>rd</sup> Street listed in the County's Comprehensive Plan.

**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 proposed rezoning request's Traffic Impact Analysis (TIA) was reviewed and approved by Traffic Engineering Division staff. That analysis showed that all roadway segments within the area of influence would operate at an acceptable level of service with the most intense use of the property under the proposed zoning district.

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

The subject area of the county consists of a mixture of commercial, industrial, recreational, conservation, and residential uses. To the north of the subject properties are the CEMEX Construction Materials site and cement facility and to the east of the site is the Titan America LLC cement facility. Changes to the commercial industrial node have been identified by staff that would support the need for a rezoning for the subject properties to the proposed zoning district.

**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, 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 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 industrial rezoning requests, the most intense use of a property varies with the zoning district. In the case of A-1 zoned property, the most intense use (according to County LDRs) is 10,000 square feet of retail agricultural trade gross floor area per acre. For the IG rezoning requests, the most intense use is 20,000 square feet of general industrial gross floor area per acre. The site information used for the concurrency analysis is as follows:

1. Size of Area to be Rezoned:  $\pm$  9.24 acres
2. Existing Zoning District: A-1, Agricultural-1 (1 Unit Per 5 Acres)
3. Proposed Zoning District: IG, General Industrial District
4. Most Intense Use of Subject Property Under Existing Zoning District: 92,400 square feet of Retail Agricultural Trade
5. Most Intense Use of Subject Property Under Proposed Zoning District: 184,800 square feet of General Industrial

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

The subject properties proposed to be rezoned from A-1 to IG currently contain vacant, and partially vegetated lands with a freshwater pond. Since the subject property contains no land designated by the State of Florida or the U.S. Federal Government as environmentally sensitive or protected, 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.

### **CONCLUSION**

The requested IG, zoning district is compatible with the surrounding area and is consistent with the goals, objectives, and policies of the Comprehensive Plan. Located in an area deemed suitable for commercial and industrial uses, the subject properties meet all applicable criteria to be rezoned as proposed. Further, rezoning to the proposed zoning districts will make the zoning consistent with the properties' C/I future land use designation. For those reasons, staff supports the request.

### **Planning and Zoning Commission Action**

On April 28, 2022 a public hearing to consider this rezoning request was held before the Indian River County Planning and Zoning Commission (PZC). After receiving no public comment, the PZC voted 5 - 0 to recommend that the Board of County Commissioners approve the rezoning request.

### **RECOMMENDATION**

Based on the analysis, staff and the Planning and Zoning Commission unanimously recommended that the Board of County Commissioners approve this request to rezone the Subject Properties from A-1 to IG.

### **ATTACHMENTS**

1. Rezoning Application
2. Table of Uses for Agricultural Zoning Districts
3. Table of Uses for Industrial Zoning Districts
4. Future Land Use to Zoning District comparison table (Source: County LDRs)
5. Rezoning Ordinance