

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

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TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator

PREPARED BY: Cindy Thurman, Senior Planner, Long Range Planning

DATE: June 30, 2024

SUBJECT: Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for ±1.45 Acres from IL, Light Industrial District to CG, General Commercial District (RZON93110032-96539) **[Quasi-Judicial]**

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It is requested that the data presented herein be given formal consideration by the Board of County Commissioners at its regular meeting of August 20, 2024.

**DESCRIPTION AND CONDITIONS**

The subject property consists of ±1.45 acres located along the west side of Highway US 1 and the east side of Old Dixie Highway; approximately .18 of a mile south of 53<sup>rd</sup> Street on Highway US 1 and a quarter mile north of 49<sup>th</sup> Street.

The applicant requests to rezone the subject property from IL, Light Industrial District to CG, General Commercial District. The purpose of this request is to secure the zoning necessary to develop the site with uses permitted in the CG zoning district. The requested CG zoning designation is consistent with the subject property's C/I, Commercial Industrial land use designation.

**Existing Land Use Pattern**

This portion of the county consists of a mixture of commercial, industrial, residential, and accessory/utility land uses. The subject property is currently zoned IL, Light Industrial District. To the north of the subject property is vacant commercial land used as a stormwater pond, to the west is developed industrial land, to the south is developed mixed use commercial land, and to the east is developed residential land across US Highway 1 at Grand Harbor.

**Zoning District Differences**

In terms of permitted uses, there are both similarities and differences between the existing IL district and the proposed CG district. The respective zoning districts' purpose statements best illustrate the distinctions between the zoning districts. These purpose statements, found in the

County's Land Development Regulations (LDRs), are as follows:

IL: Light Industrial District. The IL, Light Industrial District, is intended to provide opportunities for limited manufacturing and industrial services and to promote the establishment of employment centers which are accessible to urban services and facilities, the area labor force, and local industrial and business markets while minimizing the potential for any adverse impacts upon nearby properties.

CG: General Commercial District. The CG, General Commercial district, is intended to provide areas for the development of general retail sales and selected service activities. The CG district is not intended to provide for heavy commercial activities, such as commercial service uses, heavy repair services nor industrial uses.

### **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 (LDRs).**

Staff cannot identify any conflicts with the proposed rezoning and any of the land development regulations.

The applicant states that "there have not been any conflicts identified." The site will be subject to the site planning process to demonstrate its compliance with the LDRs.

#### **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 CG 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.

The applicant states that “This site is with the Urban Service Area and part of a C/I node.”

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 the specific rezoning criteria from Policy 1.43, the CG zoning district, and staff determinations of how the criteria have been met in Table 1.

<b>Table 1</b> <b>SUBJECT PROPERTY</b> <b>Proposed General Commercial (CG) Zoning District</b>		
<b>Review Criteria</b>	<b>Meets Criteria?</b>	<b>Comments</b>
1. Along arterial roads and major intersections	Yes	U.S. Highway 1 is a principal arterial road. The applicant states that “this site is located along Highway US 1 and abuts other CG zoned parcels.”
2. Separated from residential development	Yes	Existing residential development is on the east side of US Highway 1. The applicant states that “this site is separated from residential development which can be found on the east side of Highway US 1 at Grand Harbor as well as the west of Waterway Village beyond the Industrial zoned parcels.”
3. Separated from industrial areas	Yes	Industrial areas are located to the west but are separated by Old Dixie Highway and the FEC Railroad tracks. The applicant states that “This area is currently zoned IL so this is N/A, and physically separated from IG by Old Dixie Highway and Railroad Tracks.”
4. Near retail and office areas	Yes	The existing commercial node is at the intersection of 53 <sup>rd</sup> Street and Highway US 1. The applicant states that “there is a commercial node at the intersection of 53 <sup>rd</sup> Street and Highway US 1 with a variety of retail uses.”

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

The proposed amendment for the subject property is designated C/I, Commercial/Industrial on the Future Land Use Map. Since CG zoning is allowed in the C/I designation, the proposed zoning district is consistent with the Future Land Use Map designation. The properties to the north and to the east are currently zoned CG.

The applicant states that “In this location, the CG zoning district is adjacent to the northern and eastern property line. There is industrial zoning west of the tracks. These zoning classifications are consistent and in conformance with the C/I Future Land Use.”

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

The subject properties abut U.S. Highway 1 and Old Dixie Highway. Highway US 1 is classified as a principal arterial road and Old Dixie Highway is classified as a Major Collector on the future roadway thoroughfare plan map. There are currently no planned road improvements for either roadway.

The applicant states that “Yes, the amendment would be in compliance with the adopted county thoroughfare plan. The proposed site is sandwiched between Us Highway 1 and Old Dixie Highway, with Us Highway 1 listed as a Principal Arterial Roadway and Old Dixie Highway is classified as a Major Collector Arterial.”

**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.

The applicant states that “while the zoning classification change is essentially a down zoning, there are not any anticipated impacts on the LOS of the adjacent roadways. As the owner prepares to move into the site plan phase, a full traffic impact analysis on the proposed use will be provided.”

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

The applicant states that economic conditions have changed throughout the years. “A number of businesses have operated from this site which are more commercial in nature than industrial (mostly selling landscaping supplies and plants), and the constraints of a narrow parcel doesn’t lend itself well to redevelopment as an industrial type use. The parcel to its immediate north was purchased by FDOT for stormwater retention purposes, so there is not a good land assembly strategy for future industrial development. Extending the CG district to include this parcel warrants consideration.”

Economic conditions have transitioned this area to be more conducive for general commercial uses due to the presence of existing CG zoning to the north and east of the subject property. Parcel assemblage is problematic in this area which would limit the development of industrial uses.

**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 LDRs, 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 review 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 development 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 commercial rezoning requests, the most intense use of a property varies with the zoning district. In the case of IL zoned property, the most intense use (according to County LDRs) is manufacturing with 20,000 square feet of gross floor area per acre. For the CG rezoning request, the most intense use is retail commercial with 10,000 square feet of gross floor area per acre. The site information used for the concurrency analysis is as follows:

1. Size of Area to be Rezoned: ±1.45 acres
2. Existing Zoning District: IL, Light Industrial District
3. Proposed Zoning District: CG, General Commercial District
4. Most Intense Use of Subject Property Under Existing Zoning District: 29,000 square feet of manufacturing
5. Most Intense Use of Subject Property Under Proposed Zoning District: 14,500 square feet of retail commercial

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

The subject property proposed to be rezoned from IL to CG is mostly vacant but contains some accessory improvements for the adjacent site to the south. Since the subject property does not contain any land designated by the State of Florida or the U.S. Federal Government as environmentally sensitive or protected land, 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.

The applicant states that “the owners will be conducting an Environmental Impact Report (EIR) on this site, and a Phase 1 has been conducted. This site is previously disturbed. Prior to any proposed development a full Environmental Impact Assessment will be done, but as the site sits currently, for the rezoning there is not an adverse impact on the natural environment.”

**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 zoning districts and will provide for a logical and orderly pattern of uses. The applicant states that “the surrounding land uses provide for logical and orderly pattern of uses a there is General Commercial (CG) zoning existing on the northern and eastern boundary. This rezoning request is also consistent with the Comprehensive Plan.

**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 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 CG zoning district is compatible with the surrounding area, is consistent with the goals, objectives, and policies of the Comprehensive Plan and is consistent with the County LDRs. Located in an area deemed suitable for commercial uses, including CG district uses, the subject property meets all applicable criteria to be rezoned to CG. For those reasons, the staff supports the request.

**RECOMMENDATION**

Based on the analysis, Staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject property from IL, Light Industrial to CG, General Commercial.

**ATTACHMENTS**

1. Existing Zoning Map
2. Existing Future Land Use Map
3. Rezoning Application
4. Ordinance