

**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. Tikanich Jr., County Administrator  
Chris Balter, Planning & Development Services Director

FROM: Cindy Thurman; Senior Planner, Long Range Planning

DATE: December 4, 2024

RE: Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for Approximately  $\pm 5.55$  Acres from CG, General Commercial District to CH, Heavy Commercial District (2004050052-97160) **[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 December 17, 2024.

**DESCRIPTION AND CONDITIONS**

The subject property consists of  $\pm 5.55$  acres and is located between U.S. Highway 1 and Old Dixie Highway, immediately north of 71<sup>st</sup> Street (see Attachment 1). This area is characterized by a sparse mixture of commercial, industrial, and residential development.

The applicant requests to rezone the subject property from CG, General Commercial District to CH, Heavy Commercial District. The purpose of this request is to secure zoning to develop the site for more intense commercial uses. The requested CH zoning designation is consistent with the subject property's C/I, Commercial/Industrial future land use designation.

The applicant's justification statement states that the current CG zoning district "is too restrictive, limiting the property's potential for more intensive commercial development. The CH zoning aligns with the County's goals of promoting economic growth, job creation, and increased tax base."

The request for CH zoning reflects the applicant's intent to capitalize on current market trends and to develop the property with uses that better respond to modern business demands in the area.

**Existing Land Use Pattern**

This area of the county is characterized by a mixture of commercial, industrial and a cluster of residential neighborhoods to the north at 73<sup>rd</sup> Street. The area south of the subject property is either vacant or more intense commercial and light industrial uses.

## **Zoning District Differences**

In terms of permitted uses, there are both similarities and differences between the existing CG district and the proposed CH district. The distinctions between these two zoning districts are best illustrated through their respective purpose statements, as outlined in the County's Land Development Regulations (LDRs). These purpose statements provide a clear framework for understanding the intent and scope of each district's allowable uses and development potential. The purpose statements are as follows:

**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, or industrial uses.

**CH: General Commercial District.** The CH, Heavy Commercial district, is intended to provide areas for establishments engaging in wholesale trade, major repair services, and restricted light manufacturing activities. The CH district is further intended to provide support services necessary for the development of commercial and industrial uses allowed within other nonresidential zoning districts.

## **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. CH, Heavy Commercial will introduce more intensive commercial activities.

### **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 outlined in the comprehensive plan are critical to guiding the County's development. Policies, in particular, serve as actionable commitments that direct how the County will shape and manage growth. These policies form the foundation for all land development decisions, ensuring that the County's planning efforts align with its long-term vision.

While all policies within the comprehensive plan hold significance, certain policies are more directly relevant when evaluating rezoning requests. For this particular case, Future Land Use Element Policies 1.17, 1.18, and 1.43 are especially applicable. These policies provide specific guidance and criteria that must be carefully considered to ensure consistency with the County's development goals and the compatibility of land uses within the community.

### Future Land Use Element Policies 1.17 and 1.18

Future Land Use Element Policy 1.17 requires all commercial and industrial uses to be situated within the County's Urban Service Area. Additionally, Future Land Use Element Policy 1.18 permits a range of uses under the commercial/industrial land use designation, including business and personal services, retail, office, and storage/warehousing, subject to applicable zoning district regulations.

Given that the subject property is located within the County's Urban Service Area, and the proposed CH, Heavy Commercial zoning district is intended to accommodate the types of uses permitted under the C/I land use designation, the requested rezoning is consistent with the intent of 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 the specific rezoning criteria from Policy 1.43, the CH 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 (CH) Zoning District</b>		
<b>Review Criteria</b>	<b>Meets Criteria?</b>	<b>Comments</b>
1. Along arterial roads and major intersections	Yes	The property is at the northwest corner of US Highway 1 and 71 <sup>st</sup> Street.
2. Along Railroad Tracks	Yes	The property is adjacent to the FEC Railroad right-of-way, immediately across Old Dixie Highway.
3. Between General Commercial and Industrial Areas	Yes	The property to the north is CG, General Commercial and the property to the south is CH, Heavy Commercial.
4. Separated From Residential Development	Yes	The subject property does not abut residential development.

The nearby properties in this location includes uses allowed in the CH and IL zoning districts such as vehicle and RV storage lots, outside storage of machinery and equipment, as well as welding and machine shops, tradesman contractor storage yards, warehousing and storage centers.

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

The subject property is designated as C/I, Commercial/Industrial on the Future Land Use Map. Since CH, Heavy Commercial zoning is permitted within the C/I land use designation, the

proposed rezoning is fully consistent with the property's Future Land Use Map designation. This alignment ensures that the proposed zoning district is in compliance with the County's long-term land use planning objectives.

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

The subject property is located at the northwest corner of US Highway 1 and 71<sup>st</sup> Street.

**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 property is located at a major intersection, in an area that is in transition and suited for general or heavy commercial uses, particularly given the presence of CH to the south and CG to the north.

Maintaining the pattern of intensity, concentrating the CH uses south, while maintaining appropriate zoning buffers between the residential areas to the north, ensures a balanced transition between commercial and residential uses. This context reinforces the suitability of the requested CH zoning for the subject property while maintaining the CG district to the north.

**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 on 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 CG-zoned property, the most intense use (according to County LDRs) is retail commercial, with 10,000 square feet of gross floor area per acre. For the CH rezoning request, the most intense use is general industrial, with 20,000 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:   | ±5.55 acres                        |
| 2. Existing Zoning District:   | CG, General Commercial District    |
| 3. Proposed Zoning District:   | CH, Heavy Commercial District      |
| 4. Most Intense Use of Subject Property<br>Under Existing Zoning District: | 55,500 s.f. of Retail Commercial   |
| 5. Most Intense Use of Subject Property<br>Under Proposed Zoning District: | 111,000 s.f. of General Industrial |

**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 CG to CH is vacant. 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.

**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 aligns with the comprehensive plan and surrounding zoning districts, promoting a logical and orderly development pattern. By facilitating compatible land uses, the amendment will contribute to a cohesive and well-planned transition between commercial and residential areas, ensuring sustainable growth while adhering to the County's long-term land use vision. This rezoning will support the efficient use of land and infrastructure, enhancing the overall functionality and character of the area.

**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 adverse impacts to public welfare and finds that the request aligns with the purpose and intent of the land development regulations. The proposed amendment is consistent with established planning principles and supports the broader objectives of promoting orderly

growth and compatible land use. As such, the request is deemed to be in harmony with the County's regulatory framework and community development goals.

**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.

### **REQUIRED NOTICE**

For this project, staff was required to publish a legal advertisement in the newspaper, send out notice by mail to all property owners within 300 feet of the project site, and post a project notice sign at the project site.

### **CONCLUSION**

The requested CH zoning district is compatible with the surrounding area and aligns with the goals, objectives, and policies of the Comprehensive Plan. Furthermore, it is consistent with the County's Land Development Regulations (LDRs). The subject property is situated in a location that is well-suited for commercial uses, including those permitted within the CH district, reinforcing its appropriateness for the proposed rezoning. This request supports the County's vision for balanced and strategic land use development.

### **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 CG to CH.

### **ATTACHMENTS**

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