

INDIAN RIVER COUNTY, FLORIDA

M E M O R A N D U M

TO: Jason E. Brown; County Administrator

THROUGH: Stan Boling, AICP
Community Development Director

THROUGH: Sasan Rohani, AICP
Chief, Long-Range Planning

FROM: Bill Schutt, AICP
Senior Economic Development Planner, Long Range Planning

DATE: April 16, 2018

RE: HF Properties, LLC Request to Rezone ±11.96 Acres from CL to CG
(RZON-2004050052-81019)

It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting of May 1, 2018.

DESCRIPTION AND CONDITIONS

This request is to rezone ±11.96 acres from CL, Limited Commercial District, to CG, General Commercial District. As shown in Figure 1, the subject property is located south of 73rd Street, north of 71st Street, west of U.S. Highway 1, and east of Old Dixie Highway. The purpose of this request is to secure the zoning necessary to develop the ±11.96 acre site with uses permitted in the CG zoning district.

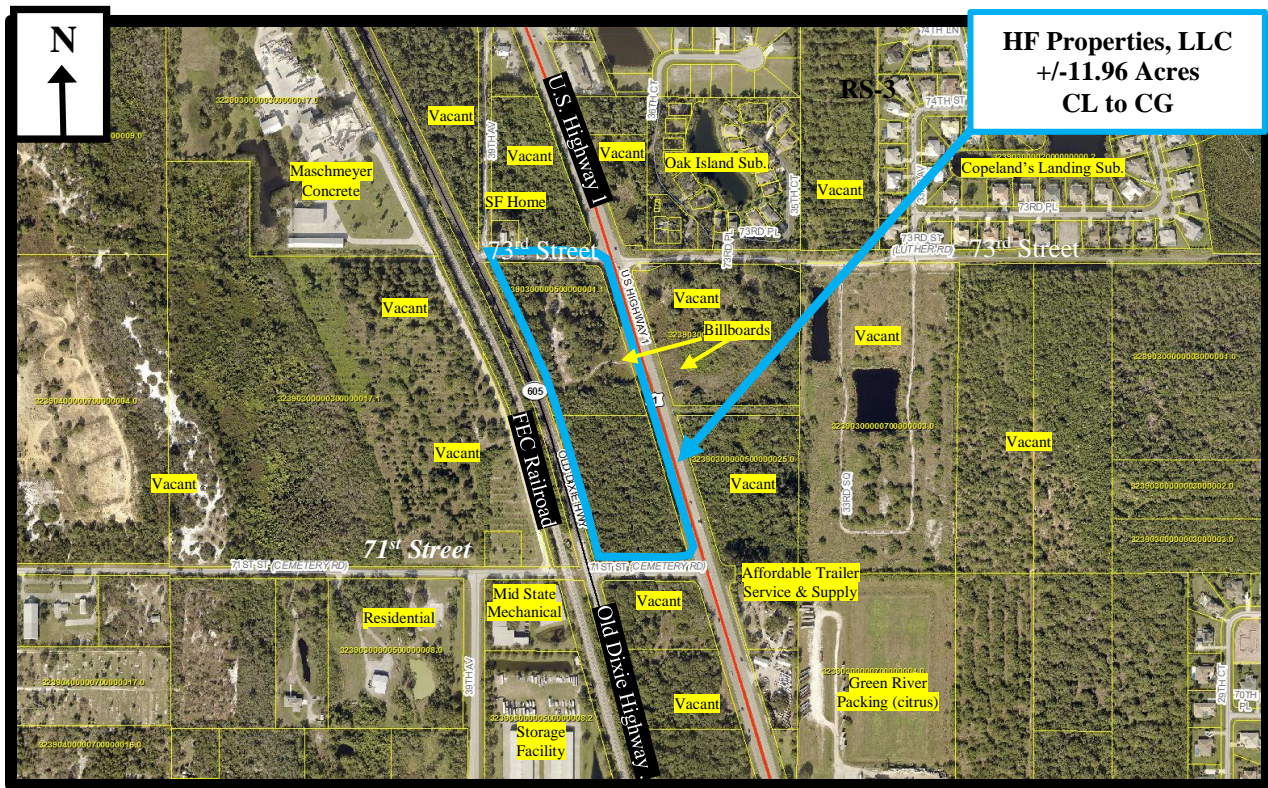
On March 22, 2018, the Planning and Zoning Commission voted 4 – 1 to recommend that the Board of County Commissioners approve this rezoning request (see attachment 4).

Existing Land Use Pattern

This portion of the county consists of a mixture of commercial, industrial, and residential uses, and vacant land. As shown on Figure 1, the subject property is vacant (except for a billboard) and contains trees and vegetation. Figures 2 and 3 show that the property to the south, across 71st Street is zoned CL, Limited Commercial District and contains trees and vegetation. To the southeast across U.S. Highway 1, the property is zoned CH, Heavy Commercial and contains a trailer service and supply company. The property to the east across U.S. Highway 1 is zoned CL, Limited Commercial District and contains trees, vegetation, and a billboard. Properties to the northeast are zoned CL, Limited Commercial District and RM-3, Residential Multi-family (up to 3 units per acre). The CL zoned property is vacant, and the RM-3 zoned property contains a portion of Oak Island residential subdivision.

The property to the north, across 73rd Street is zoned CL, Limited Commercial District and contains trees, vegetation, and a nonconforming single family home. To the west across both Old Dixie Highway and the Florida East Coast Railroad (FEC), property is zoned IG, General Industrial, and contains trees, vegetation, and a driveway to a concrete plant that is located northwest of the subject property. To the southwest of the subject property, property is also zoned IG, General Industrial, and contains an air conditioning company.

Figure 1
Aerial image of subject property and surrounding uses



(Existing zoning and proposed zoning maps are on next page)

Figure 2
Existing Zoning of Subject Properties

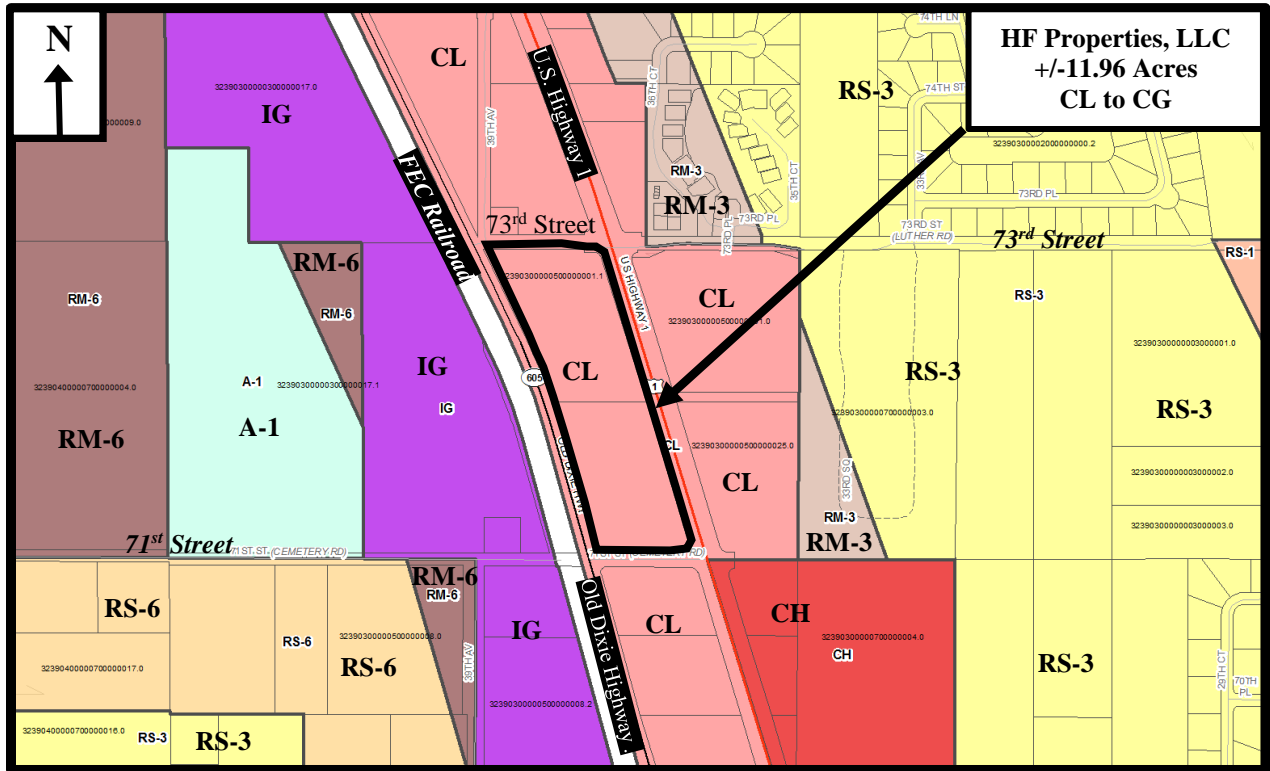
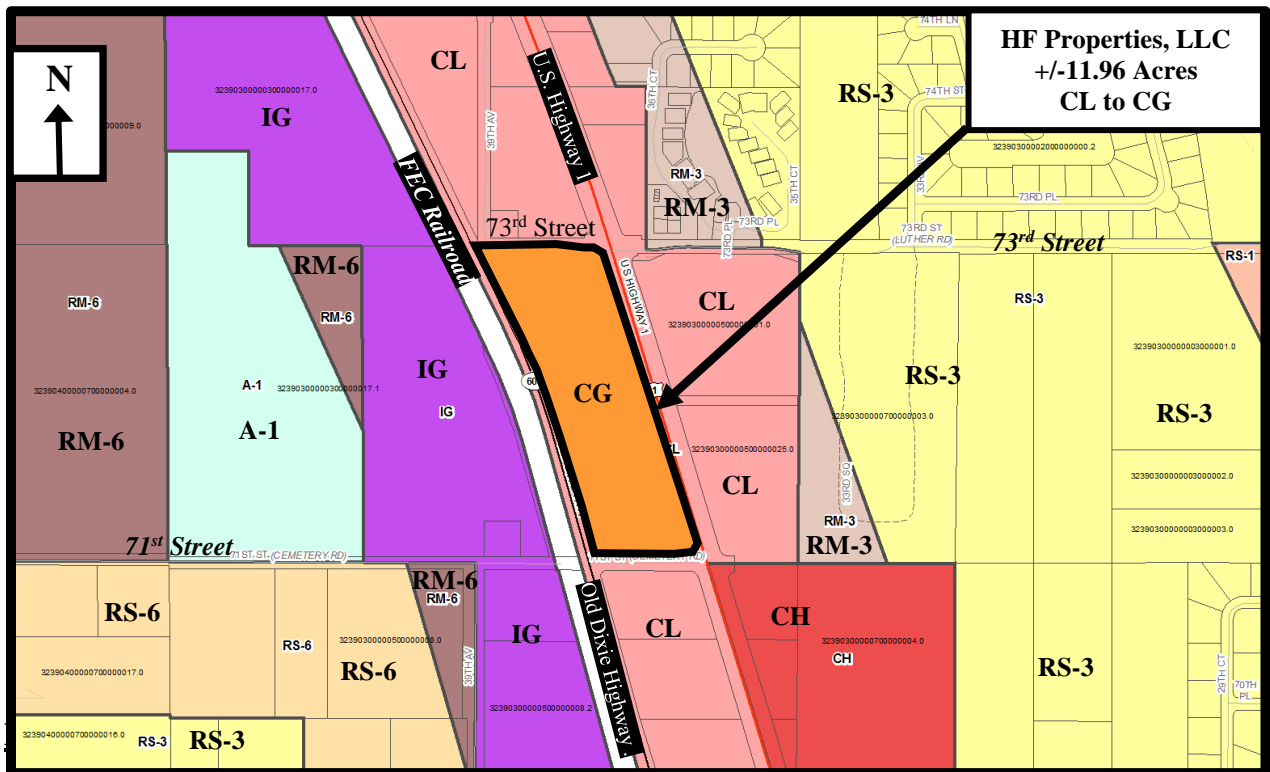
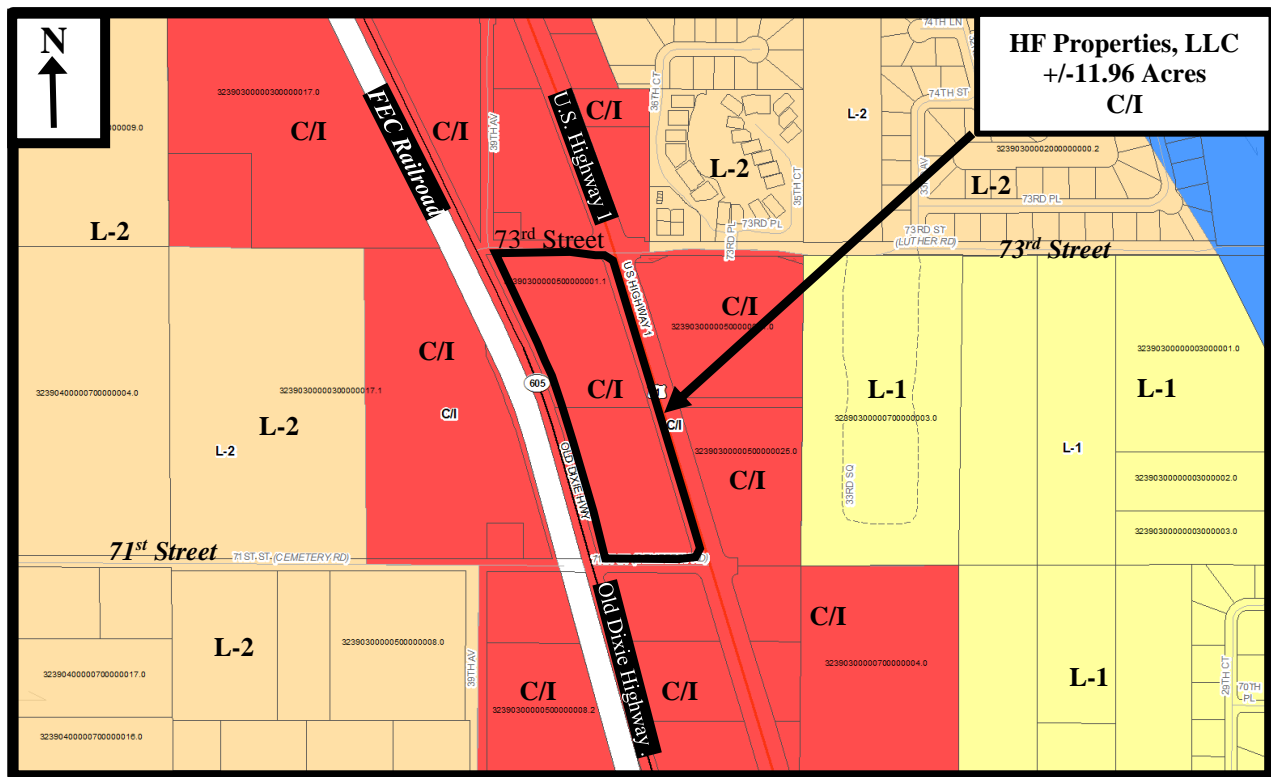


Figure 3
Proposed Zoning of Subject Properties



As shown on Figure 4, the subject property and surrounding properties to the north, south, east, and west are designated C/I, Commercial/Industrial, on the Comprehensive Plan's Future Land Use Map. The C/I designation permits various commercial and industrial zoning districts. Properties northeast of the subject property and across the intersection of U.S. 1 and 73rd Street are designated C/I, Commercial/Industrial, and L-2, Low-Density Residential-2, on the county's future land use map. The L-2 designation permits residential uses with densities up to 6 units/acre.

Figure 4
Future Land Use of Subject Properties



Environment

The subject property contains some native upland vegetation, but was once cultivated in citrus and is not designated as environmentally important or environmentally sensitive by the comprehensive plan. There are no wetlands on the site, although a drainage ditch runs east-west through the central portion of the property. According to Flood Insurance Rating Maps, the subject property lies within Flood Zone X.

Utilities and Services

The site lies within the Urban Service Area of the county. Wastewater service is available to the site from the North Regional Wastewater Treatment Plant, while potable water service is available to the site from the North County Reverse Osmosis Plant.

Transportation System

The subject property has frontage on four roads: U.S. Highway 1, Old Dixie Highway, 73rd Street, and 71st Street. The eastern boundary of the subject property, U.S. Highway 1, is a 4 lane divided highway with 120 feet of existing right-of-way. This roadway is classified as a principal arterial on the future roadway thoroughfare plan map and serves as the major north-south route in this portion of the county. The western boundary of the subject property is Old Dixie Highway. Old Dixie Highway is a 2 lane road with 66 feet of right-of-way and is classified as a collector road on the future roadway thoroughfare plan map. West of and parallel to Old Dixie Highway is the F.E.C. railroad with a 100 foot right-of way. 73rd Street, the northern boundary of the subject property, is a local dirt road with 60 feet of right-of way. At the southern border of the property is 71st Street, a local road with 70 feet of right-of-way.

Zoning District Differences

In terms of permitted uses, there are both similarities and differences between the existing CL district and the proposed CG district (see Attachment 3). The respective zoning districts' purpose statements best illustrate the differences between the zoning districts. These purpose statements, found in the County's Land Development Regulations (LDRs), are as follows:

CL: Limited Commercial District: The CL, Limited Commercial district is intended to provide areas for the development of restricted commercial activities. The CL district is intended to accommodate the convenience retail and service needs of area residents, while minimizing the impact of such activities on any nearby residential areas.

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

In this section, an analysis of the reasonableness of the rezoning request will be presented. Specifically, this section will include an analysis of the requests:

- Impact on public facilities;
- Consistency with the county's comprehensive plan;
- Consistency with the county's Land Development Regulations;
- Compatibility with the surrounding area; and
- Potential impact on environmental quality.

Impact on Public Facilities

The subject property is located within the Urban Service Area, an area deemed suited for urban scale development. Within the Urban Service Area, the comprehensive plan establishes standards for: Transportation, Potable Water, Wastewater, Solid Waste, Stormwater Management, and Recreation (reference Future Land Use Element Policy 3.1). Adequate provision of those services is necessary to ensure the continued quality of life enjoyed by the community. To ensure that the minimum acceptable standards for those services and facilities are maintained, the comprehensive plan requires that new development be reviewed for a concurrency determination. For rezoning requests, that review is undertaken as part of the conditional concurrency determination application process.

As per section 910.07 of the County's Land Development Regulations (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 based upon the requested rezoning district.

As per section 910.07(2) of the Concurrency Management Chapter of the County's Land Development Regulations, projects which do not increase land use density or intensity are exempt from concurrency requirements. For both the current CL zoning and the proposed CG zoning, the most intense use (according to the county's land development regulations) is retail commercial with 10,000 square feet of gross floor area per acre of land proposed for rezoning. This rezoning request is exempt from concurrency review because the requested zoning would not increase the use intensity of the site. When new development is proposed for the subject property, a more detailed concurrency analysis will be conducted during the development approval process.

Consistency with Comprehensive Plan

Rezoning requests are reviewed for consistency with all applicable policies of the comprehensive plan. Rezoning requests must also be consistent with the overall designation of land uses as depicted on the Future Land Use Map. In this case, the subject property is designated C/I, Commercial/Industrial, on the Future Land Use Map. Since CG zoning is allowed in the C/I designated area, the proposed zoning is consistent with the Future Land Use Map.

Other than the Future Land Use Map, the goals, objectives, and policies are the most important parts of the comprehensive plan. Policies are statements in the plan that identify the actions which 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.

- 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 is a table comparing the existing CL zoning district criteria to the proposed CG zoning district criteria for review from Policy 1.43.

Limited Commercial, CL Review Criteria	Meets Criteria?	Comments
1. Areas that are easily accessed from residential areas	Yes	There are residential homes off from 73 rd Street just east of U.S. Highway 1. Accessing this property from that road requires residents to head northe to cross U.S. Highway 1, a busy principal arterial roadway.
2. Between residential areas and general commercial areas or major roadways	No	No residential area is adjacent to this property. The CL zoned property east of this property (across U.S. Highway 1) is adjacent to residential zoned property.
3. Separated from industrial areas	Yes	Industrial zoned property is located to the west across Old Dixie Highway and the FEC Railroad tracks.
4. At node perimeters	No	The northern boundary of the subject property is in the middle of the U.S. Highway 1 – 77 th Street to 69 th Street Commercial/Industrial node.
General Commercial, CG Review Criteria	Meets Criteria?	Comments
1. Along arterial roads and major intersections	Yes	U.S. Highway 1 is a principal arterial road.
2. Separated from residential development	Yes	The closest residential development is separated from the subject site by U.S. Highway 1 and CL zoned property.
3. Separated from industrial areas	Yes	Industrial zoned property is located to the west across Old Dixie Highway and the FEC Railroad tracks.
4. Near retail and office areas	Yes	Many of the commercially zoned properties in this area are or will be developed for retail and/or office uses.

Based upon a review and comparison of the CL, Limited Commercial, and CG, General Commercial rezoning criteria in Future Land Use Element Policy 1.43, the subject property appears to meet the CG, General Commercial criteria. As shown in the preceding table, the subject property appears to meet all four criteria to be rezoned to CG, while the subject property appears to only meet two out of four criteria for CL zoning.

While the referenced policies are particularly applicable to this request, other Comprehensive Plan policies and objectives also have relevance. For that reason, staff evaluated the subject request for consistency with all applicable plan policies and objectives. Based upon that analysis, staff determined that the request is consistent with the Comprehensive Plan.

Consistency with the County Land Development Regulations

Rezoning requests must be consistent with all applicable sections of the County Land Development Regulations (LDRs), including Section 902.12(3) standards of review. A copy of those standards are included as Attachment 5 to this report. With this rezoning request, staff determined that the request is consistent with the LDRs, including the review standards listed in Section 902.12(3).

Compatibility with the Surrounding Area

Located along U.S. Highway 1, the subject property abuts commercial/industrial designated land to the north, northeast, west and south. Generally, sites such as the subject property that front on major roads may be appropriate for any one of several different commercial zoning districts, including CL, CG and CH.

Like the subject property, land to the north (across 73rd Street), south (across 71st Street), and east (across U.S. Highway 1) is zoned CL, Limited Commercial. The requested CG zoning will not be incompatible with those CL zoned properties. Although the CL and CG districts allow some of the same uses, the CG district is generally more oriented towards general retail and highway commercial uses than the CL district. Because general retail and highway commercial uses need frontage on or near major roads, lots with frontage on U.S. Highway 1 are particularly appropriate for CG zoning.

Additional design and use protections from the “Other Corridor regulations” will also apply to the subject site. Those regulations are found in Section 911.22 of the County’s Land Development Regulations. With respect to design requirements, the special corridor regulations will provide for such things as shielding of any outdoor lighting fixtures, additional vegetation plantings, and various aesthetic improvements.

Although the 1/3rd acre CL zoned property north of the subject property and across 73rd street contains a single family residence, that structure is separated from the subject property by 73rd Street and is a nonconforming use that eventually will be replaced by uses that are allowed in the CL zoning district. While the properties west of the subject property are zoned IG, the combined right-of-ways for Old Dixie Highway and the F.E.C. railroad provide 166 feet of separation between the subject property and those IG properties.

Given the existing CL zoning to the south, north and east, the presence of two major roads, the presence of the FEC railroad, the presence of industrially zoned property to the west, the additional “Other Corridor” use restrictions, and the significant separation of the subject site from residentially designated property, the subject site is appropriate for CG development under the requested rezoning. For those reasons, staff feels the subject property, under the proposed zoning district, will be compatible with surrounding areas.

Potential Impact on Environmental Quality

The subject property is an undeveloped site that once was cultivated in citrus, but now contains some native upland vegetation. Any proposed removal of native trees on the property associated with site development will be subject to county tree protection requirements, including mitigation of any specimen trees removed, if applicable. Since the subject property was once cultivated in citrus, is not designated as environmentally important or environmentally sensitive by the comprehensive plan, and according to Flood Insurance Rating Maps is not located in a flood zone, development of the site is anticipated to have little or no impact on environmental quality. For those reasons, no adverse environmental impacts are anticipated as a result of rezoning the property from CL to CG.

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, 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 site from CL to CG by adopting the attached ordinance.

ATTACHMENTS

1. Summary Page
2. Rezoning Application
3. Table of Uses for Commercial Zoning Districts
4. Unapproved Minutes of the March 22, 2018 Planning and Zoning Commission meeting
5. Section 902.12(3) Standards of Review
6. Rezoning Ordinance