

**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:** Andrew Sobczak, Planning & Development Services Director

**DATE:** September 29, 2023

**SUBJECT:** Consideration of an Ordinance Amending the Future Land Use Map of the Comprehensive Plan by Changing the Future Land Use Map for a  $\pm 1.65$  Acre Property Located on the East Side of US Highway 1 Between Jackson Street and 132<sup>nd</sup> Street. (LUDA 2003040050-95390) **[Legislative]**

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It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of October 31, 2023.

**DESCRIPTION AND CONDITIONS**

The subject property, as depicted in Attachment 1, consists of two (2) contiguous parcels totaling  $\pm 1.65$  acres. The north parcel is owned by New Car Wash, LLC. and is currently undeveloped. The south parcel is owned by Fountain Towers, LLC. and is developed as a two-unit office complex. The parcels together are located on the east side of U.S. Highway 1 between Jackson Street and 132<sup>nd</sup> Street, in the Roseland area.

The purpose of the request is to correct and amend the Future Land Use designation to ensure consistency between the County's adopted Future Land Use Map and the Zoning Map pursuant to Florida State Statutes Chapter 163.3187(1), and Policy 14.3 of the County's Comprehensive Plan and to allow the subject property to develop with commercial uses.

The proposed amendment will correct the existing inconsistency by amending the future land use designation from Medium Density 1 (M-1) to Commercial/Industrial (C/I) (see Attachment 1), thus permitting the commercial uses that are allowable in the CL zoning district.

**Comprehensive Plan Amendment Review Procedures**

Although the number of standard plan amendments that the County may consider each year is not limited, the frequency with which the County can amend its comprehensive plan is regulated. According to the County's Comprehensive Plan, standard plan amendment application submittals are currently limited to four times per calendar year. For that reason, the county accepts standard plan amendment applications only during the months of January, April, July, and October. In this case, the subject application was submitted during the July 2023 window. No other plan amendment applications were received in that window.

The procedures for reviewing a comprehensive plan amendment involve several steps. First, the Planning and Zoning Commission, as the Local Planning Agency, conducts a public hearing to review the request. At that hearing, the Commission makes a recommendation to the Board of County Commissioners to approve, approve with modification, or deny the requested amendment.

Following the Planning and Zoning Commission action, the Board of County Commissioners conducts one public hearing. If the Board approves the request, the approved amendment becomes effective 31 days after the hearing.

### **Future Land Use Pattern**

As shown in Attachment 2 the property to the north and south are within the boundaries of the City of Sebastian. Within the City of Sebastian, the property to the north is designated as “Riverfront Mixed Use” and the property to the south is designated as “Institutional” and is developed as an existing cemetery. To the east of the property is the M-1 designation on the County’s future land use map and is developed as an existing mobile home subdivision.

The majority of commercial property in this area, with frontage along Highway U.S. 1, has a commercial or mixed-use future land use designation. The existing future land use patterns in this area contain commercial, mixed use and institutional designations. The existing M-1 future land use designation is not consistent with the rest of the commercialized U.S. Highway 1 corridor which is primarily designated for commercial or mixed-use development.

### **Environment**

A portion of the subject property has previously been cleared and developed as commercial. The north parcel is vacant with overgrown vegetation. County records show no wetlands and no environmentally sensitive habitats have been identified on the property. According to Flood Insurance Rating Maps, the subject property is within Flood Zone X.

**According to the Applicant, New Car Wash LLC.:** “The proposed use will not negatively impact the environment. Advances in technology have revitalized the operation of stand-alone self-service car wash facilities. The automation of the car wash process has allowed the entire washing process to occur within a small, enclosed building envelope with detailing occurring on an enclosed automated conveyor belt. Cars will enter through the south side of the car wash tunnel and if an interior wash is also included in their selected service they will then enter through the north side of the enclosed conveyor belt for employees to complete interior cleaning, detailing and waxing. The enclosure of the car wash process reduces noise and other potential effects on neighboring property. Additionally, the introduction of the automated, self-service pay station has streamlined the payment and service process to efficiently move customers through the car wash cycle. All of these innovations have spurred an opportunity for development of these modern, environmentally friendly facilities that provide a desirable and sustainable service to members of the community.

Lastly, the proposed car wash will utilize a water reclamation system to reduce water consumption and minimize impacts on the natural environment. The water reclamation system will remove contaminants such as grease, oil, and rust and prevent release into the storm drain system. This water reclamation system will allow the recapture and reuse of water to conserve freshwater resources. The Project will have a positive impact on the natural environment by providing a more environmentally friendly alternative to washing a vehicle at home.”

Any further development on either parcel of the subject property will be required to comply with all state, local and federal regulations in place at the time of development, regardless of the property’s land use designation.

### **Utilities and Services**

The site is within the Urban Service Area of the County. As infill development, wastewater service is available to the property with the nearest connection points being along the U.S. 1 frontage. Potable water service is also available, with the nearest connection points being along the U.S. 1 corridor.

**According to the Applicant, New Car Wash LLC.:** “This amendment will not negatively impact the public facilities and services. As an infill development, the Project will connect to the existing utility connections already in place and will not negatively impact the County’s level of service for public utilities.”

### **Transportation System**

The subject property has frontage on U.S. Highway 1. In this area, U.S. Highway 1 is a four-lane divided road with approximately 120 feet of existing public road right-of-way, and is classified as a Principal Arterial on the Future Roadway Thoroughfare Plan Map. According to the County’s comprehensive plan, this segment of U.S. Highway 1 needs a total of between 120 feet and 160 feet of right-of-way for future roadway needs. Jackson Street is a local two-lane street with approximately 50 feet of existing public road right-of-way. No improvements to these roads are currently programmed.

### **Future Land Use Differences**

In terms of uses, the major differences between the C/I and M-1 land use designations are the location and the ability to develop the property with commercial uses.

The commercial land use category includes land used for retail and wholesale trade, offices, hotels, motels, restaurants, service outlets, automobile service stations and repair facilities. Commercial uses are generally located in proximity to concentrations of population and along major thoroughfares. The largest area of commercial land use is within the SR 60 corridor.

As stated in the Future Land Use Element, within the unincorporated county’s 34 commercial/industrial nodes, there are approximately 5,235 acres of land. Currently, 43% of the total C/I node acreage (or 2,394 acres) is developed with commercial and/or industrial uses. The remaining 57% of C/I node acreage is either vacant or developed with noncommercial or

nonindustrial uses such as agricultural, residential, public, and other uses.

Multiple-family uses generally ranging in density from 3 to 10 units/acre, can be found throughout the unincorporated county, but are concentrated in three areas. These areas are along Indian River Boulevard, along U.S. Highway 1 in the south part of the County, and along SR 60 between 58th and 82nd Avenues. The multiple-family districts are established to implement the policies of the Indian River County Comprehensive Plan for managing land designated for residential uses, providing opportunities for multiple-family residential units, and ensuring adequate public facilities to meet the needs of residents. These districts are also intended to implement the county's housing policies by providing opportunities for a varied and diverse housing supply.

## **ANALYSIS**

In this section, an analysis of the reasonableness of the future land use amendment will be presented. Specifically, this analysis will address:

- Plan amendment review standards;
- The request's impact on public facilities;
- The request's consistency with the county's comprehensive plan;
- The request's compatibility with the surrounding area; and
- The request's potential impact on environmental quality.

### **Concurrency of Public Facilities**

The subject property is located within the County's 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, schools, and recreation. 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 compliance with concurrency requirements. For a future land use designation amendment, that review is undertaken as part of the conditional concurrency determination application process.

It is important to note that the adoption of the proposed future land use amendment will not have any additional impact on any public facilities or services. As with all projects, a detailed concurrency analysis will be done in conjunction with review of an application for site development. That concurrency analysis will address facility service levels and demand based on a specific development plan. As infill development, there is minimal impact to this area.

## **Consistency with Comprehensive Plan**

### **Future Land Use Element Policy 14.3**

In evaluating a future land use element map amendment request, the most important consideration is Future Land Use Element Policy 14.3. This policy requires that one of the following “four criteria be met in order to approve a land use amendment request:

- The proposed amendment will correct a mistake in the approved plan;
- The proposed amendment will correct an oversight in the approved plan;
- The proposed amendment is warranted based on a substantial change in circumstances affecting the subject property; or
- The proposed amendment involves a swap or reconfiguration of land use designations

The proposed land use amendment meets the policy’s first criterion. The future land use designation is not consistent with the existing CL, Limited Commercial, zoning district. An amendment to the future land use map would correct the inconsistency and allow the properties to continue to develop commercially, as other adjacent properties to the north and west have developed.

**According to the Applicant, New Car Wash LLC.:** “The property currently contains a multiple family residential land use designation of M-1 and a commercial zoning designation of CL. The M-1 land use designation is not compatible with the CL zoning district. This amendment will correct this inconsistency by amending the Land use designation to Commercial/Industrial, permitting the commercial uses that are permitted in the CL zoning district. Furthermore, this amendment is in harmony with Policy 14.3 of the County’s Comprehensive Plan.”

This amendment meets the criteria listed in this policy for the approval of a future land use designation amendment as it will correct a mistake in the approved plan as the future land use designation currently applied to the parcels is not consistent with the surrounding land use patterns and zoning designation.

### **Future Land Use Element Policy 1.20**

Future Land Use Element Policy 1.20 states that nodes shall be located along roads with functional classifications appropriate to the level of activity.

**According to the Applicant, New Car Wash LLC.:** “The Property is located within the commercial node located along U.S. Highway 1, adjacent to and within the City of Sebastian. This node is identified in Table 2.5 of the County’s Comprehensive Plan. As these commercial nodes have been identified as places appropriate for commercial development, this amendment will provide a land use designation on the Property that is consistent with this policy and the intent of the commercial node designations in the County’s Comprehensive Plan.”

The proposed location for the Commercial Industrial future land use designation is along a major arterial road and can appropriately serve commercial uses. Therefore, the proposed amendment is consistent with Policy 1.20.

### **Summary of Consistency with the Comprehensive Plan**

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 plan policies and objectives. Based upon that analysis, staff determined that the request is infill development and consistent with the Comprehensive Plan.

### **Compatibility with the Surrounding Area**

The current Medium Density (M-1) residential future land use designation is not compatible with the abutting property to the north and south that share frontage along the Highway U.S. 1 corridor. The property is surrounded by and partially developed with commercial uses, with the exception of the property to the east and south. The adjacent mixed-use properties are within the City of Sebastian. As the subject property is not annexed, it wasn't given the commercial designation along the corridor.

**According to the Applicant, New Car Wash LLC.:** "The Property is located within the commercial node located along U.S. Highway 1 that includes the City of Sebastian and the Unincorporated areas adjacent to the municipal boundaries. This area is a node of various commercial and retail service. Specifically, the property surrounding the Property to the north, south and east contain commercial uses, with a mobile home park containing a multiple family residential land use designation to the east. The commercial uses permitted within the C/I land use designation are compatible with the surrounding commercial use. Furthermore, the design and operations of the proposed car wash facility will reduce any possible impacts on the surrounding property as all of the activities taking place within and enclosed structure."

If approved, the proposed land use amendment will be compatible with surrounding properties.

### **Potential Impact on Environmental Quality**

The subject property contains no environmentally sensitive land, such as wetlands or sensitive uplands. Thus, any further development of the site is anticipated to have little or no impact on environmental quality. No adverse environmental impacts associated with this request are anticipated.

### **CONCLUSION**

This amendment will correct the future land use designation to Commercial/Industrial (C/I), permitting the commercial uses that are allowed in the Limited Commercial, (CL) zoning district. This land use amendment is consistent with Policy 14.3 of the County's Comprehensive Plan. The proposed future land use map amendment is consistent with the comprehensive plan, compatible with surrounding land uses, and will cause no adverse impacts on the environment or

provision of public services. The proposed change accommodates an efficient land use and facilitates economic development at a site located close to a highly developed area along Highway U.S. 1.

### **RECOMMENDATION**

Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve the proposed future land use map amendment and change the future land use designation on the subject property from M-1 to C/I.

### **ATTACHMENTS**

1. Proposed Future Land Use Map
2. Existing Future Land Use & Zoning Map
3. Land Use Amendment Application
4. Land Use Amendment Ordinance