

**APPLICATION FORM  
LAND USE DESIGNATION AMENDMENT (LUDA)  
INDIAN RIVER COUNTY**

**ATTACHMENT 3**

**Planning Division accepts Land Use Designation Amendment applications only during the months of January, April, July and October of each year. Each application must be complete when submitted and must include all required attachments. An incomplete application will not be processed and will be returned to the applicant.**

Assigned Project Number: LUDA - \_\_\_\_\_

	Current Owner	Applicant (Contract Purchaser)	Agent
Name:	New Car Wash LLC	Same	Dwayne Dickerson, Esq. Dunay, Miskel & Backman, LLP
Complete Mailing Address:	PO Box 570576 Atlanta, GA 30357	Same	14 SE 4th Street, Suite 36 Boca Raton, FL 33432
Phone # (including area code)	404-216-3331	Same	561-405-3336
Fax # (including area code)			561-409-2341
E-Mail:	martin@dirtydogscarwash.com	Same	ddickerson@dmbblaw.com
Contact Person:	Martin Emmett	Same	Dwayne Dickerson, Esq.

**Signature of Owner or Agent:** \_\_\_\_\_

**Property Information**

Site Address: 12950 US Highway 1, Sebastian, FL 32958

Site Tax Parcel I.D. #s: 30382100001000000024.0

	Property #1	Property #2		Property #1	Property #2
Existing Land Use Designation:	M-1		Existing Zoning District:	CL	
Requested Land Use Designation:	Commercial/Industrial		Requested Zoning District:	CL	
Total (gross) Acreage of Parcel:	+/- 0.93		Acreage (net) to be Amended:		
Existing Use on Site: Vacant lot					
Proposed Use on Site: Tunnel carwash with 16 vacuum stalls					

**APPLICANT(S) MUST ATTEND A PRE-APPLICATION CONFERENCE WITH LONG-RANGE PLANNING SECTION STAFF PRIOR TO APPLYING.**

# **LAND USE DESIGNATION AMENDMENT APPLICATION CHECKLIST**

**Please attach the following items to this application. Do not ignore any of the items. Indicate "N/A" if an item is not applicable.**

1. Fee:		
<u>Property Size</u>	<u>LUDA Only:</u>	<u>LUDA and Rezoning</u>
- 10 Acres or less (small scale LUDA)	\$3,000.00	\$3,000.00
- Larger than 10 Acres	\$5,000.00	\$6,000.00
	YES	NO
2. Completed LUDA Application Form (front page)	X	
3. Completed Rezoning Application Form (if applicable)	N/A	
4. Letter of Authorization from Current Owner(s) <b>OR</b> Current Owner is Applicant	X	
5. Verified statement (separate letter) naming every individual or entity having legal or equitable ownership in the property.	X	
6. One (1) Copy of the Owner's Deed	X	
7. A Current Owner's Title Policy <b>OR</b> A Certificate of Title from a Title Company <b>OR</b> An attorney's written opinion evidencing fee ownership of the property.	X	
8. One (1) <b>SEALED</b> boundary survey of the area to be amended. The boundary survey shall include, but not be limited to the following:  <input type="checkbox"/> a legal description of the land proposed for redesignation; <input type="checkbox"/> the size of the land proposed for redesignation; <input type="checkbox"/> the public road right-of-way width of adjacent roads; and <input type="checkbox"/> a north arrow	X	
9. Electronic version (MS Word is preferable) of the legal description	X	
10. Copy of Approved Concurrency Certificate <b>OR</b> Copy of filed application for Concurrency Certificate, including traffic study, if applicable per Section 910.08 (2)(a)(4) of the County Land Development Regulations	X	
11. Written statement discussing the following:	X	
<input type="checkbox"/> The proposed amendment's consistency with the goals, objectives, and policies of the comprehensive plan;		
<input type="checkbox"/> The proposed amendment's impact on public facilities and services		
<input type="checkbox"/> The proposed amendment's environmental impacts; and		
<input type="checkbox"/> The proposed amendment's compatibility with surrounding areas.		

**NOTE: ITEMS 2-7 MUST INDICATE THE SAME OWNERSHIP OF THE SUBJECT PROPERTY.**

**Revised: October 7, 2022**

**Indian River County  
Future Land Use Map Amendment/Rezoning  
Authorization Form**

TO: Planning Division  
Indian River County  
1801 27<sup>th</sup> Street  
Vero Beach, FL 32960

FROM: New Car Wash LLC  
(Property Owner) PO Box 570576  
Atlanta, GA 30357

Property Tax I.D. #: 30382100001000000024.0

Property Address: 12950 US Highway 1, Sebastian, FL 32958

The undersigned is hereby authorized Dwayne Dickerson, Esq. to act as agent and/or make application to Indian River County for the above referenced property for the following applications (please mark the appropriate box):

- ☒ Future Land Use Amendment  
☐ Rezoning

Martin Emmett  
Owners Name (Print)

7/18/23  
Date

[Signature]  
Owners Signature

**STATE OF FLORIDA  
COUNTY OF INDIAN RIVER**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18<sup>th</sup> day of July, 2023 by Martin Emmett.

Personally know ☒ OR produced identification ☐

(SEAL)

TAMARA JONES-SMITH  
NOTARY PUBLIC  
COBB County  
State of Georgia  
My Comm. Expires December 29, 2026

NOTARY PUBLIC:

Sign: [Signature]

Printed Name: Tamara Jones-Smith

Commission Number: W-00586552

Commission Expiration: December 29, 2023



**DUNAY  
MISKEL  
BACKMAN** LLP

Gary Dunay  
Bonnie Miskel  
Scott Backman  
Eric Coffman

Hope Calhoun  
Dwayne Dickerson  
Ele Zachariades  
Matthew H. Scott

Christina Bilenki  
David F. Milledge  
Jeffrey Schneider  
Sara Thompson

**Dirty Dog's Car Wash  
Land Use Designation Amendment (LUDA)  
Justification Narrative**

New Car Wash, LLC ("Petitioner") is the owner of the +/- 0.93-acre parcel located at 12950 US Highway 1 (Parcel ID: 30382100001000000024.0) ("Property"), which is generally located on the east side US Highway 1 between Jackson Street and 132<sup>nd</sup> Street in the City of Sebastian, in Indian River County, Florida ("County"). The Property is designated Medium-Density Residential-1 (M-1) on the County's Future Land Use Map and is zoned Limited commercial district (CL) on the County's Zoning Map. The Property has been vacant and underserving the community and the County tax base and is due for redevelopment with a use that will serve community needs. Petitioner intends to revitalize the Property with development of a +/- 3,766 square foot car wash, self-service ("Project"), which will provide a convenient, affordable, and environmentally friendly option for County residents and visitors to keep their vehicles clean. The proposed car wash facility is a permitted use in the CL zoning district pursuant to Code Section 911.10 (4). As such, Petitioner has recently submitted approval for a Site Plan for the Project. During the site plan review process, it was discovered that the Property's underlying land use designation (M-1, Medium-Density Residential-1) is inconsistent with the zoning designation; therefore, Petitioner is submitting a request for a Land Use Designation Amendment (LUDA) to change the land use designation to Commercial/Industrial.

Per the County's LUDA application form, Petitioner must demonstrate compliance with the below criteria to receive LUDA application approval. The criteria is provided in Bold text with the response provided below each criterion.

**1. The proposed amendment's consistency with the goals, objectives, and policies of the comprehensive plan;**

As previously stated, 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, as it does not permit the commercial uses permitted within 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 which states the following:

*Policy 14.3: Indian River County shall approve plan amendments only upon a showing that one of the following criteria has been met:*

- *The proposed amendment will correct an oversight in the approved plan.*
- *The proposed amendment will correct a mistake in the approved plan.*

- *The proposed amendment is warranted based on a substantial change in circumstances. For Future Land Use Map amendments, the change in circumstances must affect the subject property.*
- *For Future Land Use Map amendments, the proposed amendment involves a swap or reconfiguration of land use designations at separate sites and, that that swap or reconfiguration will not increase the overall land use density or intensity depicted on the Future Land Use Map.*

This amendment meets the criteria listed in this policy for the approval of a land use designation amendment as it will correct an oversight in the approved plan with the Property containing a land use designation that is not compatible with the zoning designation.

In addition, the amendment is consistent with the following policies listed in the County's Comprehensive Plan:

*Policy 1.20: Commercial/Industrial designated areas shall be structured as nodes. These nodes shall be located along roads with functional classifications appropriate to the level of activity & Policy 1.29: Node locations and estimated sizes shall be listed in Table 2.5.*

The Property is located within the commercial node located along US 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.

## **2. The proposed amendment's impact on public facilities and services;**

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 standards for public utilities.

## **3. The proposed amendment's environmental impacts;**

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 properties. 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 the 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.

**4. The proposed amendment's compatibility with surrounding areas.**

As previously stated, the Property is located within the commercial node located along US 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 services. Specifically, the properties 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 west. 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 properties as all of the activities taking place within an enclosed structure.