

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

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TO: Members of the Planning and Zoning Commission

THROUGH: Phillip J. Matson, AICP; Community Development Director

FROM: John Stoll; Chief, Long Range Planning

DATE: March 13, 2023

RE: Treasure Coast Community Health, Inc. request to Rezone Approximately ±4.46 Acres from CH, Heavy Commercial District and CG, General Commercial District to MED, Medical District (RZON2005090174-93779) **[Quasi-Judicial]**

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It is requested that the following information be given formal consideration by the Indian River County Board of County Commissioners at its regular meeting on April 18, 2023.

**DESCRIPTION AND CONDITIONS**

The applicant requests to rezone ±4.46 acres located south of and adjacent to 9<sup>th</sup> Street Southwest (Oslo Road), from CH, Heavy Commercial District and CG, General Commercial District to MED, Medical District. The purpose of this request is to secure the zoning necessary to expand the current use of a medical facility and make it more compliant with the comprehensive plan. The subject site is depicted in (Attachment 1).

**Existing Land Use Pattern**

The properties surrounding the subject site consist primarily of a mixture of commercial, industrial, recreational, and residential uses. The subject properties are currently zoned CH, Heavy Commercial District and CG, General Commercial District. The abutting property to the east contains vacant, multi-family zoned land, and to the west is vacant commercial-zoned land.

**Zoning District Differences**

In terms of permitted uses, there are substantial differences between the existing CH and CG districts and the proposed MED district. The respective zoning districts' purpose statement best illustrates the differences between the zoning districts. These purpose statements, found in the County's Land Development Regulations (LDRs), are as follows:

MED: Medical district. The MED, Medical district, is intended to provide a variety of uses which support a major medical facility, and to protect such major medical facility from encroachment by land uses which may have an adverse effect on the operation and potential expansion of the facility. Land uses that could cause an adverse effect would generally include those uses that are likely to be objectionable to neighboring properties because of noise, vibration, odors, smoke, amount of traffic generated, or other physical manifestations.

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.

CH: Heavy 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.**

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

#### **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 MED 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 are tables listing the specific rezoning criteria from Policy 1.43, the MED zoning district, and staff determinations of how the criteria have been met.

<b>Table 1</b> <b>SUBJECT PROPERTY #1</b> <b>Proposed Medical (MED) Zoning District</b>		
Review Criteria	Meets Criteria?	Comments
1. Within Commercial / Industrial nodes containing hospitals and major medical facilities	Yes	Treasure Coast Community Health (TCCH) has provided primary health care in Indian River County (IRC), Florida for over 28 years. Originally founded in 1993 as the Fellsmere Community Health Coalition, and serving the small rural citrus and ranching population of the area (including migrants and seasonal farm workers), this non-profit organization was approved as a Federally Qualified Health Center (FQHC) in 1995.
2. Separated from Industrial areas	Yes	Subject Properties are at least 700 feet from any industrial areas and do not abut.

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

The proposed amendment for the subject properties is designated C/I, *Commercial/Industrial* on the Future Land Use Map. Since MED zoning is allowed in the C/I designation, the proposed zoning district is consistent with the Future Land Use Map designation. The properties surrounding the subject sites consist primarily of residential uses, commercial retail uses, and vacant sites.

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

The subject properties abut 9th Street Southwest (Oslo Road). This roadway is classified as a Principal Arterial road on the future roadway thoroughfare plan map. Located within an approximate 100-200’ wide public road right-of-way (width varies), this segment of 9th Street Southwest is a four-lane divided paved road. There are currently no planned road improvements for this section of 9th Street SW listed in the County’s Comprehensive Plan.

**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 area of the county consists of a mixture of commercial, industrial, recreational and residential uses. To the north of the subject properties is County Fire Station 4 and the IRC Intergenerational Recreation Center facility, and to the east of the site is vacant, multi-family zoned land. Staff has identified that by rezoning the properties to the proposed zoning district this amendment will be more compliant with the Comprehensive Plan.

**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 Land Development Regulations, 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 approval 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 CH and 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 MED rezoning requests, 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:  $\pm$  4.46 acres
2. Existing Zoning District: CH, Heavy Commercial and CG, General Commercial Districts
3. Proposed Zoning District: MED, Medical District

4. Most Intense Use of Subject Property Under Existing Zoning District: 46,600 square feet of retail commercial
5. Most Intense Use of Subject Property Under Proposed Zoning District: 46,600 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 properties proposed to be rezoned from CG and CH, to MED, currently contain an existing medical building associated parking lot, and a storage lot. Since the subject properties contain no 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 is consistent with the comprehensive plan and the surrounding land uses and will provide for a logical and orderly pattern of uses.

**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 the 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.

## **PLANNING & ZONING COMMISSION**

At its regular meeting on March 9, 2023 the Indian River County Planning and Zoning Commission voted 5-0 to recommend that the Board of County Commissioners approve the request to rezone the subject properties from CH and CG, to MED.

## **CONCLUSION**

The requested MED, Medical zoning district is compatible with the surrounding area and is consistent with the goals, objectives, and policies of the Comprehensive Plan. Located in an area deemed suitable for commercial and industrial uses, the subject properties meet all applicable criteria to be rezoned as proposed. Further, rezoning to the proposed zoning districts will make the zoning consistent with the properties' C/I future land use designation. Based upon the above analysis, staff supports the request.

## **RECOMMENDATION**

Based on the analysis, staff and the PZC recommend that the Board of County Commissioners approve this request to rezone the Subject Properties from CH and CG, to MED.

## **ATTACHMENTS**

1. Zoning Map
2. Future Land Use Map
3. Rezoning Application
4. Table of Uses for Commercial Zoning Districts
5. Future Land Use to Zoning District comparison table (Source: County LDRs)