

INDIAN RIVER COUNTY, FLORIDA

MEMORANDUM

**TO: James E. Chandler
County Administrator**

DEPARTMENT HEAD CONCURRENCE

Robert M. Keating
Robert M. Keating, AICP

THROUGH: Sasan Rohani, AICP *S.R.*
Chief, Long-Range Planning

FROM: John Wachtel *JW*
Senior Planner, Long-Range Planning

DATE: July 13, 1999

**RE: County Initiated Request to Rezone ±136 acres from RM-8, RM-6, and RS-6 to
MED (RZON 99-04-0218)**

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of July 27, 1999.

DESCRIPTION AND CONDITIONS

This is a county initiated request to rezone ±136 acres located at the southeast corner of US 1 and 41st Street (South Gifford Road). The request involves rezoning the property from RM-8, Multiple-Family Residential District (up to 8 units/acre), RM-6, Multiple-Family Residential District (up to 6 units/acre), and RS-6, Single-Family Residential District (up to 6 units/acre) to MED, Medical District.

On March 17, 1998, the county adopted comprehensive plan amendments based on its Evaluation and Appraisal Report. Those amendments added ±182 acres to the 37th Street/US 1 Medical/Commercial Node by extending the node's northern boundary to 41st Street. On April 14, 1998, the Board of County Commissioners granted a land owner's request to rezone ±46 acres of the node, located at the southwest corner of 41st Street and Indian River Boulevard, to MED. The purpose of this request is to rezone the remaining ±136 acres of the node to MED, making the zoning and land use designation consistent for the entire node.

On May 27, 1999, the Planning and Zoning Commission voted 5 to 0 to recommend that the Board of County Commissioners approve the proposed rezoning. On July 13, 1999, the Board of County Commissioners held a public hearing on the proposed rezoning. At that meeting, the Board voted 5 to 0 to hold a second public hearing on the proposed rezoning at its regular business meeting on July 27, 1999.

Rezoning Procedures

State law provides some special requirements for rezoning requests, such as the subject request, that are county initiated and involve more than ten acres. The most relevant of those special requirements are the following:

- The Board must hold two advertised public hearings;
- One of the public hearings must be after 5:00 p.m. on a weekday, unless four Commissioners vote to conduct that hearing at another time of day; and
- The second hearing must be held at least ten days after the first hearing and must be advertised at least five days prior to the second hearing.

The first rezoning public hearing was held at the July 13, 1999 Board of County Commissioners meeting. At that meeting, the Board voted 5 to 0 to hold the second rezoning public hearing at the July 27, 1999 Board of County Commissioners meeting. Because that meeting meets the requirements for the second hearing, the rezoning ordinance can be adopted following that public hearing.

Existing Land Use Pattern

The western ±100 acres of the site are zoned RM-6 and consist primarily of citrus groves. The exceptions are several small areas near 39th Street which are either cleared land or contain native uplands. The ±2 acre Hosie-Schumann neighborhood park is also located in this area. The western half of the remaining ±36 acres is zoned RS-6 and consists of citrus groves, while the eastern half is zoned RM-8 and contains NHC Place, an adult living facility.

East of the subject property, across Indian River Boulevard, land is zoned RM-8 and contains a mix of vacant uplands and estuarine wetlands. Although the county's zoning atlas depicts estuarine wetlands within the county as having various zoning designations, all environmentally important estuarine wetlands are deemed to be zoned Con-2, Estuarine Wetland Conservation District (up to 1 unit/40 acres).

Land in the southwest corner of 41st Street and Indian River Boulevard, north and east of the subject property, is within the MED zoning district and consists of citrus groves. On the north side of 41st Street, land consists of citrus groves and is zoned RM-6 and RM-8. The exception is the northwest corner of 41st Street and Indian River Boulevard which is zoned RS-6.

West of the subject property, across US 1, land is within the CG, General Commercial, zoning district and consists of a mix of commercial buildings and single-family homes. East of US 1, 39th Street forms the southern boundary of the western portion of the subject property. South of 39th Street land is zoned RM-8 and consists of the W.E. Geoffrey Subdivision of single-family homes. Along the rest of the subject property's southern boundary, land is zoned MED and consists of various medical uses.

Future Land Use Pattern

The subject property is designated C/I, Commercial/Industrial, on the comprehensive plan's future land use map. The C/I designation permits commercial and industrial zoning districts, including the requested MED district. Also designated C/I is land abutting the subject property in the southwest corner of 41st Street and US 1, land west of US 1, and land on the north side of 37th Street, between 17th Avenue and Indian River Boulevard.

All other land surrounding the subject property, including land north of 41st Street and east of Indian River Boulevard, is designated M-1, Medium-Density Residential-1, on the county future land use map. The M-1 designation permits residential densities up to 8 units/acre.

Environment

Except for a few vacant upland areas, the subject property is currently used for citrus groves. No wetlands exist on site. Eastern portions of the site are within an "AE" 100 year floodplain, with a minimum base flood elevation requirement of seven feet NGVD.

Utilities and Services

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

Transportation System

Three major roads border the site. Abutting the site on the north is 41st Street. Classified as an urban minor arterial on the future roadway thoroughfare plan map, 41st Street is a two lane road with approximately 100 feet of public road right-of-way. Indian River Boulevard borders the site on the east. Classified as an urban principal arterial on the future roadway thoroughfare plan map, Indian River Boulevard is a four lane road with approximately 200 feet of public road right-of-way. Abutting the site on the west is US 1. Classified as an urban principal arterial on the future roadway thoroughfare plan map, US 1 is a four lane road with approximately 70 feet of public road right-of-way. No improvements to these roads are currently programmed.

ANALYSIS

In this section, an analysis of the reasonableness of the application will be presented. The analysis will address:

- concurrency of public facilities;
- compatibility with the surrounding area;
- consistency with the comprehensive plan; and
- potential impact on environmental quality.

Concurrency of Public Facilities

This site is located within the county Urban Service Area, an area deemed suited for urban scale development. The Comprehensive Plan establishes standards for: Transportation, Potable Water, Wastewater, Solid Waste, Drainage and Recreation (Future Land Use Policy 3.1). The adequate provision of these services is necessary to ensure the continued quality of life enjoyed by the community. The Comprehensive Plan and Land Development Regulations also require that new development be reviewed to ensure that the minimum acceptable standards for these services and facilities are maintained.

Policy 3.2 of the Future Land Use Element states that no development shall be approved unless it is consistent with the concurrency management system component of the Capital Improvements Element. For rezoning requests, conditional concurrency review is required.

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 zoning district. For commercial rezonings, 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. The site information used for the concurrency analysis is as follows:

1. Size of Area to be Rezoned: **±136 acres**
2. Existing Zoning District: **118 acres of RM-6 & RS-6 (up to 6 units/acre), & 18 acres of RM-8 (up to 8 units/acre)**
3. Proposed Zoning District: **MED, Medical District**
4. Most Intense Use of Subject Property under Current Zoning District: **852 Single-Family Units**
5. Most Intense Use of Subject Property under Proposed Zoning District: **1,360,000 sq. ft. of Retail Commercial (Shopping Center in the 6th Edition ITE Manual).**

- Transportation

The most intense use of the site allowed under the proposed rezoning is calculated to be 10,000 square feet of retail shopping center per acre of land proposed for rezoning. At that rate, the most intense use of the site would be 1,360,000 square feet of retail shopping center. Such a development would be nearly as large as the 1,500,000 square foot Indian River Mall Regional Shopping Center Project. A review of the traffic impacts that would result from such a development on the subject property indicates that the existing level of service "D" or better on impacted roadways would not be lowered. The site information used for determining traffic impacts is as follows:

1. Use Identified in 6th Edition ITE Manual: **Shopping Center**
2. For 1,360,000 sq.ft. Shopping Centers in 6th Edition ITE Manual:
 - a. P.M. Peak Hour Trip Ends: **2.33/1,000 square feet**
 - b. Inbound (P.M. Peak Hour): **50%**
 - i. Northbound (P.M. Peak Hour): **60%**
 - ii. Southbound (P.M. Peak Hour): **40%**
 - c. Outbound (P.M. Peak Hour): **50%**
 - i. Northbound (P.M. Peak Hour): **40%**
 - ii. Southbound (P.M. Peak Hour): **60%**
3. Peak Direction of Indian River Boulevard, from Vero Beach city limits to 53rd Street: **Northbound**
4. Percentage of Project Trips on This Segment of Indian River Boulevard: **50**
5. Formula for Determining Number of Peak Hour/Peak Season/Peak Direction Trips Generated on the Most Impacted Segment of the Roadway Network (Indian River Boulevard): **Total Square Footage X P.M. Peak Hour Rate X Inbound P.M. Percentage X Inbound-Northbound Percentage X Percentage of Trips on Indian River Boulevard (1,360,000 X 2.33/1,000 X .5 X .6 X .5 = 476)**
6. Traffic Capacity on this segment of Indian River Boulevard, at a Level of Service "D": **1,890 peak hour/peak season/peak direction trips**

7. Total Segment Demand (existing volume + vested volume) on this segment of Indian River Boulevard: **679 peak hour/peak season/peak direction trips**

To determine the number of trips that would be generated by the most intense use of the subject property under the proposed zoning district, the maximum square footage allowed under the proposed zoning (1,360,000) was multiplied by ITE's factor of 2.33 trips/1,000 square feet to determine the total number of trips generated (3,169). Of these trips, 50% (1,585) will be inbound, and 50% will be outbound. Of the inbound trips, 60% or 951 will be northbound.

Development on a site as large as the subject site would likely have several entrance/exit points. A trip distribution model indicates that Indian River Boulevard would receive 50% of the trips generated. Therefore, rather than assign all trips to one road, only 50%, or 476, of the 951 inbound-northbound trips were assigned to Indian River Boulevard.

Using a modified gravity model and a hand assignment, the trips generated by the proposed use were then assigned to impacted roads on the network. Capacities for all roadway segments in the county are updated annually. Available capacity is the total capacity less existing and committed (vested) traffic volumes; this is updated daily based upon vesting associated with project approvals.

The roadway segment that would be most impacted by development on the subject property is Indian River Boulevard, from Vero Beach city limits to 53rd Street. The traffic capacity for that segment of Indian River Boulevard is 1,890 trips, while the Total Segment Demand (existing traffic volume + vested traffic volume) is 679 trips. The additional 476 trips associated with the most intense use allowed under the proposed zoning district would increase the total trips for that segment of Indian River Boulevard to approximately 1,155, less than its capacity at LOS "D" (1,890).

Based on the above analysis, staff determined that Indian River Boulevard and all other impacted roads can accommodate the additional trips without decreasing their existing levels of service.

- Water

A retail commercial use of 1,360,000 square feet on the subject property will have a water consumption rate of 408 Equivalent Residential units (ERU), or 102,000 gallons/day. This is based upon a level of service standard of 250 gallons/ERU/day. Water lines extend to the site from the North County Reverse Osmosis Plant which currently has a remaining capacity of approximately 2,400,000 gallons/day and therefore can accommodate the potable water demand associated with the proposed zoning district.

- Wastewater

The subject property is serviced by the Central Regional Wastewater Treatment Plant. Based upon the most intense use allowed under the proposed zoning district, development of the property will have a wastewater generation rate of approximately 408 Equivalent Residential Units (ERU), or 102,000 gallons/day. This is based upon the level of service standard of 250 gallons/ERU/day. The Central Regional Wastewater Treatment Plant currently has a remaining capacity of approximately 1,200,000 gallons/day and can accommodate the additional wastewater generated by the proposed zoning district.

- Solid Waste

Solid waste service includes pick-up by private operators and disposal at the county landfill. For a 1,360,000 square foot commercial development on the subject site, solid waste generation will be approximately 13,600 waste generation units (WGU) annually. A WGU is a Waste Generation Unit measurement equivalent to one ton (2,000 pounds) of solid waste. Using the accepted conversion rate of one cubic yard for every 1,200 pounds of compacted solid waste generated, the 1,360,000

square feet of commercial development would be expected to generate 22,667 cubic yards of waste/year.

A review of the solid waste capacity for the active segment of the county landfill indicates the availability of more than 830,000 cubic yards. The active segment of the landfill has a 1 year capacity, and the landfill has expansion capacity beyond 2010. Based on staff analysis, it was determined that the county landfill can accommodate the additional solid waste generated by the proposed zoning district.

- Drainage

All developments are reviewed for compliance with county stormwater regulations which require on-site retention, preservation of floodplain storage and minimum finished floor elevations. In addition, development proposals must meet the discharge requirements of the county Stormwater Management Ordinance. Any development on the subject property will be prohibited from discharging any runoff in excess of the pre-development rate.

In this case, the minimum floor elevation level of service standard applies, since the property lies within a floodplain. Consistent with Stormwater Management Sub-Element Policy 1.2 and Section 930.07(2) of the county's LDRs, the finished floor elevation of any new buildings constructed within a floodplain must be elevated at least six inches above the base flood level. Since the subject property lies within Flood Zone AE-7, which is a special flood hazard area located within the 100-year floodplain, any development on this property must have a minimum finished floor elevation of no less than 7.5 feet above mean sea level.

Besides the minimum elevation requirement, on-site retention and discharge standards also apply to this request. With the most intense use of this site, the maximum area of impervious surface under the proposed zoning classification will be approximately 95.2 acres. The estimated runoff volume, based on that amount of impervious surface and the 25 year/24 hour design storm, will be approximately 3,680,283 cubic feet. In order to maintain the county's adopted level of service, the applicant will be required to retain approximately 1,081,159 cubic feet of runoff on-site. With the soil characteristics of the subject property, it is estimated that the pre-development runoff rate is 386.61 cubic feet/second.

Based upon staff's analysis, the drainage level of service standards will be met by limiting off-site discharge to its pre-development rate of 386.61 cubic feet/second, requiring retention of 1,081,159 cubic feet of runoff for the most intense use of the property, and requiring that all finished floor elevations exceed 7.5 feet above mean sea level.

As with all development, a more detailed review will be conducted during the development approval process.

- Recreation

Recreation concurrency requirements apply only to residential development. Therefore, this rezoning request would not be required to satisfy recreation concurrency requirements.

Based on the analysis conducted, staff has determined that all concurrency-mandated facilities, including drainage, roads, solid waste, water, and wastewater, have adequate capacity to accommodate the most intense use of the subject property under the proposed zoning district.

Consistency with Comprehensive Plan

Rezoning requests are reviewed for consistency with all 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, which includes agricultural, residential, recreational, conservation, and commercial and industrial land uses and their densities. Commercial and industrial land uses are located in nodes throughout the unincorporated areas of Indian River County.

The goals, objectives and policies are the most important parts of the comprehensive plan. Policies are statements in the plan which 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 related 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 the following policies and objective.

- Future Land Use Element Policy 1.3

Future Land Use Element Policy 1.3 states that the county shall maintain its zoning districts to ensure the implementation of the comprehensive plan. The subject request would change the zoning of the subject property from districts that do not implement the comprehensive plan to a district that does implement the comprehensive plan. For that reason, the subject request implements Future Land Use Element Policy 1.3.

- Future Land Use Element Policy 1.15

The subject property has a C/I land use designation. Future Land Use Element Policy 1.15 states that the C/I land use designation is intended for a wide range of commercial uses. Since the request is for a medical zoning district on the subject property, the request is consistent with Future Land Use Element Policy 1.15.

- Economic Development Element Objective 1

Economic Development Element Objective 1 deals with reducing the county's unemployment rate. The request promotes this objective by facilitating the continued growth of the health care industry in the county. Past experience indicates that medical uses prefer to cluster near a hospital. By allowing medical uses near Indian River Memorial Hospital, the request accommodates that preference and thus encourages the growth the health care industry.

While the above referenced policies and objective 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 consistent with the comprehensive plan.

Compatibility with the Surrounding Area

Staff's position is that the type of development allowed under the MED zoning district would be compatible with the surrounding area. The site is in an area of the county that is anticipated to become dominated by the health care industry and multiple-family uses. Most of the land bordering the site consists either of major roads (US 1, 41st Street, or Indian River Boulevard) or other MED zoned areas. Across the roads from the site, land is generally zoned either CG, RM-8, or RM-6. Therefore, the site will primarily abut either similar uses or arterial roads on all sides. For that reason, staff feels that MED uses on the subject property would be compatible with surrounding uses.

Potential Impact on Environmental Quality

The majority of the site has been cleared for agricultural production and contains no environmentally important land, such as wetlands or native upland habitat. The exception is a small area of native upland communities located near 39th Street. Because those parcels are less than 5 acres in size, the county's native upland set aside requirement does not apply. Therefore, neither commercial/ industrial, nor residential development of the site is anticipated to have any impact on the environmental quality of the site. For that reason, no adverse environmental impacts associated with this request are anticipated.

CONCLUSION

Situated near Indian River Memorial Hospital and other medical uses, and bounded by three arterial roads, the site is appropriate for the MED zoning district. Based on the analysis, staff has determined that the request meets all concurrency criteria, is consistent with the comprehensive plan, is compatible with surrounding areas, will have no negative impacts on environmental quality, and meets all rezoning criteria. For these 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 property to the MED, Medical, District by adopting the attached ordinance.

ATTACHMENTS

- 1. Rezoning Application
- 2. Location Map
- 3. Approved Minutes of the May 27, 1999 Planning and Zoning Commission Meeting
- 4. Rezoning Ordinance

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Indian River Co.	Approved	Date
Admin.		
Legal	WC	7/16/99
Budget		
Depl.	RMK	7/16/99
Risk Mgr.		

APPLICATION FORM
REZONING REQUEST (RZON)

ASSIGNED PROJECT NUMBER: RZON - 99040218-001

CURRENT OWNER: (PRINT)

See Attachment
NAME

ADDRESS

CITY STATE

ZIP PHONE

CONTACT PERSON

AGENT: (PRINT)

John Wachtel
NAME

1840 25th Street
ADDRESS

Vero Beach, FL
CITY STATE

32960 561-567-8000 x247
ZIP PHONE

John Wachtel
CONTACT PERSON

John Wachtel
SIGNATURE OF OWNER OR AGENT

SITE ADDRESS: Southeast corner of 41st Street and US 1

SITE TAX ID#S: See Attachment

EXISTING ZONING: RM-8, RM-6, RS-6 LAND USE DESIGNATION: C/I

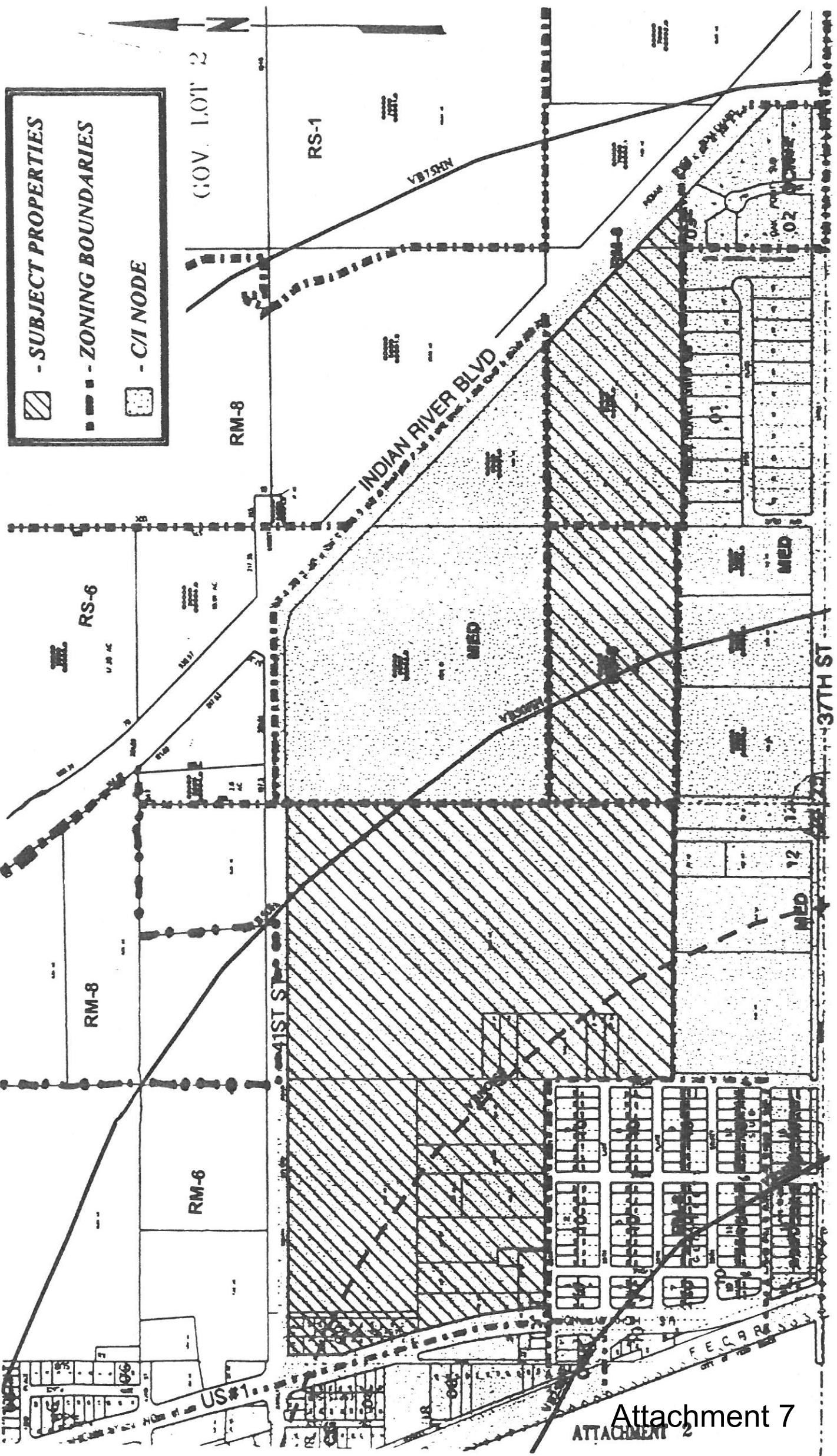
REQUESTED ZONING: MED LAND USE DESIGNATION: C/I

TOTAL GROSS ACREAGE OF PARCEL: 136 ACREAGE (NET) TO BE REZONED: 136

(IF APPLICABLE): SUBDIVISION NAME, UNIT NUMBER, BLOCK AND LOT NUMBER: _____

THE APPLICANT IS STRONGLY ENCOURAGED TO ATTEND A PRE-APPLICATION CONFERENCE WITH STAFF FROM THE COMMUNITY DEVELOPMENT DEPARTMENT'S LONG-RANGE PLANNING SECTION IN ORDER TO RESOLVE OR AVOID PROBLEMS CONNECTED WITH THE REZONING REQUEST.

SEE OTHER SIDE FOR GENERAL SUMMARY OF MATERIAL WHICH MUST ACCOMPANY THIS APPLICATION.



ON MOTION by Gene Winne, SECONDED by Leland G...
The Commission voted unanimously (7-0), to approve the Consent
Agenda as submitted by Staff.

Item # 4 - Preliminary Plat on Consent

Harold Olsen, Owner. Knight, McGuire, & Associates, Inc., Agent.
To request preliminary plat approval for a 6 lot single-family
subdivision to be known as Pelican Bay. The subject site is located on
the west side of SR 1-A, just north of Round Island Park. Zoning
Classifications: R-1, Residential Single-Family (up to 6 units/acre),
and CON-2 Conservation 2 (up to 1 unit/40 acres). Land Use
Designations: L-1, Low Density (up to 3 units/acre), and C-2
Conservation 2 (up to 1 unit/40 acres). Proposed Density: 7
units/acre.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

ITEM # 5 - Public Hearings

A. Indian River County. County-initiated request to rezone +/- 136
acres from RS-6, Single-Family Residential District (up to 6
units/acre). RM-6, Multiple-Family Residential District (up to 6
units/acre), and RM-8, Multiple-Family Residential District (up to 8
units/acre), to MED, Medical District. The subject property is
located at the southeast corner of 41st Street (South Gifford Road),
and US Highway 1. Land Use Designation: C/I,
Commercial/Industrial.

The hour of 7:00 P.M. having passed, the following Notice of Public Hearing was read.

PRESS-JOURNAL

Published Daily

Vero Beach, Indian River County, Florida

COUNTY OF INDIAN RIVER STATE OF FLORIDA

Before the undersigned authority personally appeared Darryl K. Hicks who on
oath says that he is President of the Press-Journal, a daily newspaper published at Vero Beach
in Indian River County, Florida, that the attached copy of advertisement, being

a notice
in the matter of 136 Acres
in the _____ Court, was pub-
lished in said newspaper in the issues of May 14, 1999

Affiant further says that the said Press-Journal is a newspaper published at Vero Beach, in
said Indian River County, Florida, and that the said newspaper has heretofore been
continuously published in said Indian River County, Florida, each daily and has been entered as
second class mail matter at the post office in Vero Beach, in said Indian River County, Florida,
for a period of one year next preceding the first publication of the attached copy of
advertisement, and affiant further says that he has neither paid nor promised any person, firm
or corporation any discount, rebate, commission or refund for the purpose of securing this
advertisement for publication in said newspaper.

Sworn to and subscribed before me this 14th day of May A.D. 19 99

Darryl K. Hicks
Thonda Stang (President)

THONDA STANG
Notary Public, State of Florida
My Commission Exp. Jan 01, 2001
Comm No CC 611093
Personally Known or Produced ID
Type of ID Produced _____

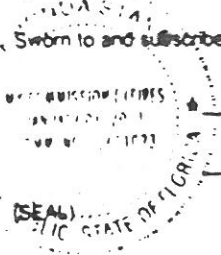


NOTICE - PUBLIC HEARING

The Planning and Zoning Commission of Indian River County, Florida, will consider recommending the adoption of a county ordinance rezoning land within the unincorporated portions of Indian River County. A public hearing at which parties in interest and citizens shall have an opportunity to be heard will be held on Thursday, May 27, 1999 at 7:00 p.m. in the County Commission Chambers of the County Administration Building, located at 1840 25th Street, Vero Beach, Florida. The proposed ordinance to rezone the subject property is entitled:

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE AND THE ACCOMPANYING ZONING MAP FOR +/-136 ACRES LOCATED AT THE SOUTHEAST CORNER OF US 1 AND 41st STREET (SOUTH GIFFORD ROAD), FROM RS-6, SINGLE-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE), RM-6, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE), AND RM-8, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (UP TO 8 UNITS/ACRE) TO MED, MEDICAL DISTRICT; AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.
The rezoning application may be inspected by the public at the Community Development Department located on the second floor of the County Administration Building located at 1840 25th Street, Vero Beach, Florida, between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. For more information,

8000, extension 1247
The Planning and Zoning Commission may recommend another zoning district, other than the district requested, provided that the recommended zoning district is consistent with the county's comprehensive plan.
Anyone who may wish to comment on any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based.
Anyone who needs a special accommodation for this meeting must contact the county's Americans with Disabilities (ADA) Coordinator at 567-8080, extension 1223, at least 48 hours in advance of the meeting.
Indian River County Planning and Zoning Commission
871-A Atlantic Falls, Florida
Chairman
169478
May 14, 1999



Mr. Gibbs noted that on Page 4, Item Number 7, it spoke about the volume of traffic, and he asked now they arrived at the estimate.

Mr. Wachtel informed the Commission that the traffic engineering department did traffic counts on a regular basis. He said that the counts were updated as new development was approved.

Mr. Keating explained that the estimate was made to reflect "peak hour" travel time; the estimate was made based on traffic generated at a one-hour time period, going in one direction in the roadway. He concluded that peak-hour volumes are generally 10% of average daily volumes, and that the estimate was close to 700. He said that an hourly directional volume of 700 would correspond to a daily direction volume of 7,000, and if that figure were doubled to reflect both directions, the average daily volume on the roadway would be 14,000 trips.

Mr. Gibbs asked if the County was capable of handling the volume without making changes to existing roads.

Mr. Keating directed the Commission's attention to Page 4, Item 6, and pointed out that the capacity of the roadway was 1,890. He said that the capacity was listed in the Department of Transportation's generalized level of service manual. He noted that capacity was based on the number of lanes, the speed limit, and the number of signals per mile.

A lengthy discussion followed.

Vice-Chairman Hamner opened the public hearing.

Annie Jenkins, residing at 1755 39th Street, came forward. She asked if the plans included property on 17th Avenue. She informed the Commission that the property she referred to was a citrus grove.

There was some discussion related to the exact location Ms. Jenkins had referred to.

Mr. Winne asked for clarification of the exact location, given an east/west orientation.

Further discussion on location followed, and it was decided that the area Ms. Jenkins was concerned about was the Jeffrey Subdivision.

Ms. Jenkins confirmed that she had received a letter from Staff regarding the property, but that she wasn't sure what it meant. She expressed her concern that she was afraid that the proposed zoning would affect her property by reducing its size.

Mr. Wachtel advised the Commission that Staff had sent notification letters to all the property owners regarding the rezoning, and no one had come forward to raise any concerns.

Mr. Winne specified that the area under discussion contained a recreational area, and he wanted to know if the recreation area was within the rezoning area. He asked Ms. Jenkins if the rezoning of such property would have any impact on her community. He expressed the opinion that it might be eliminated if the rezoning went through, and asked who owned the recreational area.

It was revealed that the property was privately owned.

Ms. Jenkins advised the Commission that there used to be an old school building on the site where the playground was.

A lengthy discussion ensued about exactly where the recreation area was.

Mr. Hensick commented that the rezoning would have no effect on the recreational area if it were privately owned; the owners could keep it for recreational use if they desired.

Michael O'Haire, Esquire, with offices located on Cardinal Drive, came forward and said that it seemed that the property under discussion might or might not be a playground. He commented that if it was owned by the school district, that would be one thing, but if it wasn't owned by the school district, the zoning wasn't going to be affected one way or another; it was going to be a nonconforming use when the matter was resolved. He noted that they could keep it as a school ground, or do something else with it, and if it was privately owned the owner could do something else with it regardless, as long as it met the new zoning specifications.

Vice-Chairman Hamner reassured Ms. Jenkins, and explained that the proposed rezoning would have no bearing on the ownership of her property in any way, other than by what could be put on the parcel in the future, if she chose to sell it.

Vice-chairman Hamner reiterated that the rezoning would not effect Ms. Jenkin's property by forcing her to do something she didn't want to do. He confirmed that all it would do was change the underlying land use that might effect how the property is used in the future. He stressed that Staff should attempt to find out who owned the school property, and notify them as soon as possible.

Vice-chairman Hamner closed the public hearing.

ON MOTION by Leland Gibbs, SECONDED by Norman Hensick, the Commission voted unanimously (5-0), to grant the County-initiated request to rezone +/- 136 acres from RS-6, RM-6, and RM-8, to MED/Medical District.

ORDINANCE NO. 99-

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE AND THE ACCOMPANYING ZONING MAP FROM RM-8, RM-6, AND RS-6 TO MED, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 41ST STREET (SOUTH GIFFORD ROAD) AND US 1, AND DESCRIBED HEREIN, AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency on such matters, has held a public hearing and subsequently made a recommendation regarding this rezoning request; and

WHEREAS, the Board of County Commissioners of Indian River County, Florida, did publish its Notice of Intent to rezone the hereinafter described property; and

WHEREAS, the Board of County Commissioners has determined that this rezoning is in conformance with the Comprehensive Plan of Indian River County; and

WHEREAS, the Board of County Commissioners has held two public hearings pursuant to this rezoning request, at which parties in interest and citizens were heard;

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Indian River County, Florida, that the zoning of the following described property situated in Indian River County, Florida, to-wit:

In Section 25, Township 32 South, Range 39 East:

The North 17.9 Acres of the Southwest Quarter of the Southwest Quarter.

The North 18.1 Acres of the Southeast Quarter of the Southwest Quarter lying West of Indian River Boulevard.

The Southwest Quarter of the Southeast Quarter lying West of Indian River Boulevard, less the South 663.9 feet.

In Section 26, Township 32 South, Range 39 East:

The North 57.3 Acres of the East half of the Southeast Quarter.

The Northwest Quarter of the Southeast Quarter lying East of U.S. Highway #1 (State Road 5).

Be changed from RM-8, RM-6 and RS-6 to MED.

All with the meaning and intent and as set forth and described in said Land Development Regulations.

ORDINANCE NO. 99-

This ordinance shall become effective upon filing with the Department of State.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 27th day of July, 1999.

This ordinance was advertised in the Press-Journal on the 30th day of June, 1999 for a public hearing to be held on the 13th day of July, 1999. This ordinance was also advertised in the Press-Journal on the 14th day of July, 1999 for a public hearing to be held on the 27th day of July, 1999 at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Kenneth R. Macht	_____
Vice-Chairman Fran B. Adams	_____
Commissioner Caroline D. Ginn	_____
Commissioner Ruth M. Stanbridge	_____
Commissioner John W. Tippin	_____

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Kenneth R. Macht, Chairman

ATTEST BY: _____
Jeffrey K. Barton, Clerk

This ordinance was filed with the Department of State on the following date:

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Indian River Co.	Approved	Date
Admin.		
Legal	WC	6/24/99
Budget		
Dept.	RMK	4/23/99
Risk Mgr.		