

**INDIAN RIVER COUNTY, FLORIDA  
MEMORANDUM**

TO: Jason E. Brown; County Administrator

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

FROM: John Stoll; Chief, Long Range Planning

DATE: September 1, 2021

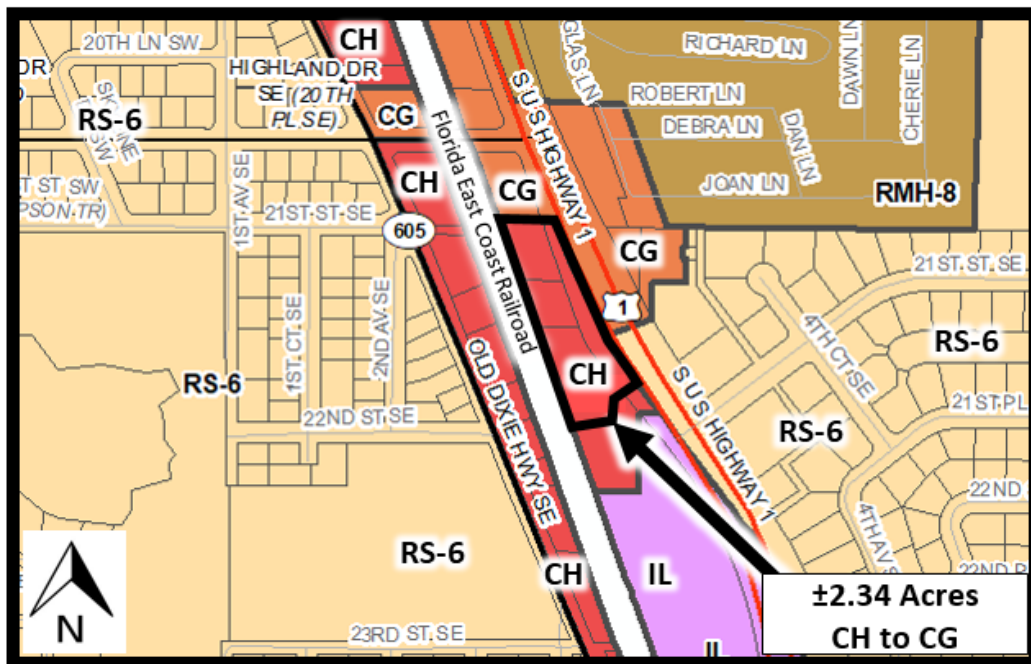
RE: Hanlex Development, LLC's Request to Rezone Approximately ±2.34 Acres from CH, *Heavy Commercial District*, to CG, *General Commercial District* (RZON2003090259-89653) [Quasi-Judicial]

It is requested that the following information be given formal consideration by the Indian River County Board of County Commissioners at its regular meeting of September 14, 2021.

**DESCRIPTION AND CONDITIONS**

This request is to rezone ±2.34 acres located west of and adjacent to South US Highway 1, approximately 250 feet south of Highland Drive SE and approximately 700 feet north of 23<sup>rd</sup> Street SE and east of the FEC Railroad, from CH, *Heavy Commercial District*, to CG, *General Commercial District*. The purpose of this request is to secure the zoning necessary to develop the ±2.34 acre site at a density consistent with the density allowed by the site's comprehensive plan land use designation. The subject site is depicted in the image below (Figure 1).

**Figure 1 - Existing Zoning Map Depicting Subject Site**



## Planning and Zoning Commission Action

On July 22, 2021 a public hearing to consider this rezoning request was held before the Indian River County Planning and Zoning Commission (PZC). After receiving no public comment, the PZC voted 5 - 0 to recommend that the Board of County Commissioners approve the rezoning request.

## Existing Land Use Pattern

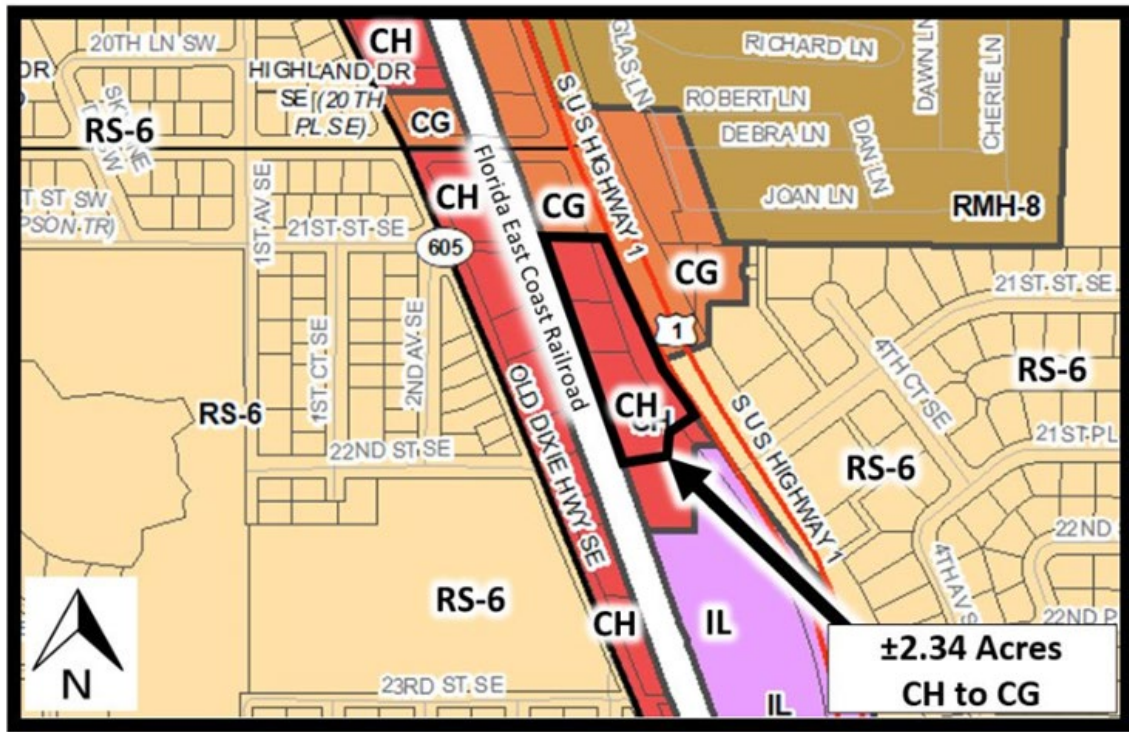
As shown in Figure 2, the properties surrounding the subject site consist primarily of industrial uses, commercial retail uses, and vacant sites. Additionally, the subject site is adjacent to US Highway 1 and the Florida East Coast Railroad. The subject site contains three separate vacant parcels each of which are vegetated with a mixture of native and invasive vegetation.

Figures 3 and 4 show that the parcels directly to the south of the subject site are currently zoned CH, *Heavy Commercial District*; and IL, *Light Industrial*. To the east, across US Highway 1, are a variety of commercial uses located on properties zoned CG, and the Vero Shores Residential Subdivision zoned RS-6, *Single Family Residential District (up to 6 units per acre)*, further east beyond this subdivision is the Indian River Lagoon. The properties to the north are currently zoned CG, *General Commercial District* and contain a variety of commercial uses such as convenience stores and restaurants. Directly west of the subject site is the Florida East Coast Railroad (FEC Railroad). West of the FEC Railroad one will find properties zoned CH that contain a variety of heavy commercial uses such as vehicle storage and mechanics.

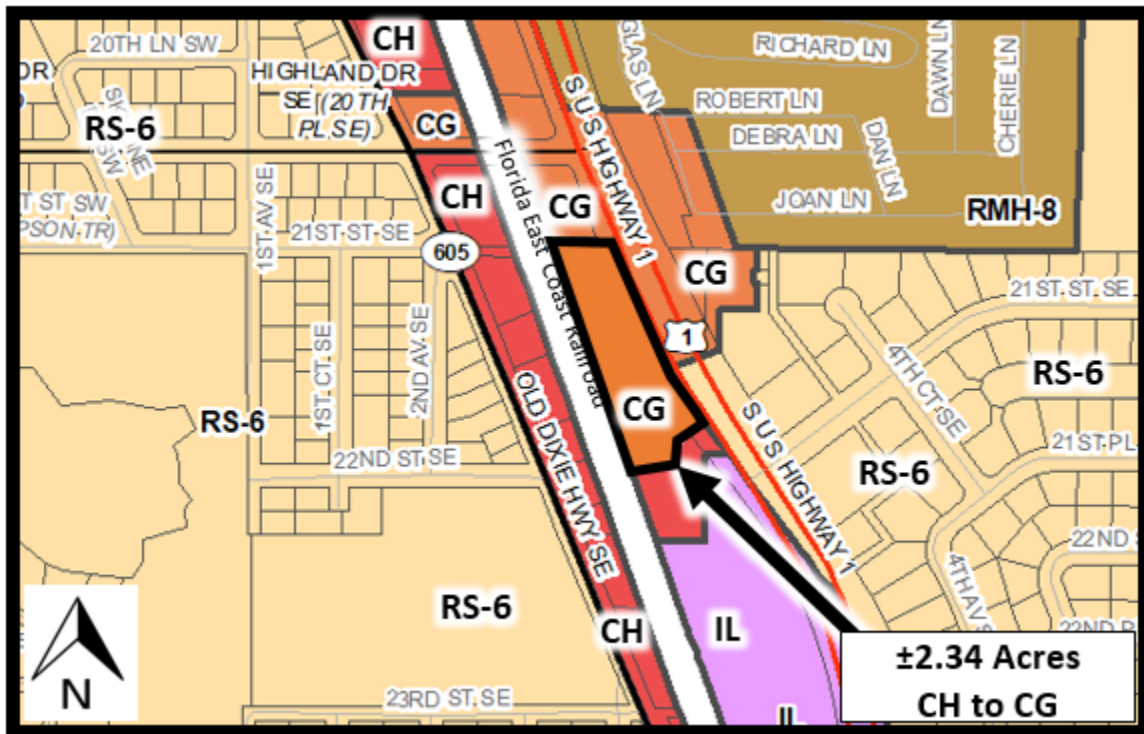
**Figure 2 - Aerial Imagery Depicting the Subject Site and Adjacent Uses**



**Figure 3 - Existing Zoning Map Depicting Subject Site**

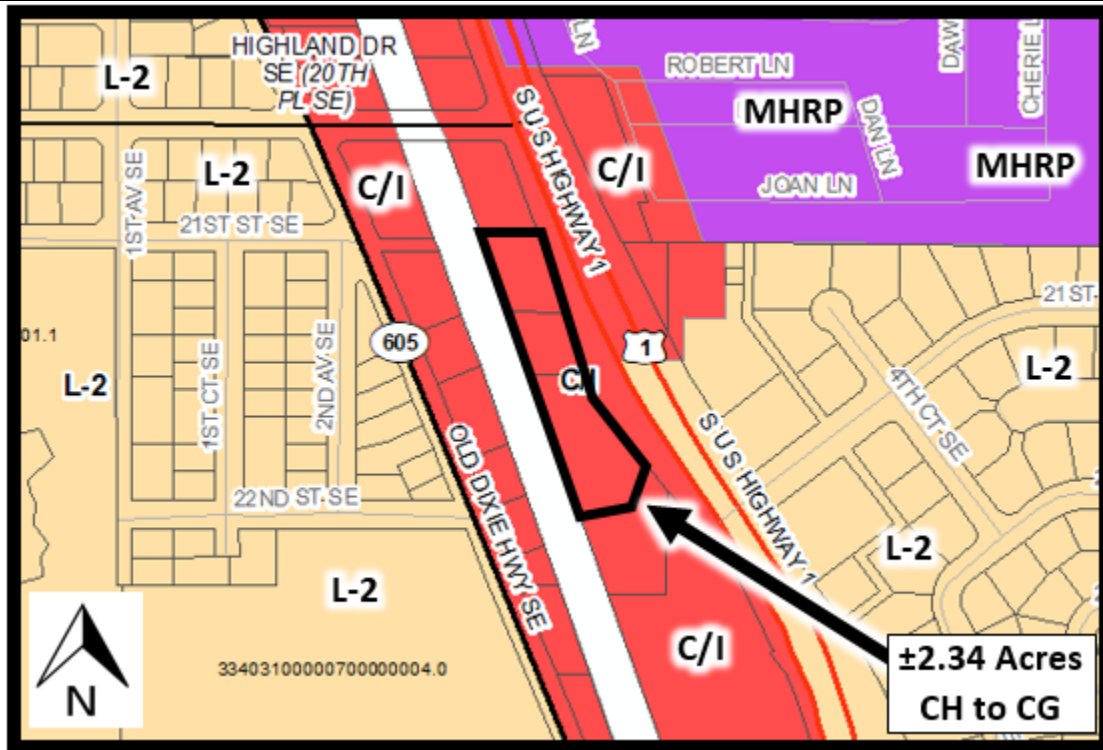


**Figure 4 - Map Depicting the Proposed Zoning of Subject Site**





**Figure 5 - Map Depicting the Future Land Use Designation of the Subject Site**



### **Future Land Use Pattern**

As shown in Figure 5, the subject site is designated C/I, *Commercial/Industrial*, on Indian River County’s Comprehensive Plan Future Land Use Map. The C/I Future Land Use Designation permits a variety of commercial and industrial uses. The properties directly to the north, northeast, west and south of the subject site also have a C/I future land use designation. The properties to the east of the subject site, across US Highway 1 and further west beyond the C/I area, have a future land use designation of L-2. The L-2 future land use designation permits single-family and multi-family residential uses up to 6 units per acre.

### **Environment**

The subject site is currently vacant and vegetated. Prior to development, the site will be reviewed by County Environmental Planning staff for tree preservation requirements under Chapter 927 of the Indian River County Land Development Regulations. Based on County records, no wetlands or any other environmentally sensitive habitat have been identified within the subject site. According to Flood Insurance Rating Maps, the subject site is within Flood Zone X (area of minimal flood hazard). As with all development, a more detailed environmental review will be conducted during the development review process.

## **Utilities and Services**

The subject site is within the Urban Service Area of the County.

Water Service is available from the South and North County Reverse Osmosis Plant (interlinked), which currently has sufficient capacity to accommodate the additional demand generated by the subject rezoning request. Wastewater service is available from the South Regional Wastewater Treatment Plant. The South Regional Wastewater Treatment Plant has sufficient capacity to accommodate the additional demand generated by the subject rezoning request. Per Indian River County Land Development Regulations, the Applicant may be required to pay hook-up and other customary fees, provide easements, and/or remove, relocate, install or construct line extensions and other equipment, and comply with other routine administrative procedures. If approved, rezoning does not guarantee any vested rights to receive Water and Wastewater treatment service.

## **Transportation System**

The subject site abuts US Highway 1. This roadway is classified as an Urban Principal Arterial road on the Indian River County Roadway Functional Classification map. Located within an approximate 175-200 foot wide public right-of-way (width varies), this segment of US Highway 1 is a 6 lane paved road. There are no planned road improvements for this section of US Highway 1 listed in the County's 5-year schedule of capital improvements. Directly to the west, the subject site abuts the FEC Railroad.

## **Zoning District Differences**

In terms of permitted uses, there are both similarities and differences between the existing CH district and the proposed CG district (see Attachment 3). Their respective 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:

**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.

**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 rezoning request will be presented. Specifically, this section will include an analysis of the request's:

- Impact on public facilities;
- Consistency with the County's Comprehensive Plan;
- Consistency with the County's Land Development Regulations (LDRs)
- Compatibility with the surrounding area; and
- Potential impact on environmental quality.

### Impact on Public Facilities

The subject site 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 (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 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 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 CG zoned property, the most intense use (according to County LDRs) is 10,000 square feet of retail commercial gross floor area per acre. With CH zoning, the most intense use of a property is 20,000 square feet of general industrial gross floor area per acre. The site information used for the concurrency analysis is as follows:

1. Size of Area to be Rezoned: ± 2.34 acres
2. Existing Zoning District: CH, *Heavy Commercial District*
3. Proposed Zoning District: CG, *General Commercial District*
4. Most Intense Use of Subject Property Under Existing Zoning District: 46,800 square feet of General Industrial
5. Most Intense Use of Subject Property Under Proposed Zoning District: 23,400 square feet of Retail Commercial

## Transportation

A Traffic Impact Analysis (TIA) reports the number of daily trips and the number of peak hour/peak season/peak direction trips that would be generated by the most intense use of the subject property under the proposed zoning district, and it assigns peak trip data to the County's thoroughfare roadway network within the project's area of influence. That area of influence is defined in section 910.09(4)(b)3(a) of the County's LDRs as roadway segments that receive eight (8) or more peak season/peak hour/peak direction project trips for two-lane roadways or fifteen (15) or more peak season/peak hour/peak direction project trips for four-lane (or wider) roadways.

For this rezoning request, the 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. Therefore, the transportation concurrency test has been satisfied.

## Water

With the proposed rezoning, the subject property could accommodate 23,400 square feet of retail commercial development. Development on the subject property will be served by the South County Reverse Osmosis Plant, which currently has sufficient existing and planned capacity to accommodate the additional demand generated by the proposed rezoning.

## Wastewater

County wastewater service is available to the site from the South County Regional Wastewater Treatment Facility, which currently has sufficient existing and planned capacity to accommodate the additional wastewater generated by the subject request.

## Solid Waste

Solid waste service includes pick-up by private operators and disposal at the county landfill. A review of the solid waste capacity for the active segment of the county landfill as well as planned expansions of the landfill indicates that the county landfill can accommodate the additional solid waste generated by the site under the proposed rezoning.

## Stormwater Management

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.

Since the subject property lies within a flood zone "X", the minimum floor elevation level of service standard does not apply. Both the on-site retention and discharge standards, however, do apply. In this case, the stormwater management level of service standard will be met by limiting off-site discharge and maintaining on-site retention of the stormwater runoff associated with the most intense use of the property.

### Concurrency Summary

Based upon the analysis conducted, staff has determined that all concurrency-mandated facilities, including transportation, stormwater management, solid waste, water, and wastewater, have adequate capacity to accommodate the most intense use of the subject property under the proposed rezoning.

As with all development, a more detailed concurrency review 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 designation, the proposed zoning district is consistent with the Future Land Use Map designation.

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 the following objectives and policies:

#### Future Land Use Element Objective 1

Future Land Use Element Objective 1 states that the county will have a compact and energy efficient land use pattern; an overall low density character. By allowing the subject site to be developed in a manner that is consistent with the site's land use designation, the request allows a more compact and energy efficient land use pattern within the Urban Service Area. This request will also reduce the intensity of development that could be built on the subject site. For these reasons, the request is consistent with Future Land Use Element Objective 1.

#### Future Land Use Element Policy 1.17

Future Land Use Element Policy 1.17 states that the C/I designation shall be applied to areas within the Urban Service Area, near existing urban centers, and areas suitable for urban scale development and intensities.

Since the subject property is located within the County's Urban Service Area, is located within an area designated as C/I on the County's Future Land Use Map, and the proposed zoning district would permit commercial uses consistent with the table above, the proposed request is consistent with Future Land Use Element Policy 1.17.



Future Land Use Element Policy 1.20

This policy states that C/I areas shall be structured as nodes and that these nodes shall be located along roads with functional classifications appropriate to the level of activity. The proposed CG zoning district, if approved, would encourage the development of the US 1/17<sup>th</sup> Street to S. County Line C/I node.

Future Land Use Policy 1.23

This policy states that node configuration shall provide for the most efficient use of land, and of transportation and other public facilities and services, while eliminating sprawl and strip development.

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 listing the specific rezoning criteria from Policy 1.43 for General Commercial zoning districts and staff determinations of how the criteria are met.

<b>Table 1 Proposed General Commercial (CG) Zoning District</b>		
<b>Review Criteria</b>	<b>Meets Criteria?</b>	<b>Comments</b>
1. Along arterial roads and major intersection	Yes	The subject site is adjacent to US1, and Highland Drive SE
2. Separated from residential development	Yes	The subject site is not directly adjacent to any residential area
3. separated from industrial areas	Yes	The subject site is separated from industrial areas to the south by CH zoned property
4. near retail and office areas	Yes	The subject site is within reasonable proximity to both retail and office areas directly north and to the east along US1.

Future Land Use Element Objective 2

In unincorporated Indian River County, all residential development greater than 0.2 units/acre, and all non-agriculture related commercial/industrial uses will be located within the Urban Service Area, which contains the infrastructure and services needed to accommodate such development.

Any development on the subject site would be within the Urban Services Area of the County.

Future Land Use Element Policy 2.2

Future Land Use Element Policy 2.2 states that the county shall encourage and direct growth into the Urban Service Area through zoning and LDRs. Since the proposed rezoning would allow and

encourage more development on the subject property, and the subject property is within the Urban Service Area, the request implements Future Land Use Element Policy 2.2.

While the referenced policies are particularly applicable to this request, other Comprehensive Plan policies, objectives, and goals 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 (LDRs)**

Rezoning requests must be consistent with all applicable sections of the County LDRs, including Section 902.12(3) standards of review. A copy of those standards is included as Attachment 4 to this report. With this rezoning request, staff determined that the request is consistent with the LDR review standards listed in Section 902.12(3).

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

Staff's position is that either the current zoning district or the requested zoning district is appropriate for the site and that development under the requested zoning district will be compatible with surrounding land uses. Generally, sites such as the subject property that front on major roads and are not adjacent to residential areas are appropriate for any one of several different commercial zoning districts, including CL, CG, and CH. Like the subject property, land to the south and land to the west across the FEC railroad tracks is zoned CH. Land to the west across U.S. Highway 1 is zoned CG and RS-6. Since CH and CG are both commercial districts, since the requested zoning district is an expansion of the zoning district to the south of the subject property, and since this site is located along a major arterial road (U.S. Highway 1) and separated from other sites by U.S. Highway 1 and the FEC Railroad, no incompatibilities with adjacent properties are anticipated with the rezoning of the subject site from CH to CG.

For those reasons, it is staff's position that development of the site under the requested CG district will be compatible with surrounding areas.

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

The subject property proposed to be rezoned from CH to CG currently contains vacant, partially vegetated lands. Since the subject property is zoned for heavy commercial uses and contains no land designated (in the County Comprehensive Plan or GIS records) as environmentally sensitive or protected, such as wetlands or sensitive uplands, rezoning the site to CG is anticipated to have no adverse impacts on environmental quality. When new development is proposed for the subject site, a more detailed environmental analysis will be conducted and county environmental/tree protection codes applied as applicable.

### **CONCLUSION**

Based on the analysis, staff has determined that the requested zoning district is compatible with surrounding areas, is consistent with the comprehensive plan, meets all applicable concurrency criteria, and meets all applicable rezoning criteria. Most importantly, the subject site is located in an area deemed suitable for Commercial and Industrial uses. For these reasons, staff can support this 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 CH to CG by adopting the proposed rezoning ordinance.

## **ATTACHMENTS**

1. Summary Page
2. Rezoning Application
3. 911.10(4) Commercial Uses
4. Section 902.12(3), Standards of Review
5. Rezoning Ordinance