

**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

FROM: Cindy Thurman; Senior Planner, Long Range Planning

DATE: December 31, 2024

RE: Consideration of an Ordinance of Indian River County Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for Approximately ±5.70 Acres from CL, Limited Commercial District to CG, General Commercial District (2024090035-910304) [**Quasi-Judicial**]

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It is requested that the data presented herein be given formal consideration by the Board of County Commissioners at its regular meeting of January 14, 2024.

**DESCRIPTION AND CONDITIONS**

The subject property consists of ±5.70 acres which is the north portion of a 7.91-acre parcel located between Old Dixie Highway and 39<sup>th</sup> Avenue, west of U.S. Highway 1, approximately 300 feet north of the terminus of 73<sup>rd</sup> Street (see Attachment 1). The applicant requests to rezone the subject property from CL, Limited Commercial District to CG, General Commercial District. The purpose of this request is to secure zoning to develop the site for more general commercial uses. The requested CG zoning designation is consistent with the subject property's C/I, Commercial/Industrial future land use designation.

The applicant's justification statement states that the current CL zoning district "only permits limited commercial uses such as professional offices and certain less intense retail uses and excludes other more intense uses permitted in the CG district. Due to changes in the economy and employment practices and retail business services, the typical CL uses are not favorable for development and business opportunities."

**Existing Land Use Pattern**

This area is characterized by a sparse mixture of commercial and industrial uses, with residential development on the east side of U.S. Highway 1, along the 73<sup>rd</sup> Street corridor. To the north of the subject property is an established plant nursery with a garden center that was developed in the 1970s. To the east is a small restaurant and a small nonconforming residential home. To the west is Old Dixie Highway and the FEC railroad tracks. On the east side of U.S. Highway 1 is a ±9-acre parcel, occupied by the Polish American Social Club of Vero Beach.

The remaining portion of the property that will not be rezoned will remain CL (approximately 2.21 acres) and serve as a zoning buffer. Located to the south of the subject parcel is undeveloped land. The remaining parcel's land area, where it abuts the nonconforming residential use, is too narrow to develop and required setbacks and buffering constrain the site for significant development.

### **Zoning District Differences**

In terms of permitted uses, there are both similarities and differences between the existing CL district and the proposed CG district. The distinctions between these two zoning districts are best illustrated through their respective purpose statements, as outlined in the County's Land Development Regulations (LDRs). These purpose statements provide a clear framework for understanding the intent and scope of each district's allowable uses and development potential. The purpose statements are as follows:

CL: Limited Commercial District: The CL, Limited Commercial District is intended to provide areas for the development of restricted commercial activities. The CL district is intended to accommodate the convenience retail and service needs of area residents while minimizing the impact of such activities on any nearby residential areas.

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, or industrial uses.

### **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 the proposed amendment conflicts with any applicable portion of the land development regulations (LDRs).**

Staff cannot identify any conflicts with the proposed rezoning and any of the land development regulations. More intensive commercial activities such as drive-through restaurants may be introduced into this CL area, however, limiting the CG to the northern portion which is adjacent to the existing garden center uses on the north side of the subject property, would ensure ongoing compatibility.

#### **Item B - Whether the proposed amendment is consistent with all elements of the Indian River County Comprehensive Plan.**

The goals, objectives, and policies outlined in the comprehensive plan are critical to guiding the County's development. Policies serve as actionable commitments that direct how the County will shape and manage growth. These policies form the foundation for all land development decisions, ensuring that the County's planning efforts align with its long-term vision.

While all policies within the comprehensive plan hold significance, certain policies are more directly relevant when evaluating rezoning requests. For this case, Future Land Use Element Policies 1.17, 1.18, and 1.43 are especially applicable. These policies provide specific guidance and criteria that must be carefully considered to ensure consistency with the County’s development goals and the compatibility of land uses within the community.

Future Land Use Element Policies 1.17 and 1.18

Future Land Use Element Policy 1.17 requires all commercial and industrial uses to be situated within the County's Urban Service Area. Additionally, Future Land Use Element Policy 1.18 permits a range of uses under the commercial/industrial land use designation, including business and personal services, retail, office, and storage/warehousing, subject to applicable zoning district regulations.

Given that the subject property is located within the County's Urban Service Area, and the proposed CG, General Commercial zoning district is intended to accommodate the types of uses permitted under the C/I land use designation, the requested rezoning is consistent with the intent of 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 a proposed zoning district is appropriate for a particular site. Below are the specific rezoning criteria from Policy 1.43, the CG zoning district, and staff determinations of how the criteria have been met in Table 1.

<b>Table 1</b> <b>SUBJECT PROPERTY</b> <b>Proposed General Commercial (CG) Zoning District</b>		
<b>Review Criteria</b>	<b>Meets Criteria?</b>	<b>Comments</b>
1. Along arterial roads and major intersections	Yes	The property has some frontage along U.S. Highway 1, Old Dixie Highway.
2. Separated from residential development	Yes	Property remains separated by CL property and does not abut residentially zoned or used property.
3. Separated from industrial areas	Yes	The property is separated from industrial areas by the FEC railroad tracks and Old Dixie Highway.
4. Near retail and office areas	Yes	Nearby existing retail, office, and a social club.

The nearby properties in this location include existing CG-zoned properties and the presence of elements that support general commercial development.

**Item C - Whether the proposed amendment is consistent with existing and proposed land uses.**

The subject property is designated as C/I, Commercial/Industrial on the Future Land Use Map. Since CG, General Commercial zoning is permitted within the C/I land use designation, the proposed rezoning is consistent with the property's Future Land Use Map designation. This

alignment ensures that the proposed zoning district is following the County's long-term land use planning objectives.

**Item D - Whether the proposed amendment follows the adopted county thoroughfare plan.**

The subject property to be rezoned is the north ±5.70 acres of the total 7.91-acre parcel, which is located between Old Dixie Highway and 39<sup>th</sup> Avenue, west of U.S. Highway 1, approximately 300 feet north of the terminus of 73<sup>rd</sup> Street. The property also contains frontage on U.S. Highway 1 which is designated as an arterial roadway.

**Item E - Whether the proposed amendment would generate traffic which would decrease the service levels on roadways below the level adopted in the comprehensive plan.**

The traffic impact analysis submitted by the applicant's Civil Engineer 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. There will be no net change to the estimated traffic generation due to the rezoning of the site.

**Item F - Whether there have been changed conditions which would warrant an amendment.**

The applicant indicates that "Economic factors and the COVID epidemic have created a new employee work reality – office employees commonly work remotely (from home). The Vero/IRC market already has a glut of office space, and this new reality in the workplace has created even less need for professional office space."

Technology (internet/cell phones) and the COVID epidemic have created a new retail business model where everything from meals, groceries, home furnishings and supplies can be delivered to your front door. Traditional retail business space is in less demand."

Staff notes that the property is situated in an existing limited commercial node, remains largely undeveloped, and that these conditions have not significantly changed.

**Item G - Whether 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 LDRs, the applicant may be required to pay utility 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 review process.

As per section 910.07 of the County's LDRs, the 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 on 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 CL 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 CG rezoning request, the most intense use is general manufacturing, 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:  | ±5.70 acres                          |
| 2. Existing Zoning District:  | CL, Light Commercial District        |
| 3. Proposed Zoning District:  | CG, General Commercial District      |
| 4. Most Intense Use of Subject Property Under Existing Zoning District: | 57,000 s.f. of Retail Commercial     |
| 5. Most Intense Use of Subject Property Under Proposed Zoning District: | 57,000 s.f. of General Manufacturing |

**Item H - Whether the proposed amendment would result in significant adverse impacts on the natural environment.**

The subject property proposed to be rezoned from CL to CG is undeveloped. Since the subject property does not contain any 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 the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

Maintaining appropriate zoning buffers between the residential areas to the east ensures a balanced transition between commercial and residential uses. This context reinforces the suitability of the requested CG zoning for the subject property while maintaining the CL district to the south and north.

The proposed amendment aligns with the comprehensive plan and surrounding zoning districts, promoting a logical and orderly development pattern. By facilitating compatible land uses, the amendment will contribute to a cohesive and well-planned transition between commercial and residential areas, ensuring sustainable growth while adhering to the County's long-term land use

vision. This rezoning will support the efficient use of land and infrastructure, enhancing the overall functionality and character of the area.

**Item J - Whether the proposed amendment would conflict with the public interest and is in harmony with the purpose and interest of the land development regulations.**

Staff has not identified any adverse impacts to public welfare and finds that the request aligns with the purpose and intent of the land development regulations. The proposed amendment is consistent with established planning principles and supports the broader objectives of promoting orderly growth and compatible land use. As such, the request is deemed to be in harmony with the County's regulatory framework and community development goals.

**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.

**REQUIRED NOTICE**

For this project, staff was required to publish a legal advertisement in the newspaper, send out notice by mail to all property owners within 300 feet of the project site, and post a project notice sign at the project site.

**CONCLUSION**

The requested CG zoning district is compatible with the surrounding area and aligns with the goals, objectives, and policies of the Comprehensive Plan. Furthermore, it is consistent with the County's Land Development Regulations (LDRs). The subject property is situated in a location that is well-suited for commercial uses, including those permitted within the CG district, reinforcing its appropriateness for the proposed rezoning. This request supports the County's vision for balanced and strategic land use development.

**STAFF RECOMMENDATION**

Based on the analysis, staff recommends that the Board of County Commissioners approve this request to rezone the north  $\pm$  5.70 acres of the  $\pm$  7.91-acre subject property from CL to CG.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission, at its regular meeting on December 12, 2024, unanimously recommended approval of the rezoning request.

## **ATTACHMENTS**

1. Existing Zoning Map
2. Existing Future Land Use Map
3. Rezoning Application
4. Draft Ordinance