

INDIAN RIVER COUNTY, FLORIDA

M E M O R A N D U M

TO: Jason E. Brown; County Administrator

THROUGH: Roland DeBlois, AICP
Community Development Director

FROM: Bill Schutt, AICP
Chief, Long Range Planning

DATE: October 25, 2019

RE: Hanlex Development, LLC Request to Rezone +/- 4.40 Acres from CN to CL and
Sogra Properties, LLC Request to Rezone +/- 1.037 Acres from CN to CL (RZON-
99040166-85162) [Quasi-Judicial]

It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting of November 5, 2019.

DESCRIPTION AND CONDITIONS

This request is to rezone ±4.40 acres from CN, Neighborhood Commercial District, to CL, Limited Commercial District (Subject Property 1) and to rezone +/- 1 acre from CN, Neighborhood Commercial District, to CL, Limited Commercial District (Subject Property 2). As shown in Figure 1, the +/- 4.40 acre Subject Property 1 borders the south county line on the east side of 27th Avenue SW. The +/- 1 acre Subject Property 2 is located west of 27th Avenue SW, approximately 315 feet north of the south county line. The purpose of this request is to secure the zoning necessary to develop the +/- 1, acre site and the +/- 4.40 acre site with uses permitted in the CL zoning district.

On October 10, 2019, the Planning and Zoning Commission voted 4 – 2 to recommend that the Board of County Commissioners approve this rezoning request (see Attachment 8).

Existing Land Use Pattern

This portion of the county is developed primarily with single family residential uses, but also has an agricultural use, a commercial use, and undeveloped/vegetated land. As shown on Figure 1, Subject Property 1 contains vegetation and a dilapidated abandoned home. Subject Property 2 contains vegetation.

Subject Property 1

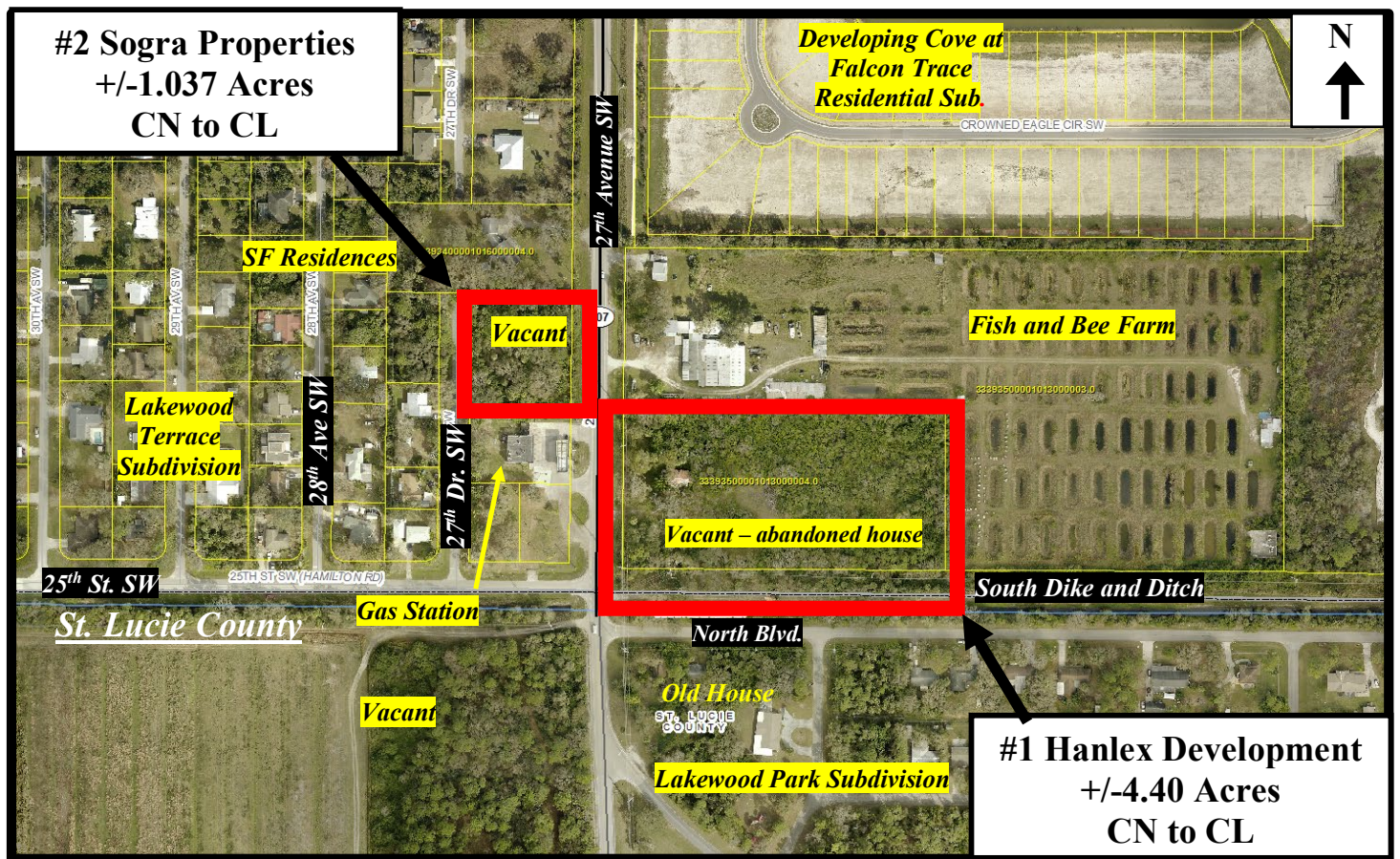
Figures 2 and 3 show that the property to the south of Subject Property 1 is located in St. Lucie County and is zoned CN, Commercial Neighborhood and RS-4, Residential Single Family 4.

Those properties contain single family homes and vegetated undeveloped lots in a portion of the Lakewood Park Subdivision (75 foot wide lots). Property to the north and to the east of Subject Property 1 is in one ownership, is zoned A-1, Agricultural 1 (1 unit per 5 acres), and contains a fish farm. To the west of Subject Property 1 (across 27th Avenue SW) is vacant and developed CL, Limited Commercial zoned property.

Subject Property 2

As shown in Figures 2 and 3, property to the south of Subject Property 2 is zoned CL, Commercial Limited and contains a gas station. Property to the north contains a large lot single family home and is zoned RS-3, Single Family Residential (up to 3 units per acre). Property to the west is zoned RS-3, Single Family Residential (up to 3 units per acre) and contain single family homes and vacant lots in Lakewood Terrace Subdivision (70 foot wide lots). Property to the east (across 27th Avenue SW) contains a fish farm and is zoned A-1, Agricultural 1 (1 unit per 5 acres).

Figure 1 - Aerial image of Subject Properties and Surrounding Uses



(Existing zoning and proposed zoning maps are on next page)

Figure 2 - Existing Zoning of Subject Properties

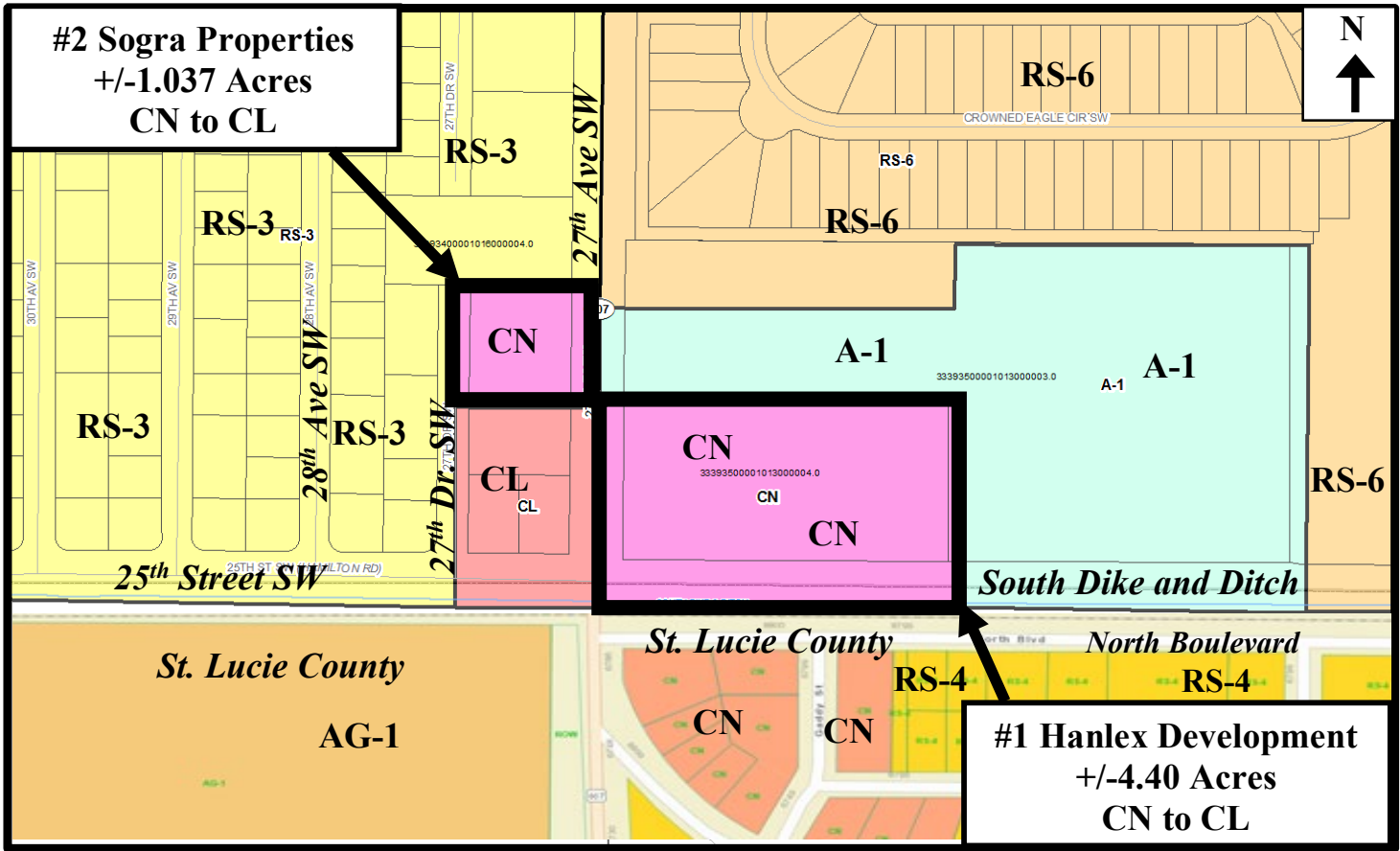
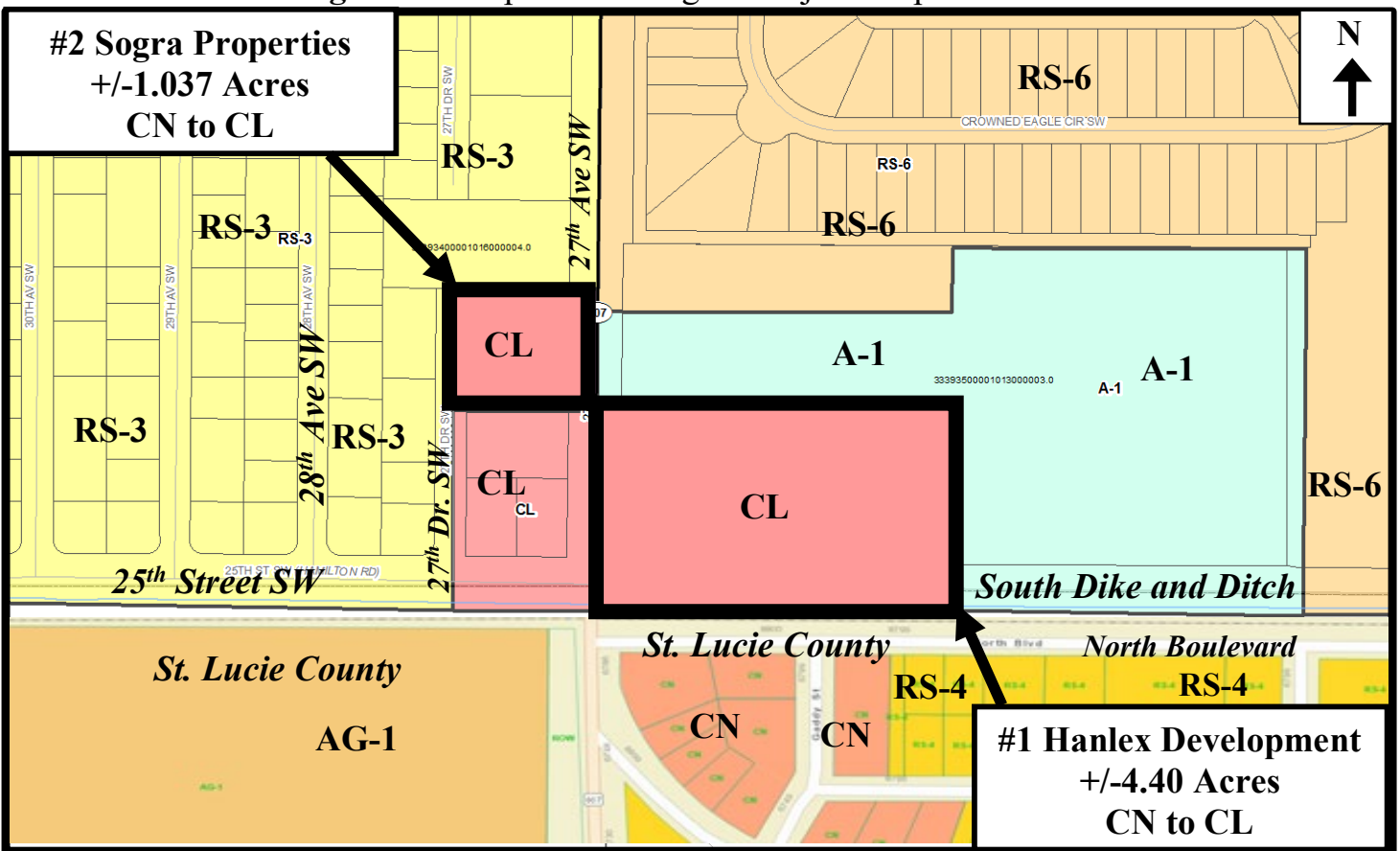


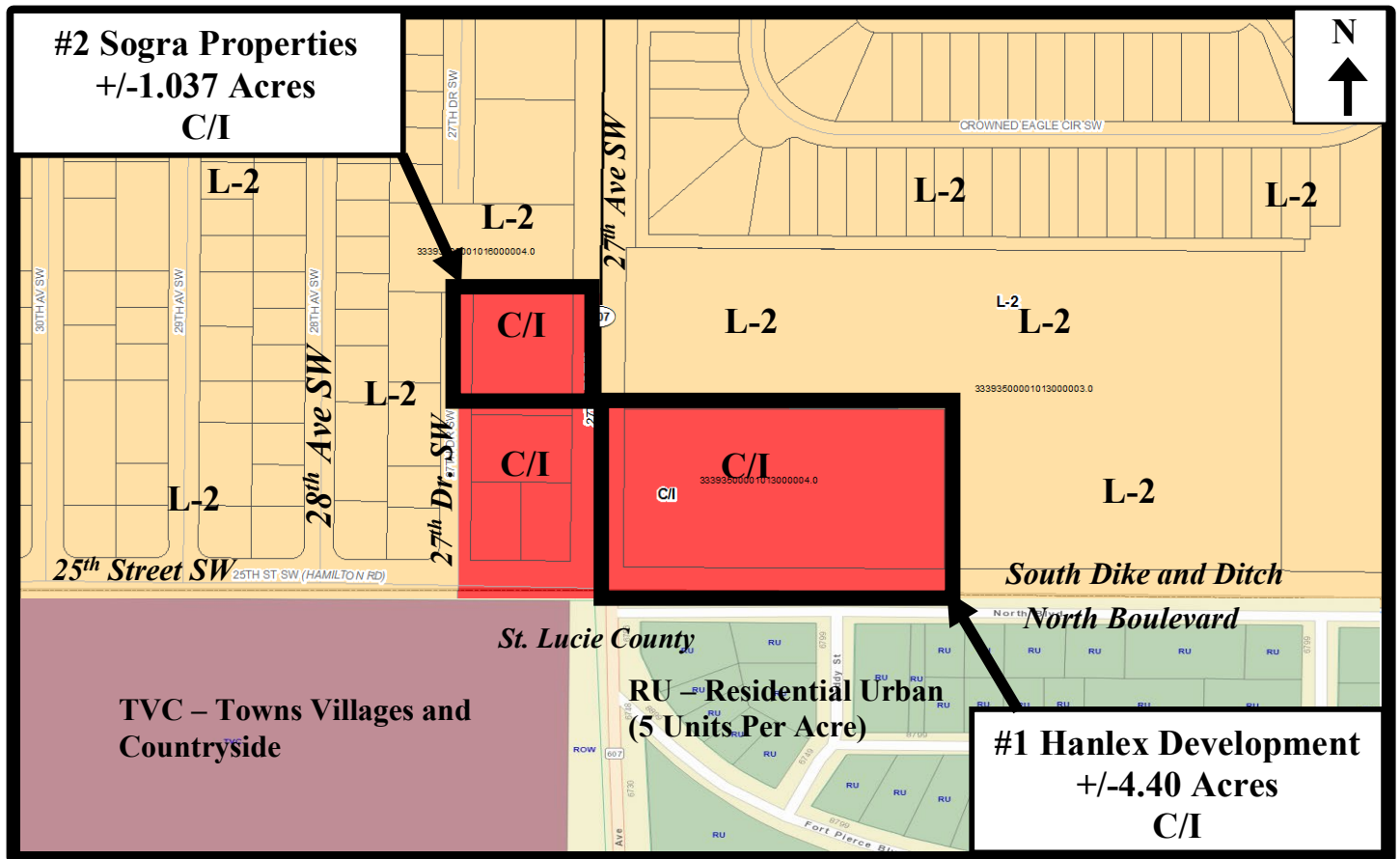
Figure 3 - Proposed Zoning of Subject Properties



Future Land Use Pattern

As shown on Figure 4, the subject properties are designated C/I, Commercial/Industrial, on the Comprehensive Plan's Future Land Use Map. The C/I designation permits various commercial and industrial zoning districts. Properties to the north and east of Subject Property 1 and to the north and to the west of Subject Property 2 are designated L-2, Low-Density Residential-2, on the county's future land use map. The L-2 designation permits residential uses with densities up to 6 units/acre. Property to the south of Subject Property 1, in St. Lucie County, are designated RU, Residential Urban (5 units/acre).

Figure 4 - Future Land Use of Subject Properties



Environment

Subject Property 1 contains a vacant dilapidated single-family home and is overgrown with a mix of vegetation and trees. Subject Property 2 contains vegetation. Based on County records, no wetlands or any other environmentally sensitive habitat have been identified on either property. According to Flood Insurance Rating Maps, the subject properties are within Flood Zone X (area of minimal flood hazard).

Utilities and Services

The subject properties are within the Urban Service Area of the County.

Water Service is available within ½ mile of the properties from the North and South County Reverse Osmosis Plants (interconnected), which currently have sufficient capacity to accommodate the additional demand generated by the subject rezoning request. Per County Code, uses that develop on the site will be required to connect to County water service.

A Wastewater service main line is located +/- 0.5 miles from the subject sites at 21st Street SW. That service is not required to be extended per County Code unless the proposed flows exceed 2,000 gallons per day. If required to be extended, the South Regional Wastewater Treatment Plant has sufficient capacity to accommodate the additional demand generated by the subject rezoning request.

Transportation System

The subject properties abut 27th Avenue SW. This roadway is classified as an urban collector road on the future roadway thoroughfare plan map. Located within an approximate 100 foot existing public road right-of-way, this segment of 27th Avenue SW is a two lane paved road. There are currently no planned road improvements for this section of 27th Avenue SW listed in the County's Comprehensive Plan.

Zoning District Differences

In terms of permitted uses, there are both similarities and differences between the existing CN district and the proposed CL district (see Attachment 3). The respective zoning districts' 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:

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.

CN: Neighborhood Commercial District: The CN, Neighborhood Commercial district, is intended to provide areas for the development of highly restricted commercial activities to serve primarily the residents of the immediate area. The CN district is further intended to limit the intensity of commercial activities in order to ensure compatibility with nearby residential uses.

ANALYSIS

In this section, an analysis of the reasonableness 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;
- Compatibility with the surrounding area; and
- Potential impact on environmental quality.

Impact on Public Facilities

The subject properties are 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 (reference 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 rezoning district.

As per section 910.07(2) of the Concurrency Management Chapter of the County's LDRs, projects which do not increase land use density or intensity are exempt from concurrency requirements. For both the current CN zoning and the proposed CL zoning, the most intense potential 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. This rezoning request is exempt from concurrency review because the requested zoning would not increase the use intensity of the site. When new development is proposed for the subject property, a more detailed concurrency analysis 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 CL zoning is allowed in the C/I designated area, the proposed zoning is consistent with the Future Land Use Map.

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 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 CL 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 is a table listing CL zoning district criteria for review from Policy 1.43. There are no similar criteria for the CN zoning district. In fact, both the County Comprehensive Plan and the County’s Land Development Regulations prohibit the CN zoning district from being within C/I designated areas. This is shown in the Future Land Use to Zoning District comparison tables contained within both the Future Land Use Element and the County LDRs (Attachments 4 and 5). The CN Zoning District is instead allowed in areas designated AG-1, AG-2, AG-3, R, L-1, L-2, M-1 or M-2 on the future land use map.

Limited Commercial, CL Review Criteria	Meets Criteria?	Comments
1. Areas that are easily accessed from residential areas	Yes	There are residential homes to the west, south, north and east of the C/I node. Subject properties are primarily in a residential area and have frontage on a main road (27 th Avenue SW).
2. Between residential areas and general commercial areas or major roadways	Yes	Subject Property 2 is located between the major roadway 27 th Avenue SW and residences to the west. Subject Property 1 is located between the major roadway 27 th Avenue SW and agriculture and residential areas to the north and east.
3. Separated from industrial areas	Yes	Industrial zoned property is not located near the subject properties.
4. At node perimeters	Yes	Both Subject Property 1 and Subject Property 2 are located at the perimeter of the 27 th Avenue SW and 25 th Street SW C/I node.

Based upon a review of the CL, Limited Commercial rezoning criteria in Future Land Use Element Policy 1.43 (preceding table), the subject property appears to meet the CL, Limited Commercial criteria. Also as noted earlier, the existing CN, Neighborhood Commercial district is not consistent with the properties C/I Future Land Use designation. Rezoning the subject property to CL will bring the properties zoning into compliance with the Comprehensive Plan.

While the referenced policies 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 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

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 are included as Attachment 6 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).

Besides the review standards, there are at least two subsections of the County LDRs that support removing the subject properties from the CN zoning district. Section 911.10(9)(b) states that no new CN Neighborhood Commercial district shall be established and no existing CN district shall be expanded. That Section also states that the CN zoning district is not allowed in C/I designated areas but instead are allowed in areas designated AG-1, AG-2, AG-3, R, L-1, L-2, M-1 or M-2 on the future land use map (Attachment 7).

Rezoning the subject properties to CL will bring their zoning into compliance with the County LDRs.

Compatibility with the Surrounding Area

Located along 27th Avenue SW, Subject Property 1 abuts an existing fish farm to the north and to the east. That fish farm is a non-conforming use within its L-2 Residential Future Land Use designation. It is anticipated that over time the property will be rezoned to a zoning district allowed within the L-2 Residential land use designation. Any proposed development on Subject Property 1 will be required to comply with the County's buffer regulations to limit impacts upon any future residential uses on the adjacent property to the north and to the east (6 ft. opaque feature, vegetation, etc.).

Subject Property 1 also abuts 27th Avenue SW to the west and "South Dike and Ditch" along the south county line. Both 27th Avenue SW and South Dike and Ditch have 100 feet of public right-of-way. This separation distance limits any potential impacts on residential properties across South Dike and Ditch to the south in St. Lucie County. Since properties directly across 27th Avenue SW are designated as CL, the proposed CL zoning district is not incompatible with those properties.

With respect to Subject Property 2, that property abuts a large lot RS-3 residentially zoned and used property to the north, and abuts 27th Drive SW and vacant and occupied RS-3, residentially zoned property to the west (across 27th Drive SW). 27th Drive SW has approximately 60 feet of public right-of-way. This distance separation combined with any future buffer yard requirements that would be implemented at time of development of Subject Property 2 will minimize potential future incompatibilities between the two districts and adjoining uses.

Property south and adjacent to Subject Property 2 is designated C/I, Commercial Industrial on the Future Land Use map and is zoned CL, Limited Commercial. Given that this is the same zoning

designation as what is proposed for Subject Property 2, there will be no incompatibilities.

Besides the landscape buffer provisions required between commercial and residential uses/districts, there are additional design and use protections from the “Other Corridor Regulations” that will also apply to both Subject Property 1 and Subject Property 2. Those regulations are found in Section 911.22 of the County’s LDRs. With respect to design requirements, the special corridor regulations will provide for such things as shielding of any outdoor lighting fixtures, additional vegetation plantings, and various aesthetic improvements.

As stated in the CL zoning district’s purpose statement, the types of uses allowed in the CL zoning district are intended for restricted commercial activities to accommodate the convenience retail and service needs of area residents, while minimizing the impact of such activities on any nearby residential areas. Generally, sites such as the subject property that front on urban collector roads, near a main intersection may be appropriate for the CL zoning designation.

Given the existing CL zoning to the south of Subject Property 2 and to the east of Subject Property 1, the C/I Future Land Use designation of each of the properties, the presence of 27th Avenue SW and 25th Street SW, the buffer requirements between new uses within the CL zoning district and residential uses/districts, the additional “Other Corridor” use restrictions, and the separating distances of the subject properties due to adjacent roads, both Subject Property 1 and Subject Property 2 are appropriate for CL development under the requested rezoning. For those reasons, staff finds that the subject property, under the proposed zoning district, will be compatible with surrounding areas.

Potential Impact on Environmental Quality

Subject Property 1 is a partially developed site (contains a dilapidated vacant house) and has become overgrown with vegetation. Subject Property 2 is a vegetated site. Any proposed removal of native trees on either property associated with site development will be subject to county tree protection requirements, including mitigation of any specimen trees removed, if applicable. The properties are not designated as environmentally important or environmentally sensitive by the comprehensive plan, and according to Flood Insurance Rating Maps the properties are not located in a flood zone. Development of the site is anticipated to have little or no impact on environmental quality. For those reasons, no adverse environmental impacts are anticipated as a result of rezoning the property from CN to CL.

CONCLUSION

The requested CL 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 uses, including CL district uses, the subject property meets all applicable criteria to be rezoned to CL. Further, rezoning from CN to CL will make the zoning consistent with the properties C/I future land use designation. For those 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 properties from CN to CL by adopting the attached ordinance.

ATTACHMENTS

1. Summary Page
2. Rezoning Application
3. Table of Uses for Commercial Zoning Districts
4. Future Land Use to Zoning District comparison table (Source: FLU Element)
5. Future Land Use to Zoning District comparison table (Source: County LDRs)
6. Section 902.12(3) Standards of Review
7. County Land Development Regulations Section 911.10(9)(b)
8. Unapproved Minutes of the October 10, 2019 PZC meeting
9. Rezoning ordinance

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