

**INDIAN RIVER COUNTY, FLORIDA**  
**MEMORANDUM**

---

TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr. County Administrator

FROM: Cindy Thurman; Senior Planner, Long Range Planning

DATE: November 4, 2024

RE: Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for Approximately ±2.90 Acres from CL, Limited Commercial District to CG, General Commercial District (2005120295-96912) **[Quasi-Judicial]**

---

It is requested that the following data presented herein be given formal consideration by the Board of County Commissioners at its regular meeting on December 17, 2024.

**DESCRIPTION AND CONDITIONS**

The subject property consists of ±2.90 acres located at the southwest corner of 9<sup>th</sup> Street SW (Oslo Road) and 27<sup>th</sup> Avenue SW.

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 the zoning necessary to develop the site with uses permitted in the CG zoning district. 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 office uses and some limited retail uses and excludes uses such as drive-thru restaurants; construction/trades uses; storage or warehousing; boat, RV, and automotive/repair, and sales; and does not allow many other uses. Due to the changes in the economy and, employment practices and retail business services, the typical CL uses are not favorable for development and business opportunities. This site is surrounded by CG to the north, CL to the west, CL to the northwest, and RMH-6 to the east."

The request for CG zoning reflects the applicant's intent to capitalize on current market trends and to develop the property with uses that better respond to modern business demands.

**Existing Land Use Pattern**

This area of the county is characterized by a diverse mix of commercial, residential, and multi-family land uses, particularly along the Oslo Road and 27th Avenue SW corridors. The subject

property is currently zoned CL, Limited Commercial, a designation generally applied to sites in this vicinity to meet the immediate commercial needs of surrounding residential neighborhoods.

To the north, across Oslo Road, the zoning transitions to CG, General Commercial, indicating that the proposed rezoning would not be inconsistent with the broader development patterns in the area. The presence of CG zoning nearby supports the compatibility of the proposed change, aligning with the existing land use framework and contributing to the commercial vitality of this corridor.

### **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 or not the proposed amendment is in conflict 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.

#### **Item B - Whether or not the proposed amendment is consistent with all elements of the Indian River County Comprehensive Plan.**

The goals, objectives, and policies are the most important parts of the comprehensive plan. Policies are statements in the plan that identify the actions that the County will take in order to direct the community's development. As courses of action committed 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 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 or not 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 is located at the southwest corner of Oslo Road and 27 <sup>th</sup> Avenue SW.
2. Separated from residential development	Yes	Property remains separated by CL property and does not abut residentially zoned or used property. The closest RMH-6 property is on the east side of 27 <sup>th</sup> Avenue SW.
3. Separated from industrial areas	Yes	There are no industrial areas in the vicinity of the property.
4. Near retail and office areas	Yes	The property is within an established commercial node with other existing retail and office areas.

#### **Item C - Whether or not 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 fully consistent with the property's Future Land Use Map designation. This alignment ensures that the proposed zoning district is in compliance with the County's long-term land use planning objectives.

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

The subject property is located at the southwest corner of Oslo Road and 27<sup>th</sup> Avenue SW. Oslo Road is classified as an urban principal arterial roadway and 27<sup>th</sup> Avenue SW is classified as an urban minor arterial on the County's thoroughfare plan.

**Item E - Whether or not the proposed amendment would generate traffic which would decrease the service levels on roadways below the level adopted in the comprehensive plan.**

The proposed rezoning request's Traffic Impact Analysis (TIA) was reviewed and approved by Traffic Engineering Division staff. That analysis showed that all roadway segments within the area of influence would operate at an acceptable level of service with the most intense use of the property under the proposed zoning district.

**Item F - Whether or not there have been changed conditions which would warrant an amendment.**

The applicant, in their justification statement, notes that "due to shifts in the economy, employment practices, and retail business models, the permitted uses within the CL district are no longer conducive to viable development and business opportunities." The subject property is strategically located at a major intersection, in an area that is generally more suited for general commercial uses, particularly given the presence of CG zoning to both the north and west.

Additionally, the area has already undergone parcel assemblage, further supporting the development of a cohesive commercial district. The proposed rezoning would concentrate CG uses near the intersection while maintaining appropriate zoning buffers between the residential areas to the west and south, ensuring a balanced transition between commercial and residential uses. This context reinforces the suitability of the requested CG zoning for the subject property.

**Item G - Whether or not the proposed amendment would decrease the level of service established in the comprehensive plan for sanitary sewer, potable water, solid waste, drainage, and recreation.**

Based upon the analysis conducted by staff, it has been determined that all concurrency-mandated facilities, including stormwater management, solid waste, water, wastewater, and recreation, have adequate capacity to accommodate the most intense use of the subject property under the proposed rezoning. Per Indian River County LDRs, the applicant may be required to pay connection and other customary fees and comply with other routine administrative procedures. If approved, rezoning does not guarantee any vested rights to receive water and wastewater treatment service. As with all development, a more detailed concurrency review will be conducted during the development review process.

As per section 910.07 of the County's LDRs, conditional concurrency review examines the available capacity of each facility with respect to a proposed project. Since rezoning requests are

not development projects, County regulations call for the concurrency review to be based 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 retail commercial, with 10,000 square feet of gross floor area per acre. The site information used for the concurrency analysis is as follows:

1. Size of Area to be Rezoned:	±2.90 acres
2. Existing Zoning District:	CL, Limited Commercial District
3. Proposed Zoning District:	CG, General Commercial District
4. Most Intense Use of Subject Property Under Existing Zoning District:	29,000 square feet of Retail Commercial
5. Most Intense Use of Subject Property Under Proposed Zoning District:	29,000 square feet of Retail Commercial

**Item H - Whether or not the proposed amendment would result in significant adverse impacts on the natural environment.**

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

The proposed amendment 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 or not the proposed amendment would be in conflict with the public interest and is in harmony with the purpose and interest of the land development regulations.**

Staff has not identified any 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.

**RECOMMENDATION**

Based on the analysis, Staff and Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject property from CL to CG.

**ATTACHMENTS**

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