

**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

PREPARED BY: Cindy Thurman, Senior Planner, Long Range Planning

DATE: September 30, 2024

SUBJECT: Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for Approximately ±7.97 Acres from CG, General Commercial District to MED, Medical District (99070136-96957) **[Quasi-Judicial]**

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It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting on November 19, 2024.

The Planning and Zoning Commission recommended approval of this item at the September 12, 2024, meeting.

**DESCRIPTION AND CONDITIONS**

The subject property consists of ±7.97 acres located east of Highway US 1, south of 41<sup>st</sup> Street in a residentially mixed-use area.

The applicant requests to rezone the subject property from CG, General Commercial District to MED, Medical District. The purpose of this request is to secure the zoning necessary to develop the site with uses permitted in the medical zoning district. The requested MED zoning designation is consistent with the subject property's C/I, Commercial/Industrial land use designation.

**Existing Land Use Pattern**

This area of the county features a blend of commercial and warehouse properties, residential areas, and undeveloped commercially zoned land, all lying within the Urban Service Area. The subject property is undeveloped. To the north lies another parcel of undeveloped commercially zoned land (CL), with the Lucaya Pointe subdivision (RM-6) located just to the northeast, across 41st Street. Adjacent to the eastern boundary is an undeveloped parcel zoned for MED use. The southern boundary is bordered by a developed commercial warehouse planned development (PD), which has direct access to Highway US 1. To the west of the subject property is a vacant parcel zoned for general commercial (CG) use.

## **Zoning District Differences**

There are both similarities and distinctions between the existing CG district and the proposed MED district in terms of permitted uses. The purpose statements of these districts, as defined in the County's Land Development Regulations (LDRs), highlight the key differences:

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. This district is not intended for heavy commercial activities, such as industrial uses or heavy repair services.

MED: Medical District. The MED, medical district, is intended to provide a variety of uses which support a major medical facility, and to protect such a major medical facility from encroachment by land uses which may have an adverse effect on the operation and potential expansion of the facility. Land uses that could cause an adverse effect would generally include those uses that are likely to be objectionable to neighboring properties because of noise, vibration, odors, smoke, amount of traffic generated, or other physical manifestations.

## **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 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, multiple family, retail, office, and storage/warehousing uses.

Since the subject property is located within the County’s Urban Service Area and the requested MED 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 are the specific rezoning criteria from Policy 1.43, the MED 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 Medical (MED) Zoning District</b>		
<b>Review Criteria</b>	<b>Meets Criteria?</b>	<b>Comments</b>
1. Within Commercial/Industrial nodes containing hospitals and major medical facilities	Yes	Within a designated node. Close proximity to Indian River Medical Center and 37 <sup>th</sup> Street.
2. Separated from industrial areas	Yes	Surrounded by commercial uses or commercially designated property.

**Item C - Whether or not the proposed amendment is consistent with existing and proposed land uses.**

The proposed amendment for the subject property is designated C/I, Commercial/Industrial on the Future Land Use Map. Since MED zoning is allowed in the C/I designation, the proposed zoning district is consistent with the Future Land Use Map designation.

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

The subject property’s main access is from 41<sup>st</sup> Street. Classified as an urban collector on the County’s future roadway thoroughfare plan map, 41<sup>st</sup> Street is a two-lane road with approximately 100 feet of public road right-of-way. Highway US 1 is adjacent and is a major arterial roadway. No improvements to this road are currently programmed.

**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. In fact, the proposed MED zoning district will result in a lower trip generation potential compared to the existing CG zoning designation.

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

Economic conditions in the area have evolved, making it increasingly suitable for uses permitted within the MED district. This is particularly due to the existing MED zoning directly to the east of 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 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 retail commercial with 10,000 square feet of gross floor area per acre. For the MED rezoning request, the most intense use is medical office with 10,000 square feet of gross floor area per acre. The site information used for the concurrency analysis is as follows:

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|---|---|
| 1. Size of Area to be Rezoned:  | ±7.97 acres                             |
| 2. Existing Zoning District:  | CG, General Commercial District         |
| 3. Proposed Zoning District:  | MED, Medical District                   |
| 4. Most Intense Use of Subject Property Under Existing Zoning District: | 79,700 square feet of Retail Commercial |
| 5. Most Intense Use of Subject Property Under Proposed Zoning District: | 79,700 square feet of Medical Office    |

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

The subject property is currently vacant and densely vegetated. Prior to development, the site will be reviewed by County Environmental staff for tree preservation requirements and any other indicators that the property contains 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 rezoning from CG to MED will facilitate a more orderly and logical development pattern in this area. By aligning the zoning with the existing and proposed land uses in the surrounding vicinity—particularly the adjacent MED-zoned parcel and the nearby commercial and residential developments—the rezoning supports a cohesive land use strategy. This transition is in harmony with the broader urban design goals of the County, promoting a well-integrated mix of uses that support community health and wellness.

**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.**

The rezoning request is in harmony with the public interest and the purpose and intent of the land development regulations. It aligns with the regulatory framework designed to protect the public interest, ensure compatible land uses, and promote orderly growth. No adverse effects on public welfare have been identified.

**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.

**CONCLUSION**

The proposed rezoning from CG to MED is consistent with the County’s Comprehensive Plan and LDRs and is also strategically beneficial for the community. It supports the continued development of a vital medical hub, meets current and anticipated land use needs, and does so in a manner that is environmentally responsible and infrastructure compatible. The rezoning request thus represents a well-considered and necessary step in the County’s planning process, warranting approval.

## **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 from CG to MED.

## **ATTACHMENTS**

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