

M E M O R A N D U M

TO: Tom Harmer, Town Manager

FROM: Allen Parsons, AICP
Director, Planning, Zoning and Building Department

REPORT DATE: October 15, 2019

MEETING DATE: November 4, 2019

SUBJECT: Ordinance 2019-11, Amending the Comprehensive Plan Future Land Use Map, 524 Bay Road

Recommended Action

Forward Ordinance 2019-11 to the December 2, 2019 Regular Meeting for second reading and public hearing.

Background

This request is a proposal to change the Future Land Use designation of property located at 524 Gulf Bay Road (known as Grant's Gardens) from Limited Commercial (CL) to General Commercial (CG). The Applicant is proposing this change in order to bring the property's existing landscaping and lawn services use, which requires Special Exception approval in the implementing Zoning District for the General Commercial Land Use classification, into conformance with the Town's Comprehensive Plan Future Land Use designation. In addition, the Applicant has filed an application to rezone the property from C-1 (Limited Commercial) to C-2 (General Commercial) for the same purpose.

To accomplish this, the Applicant has filed these applications, which if approved, will be followed by additional applications that may include Variances, Special Exception, and Site Development Plan in order to redevelop and bring the property into conformity with Town's codes and ordinances.

Grant's Gardens existing and long-standing use is a landscaping and lawn services operation. Landscaping and lawn services is a use that is not allowed in the existing C-1 Zoning District. It is a permissible use in the C-2 and C-3 Zoning Districts with Special Exception approval. Both Zoning Districts also require subsequent Site Development Plan review and approval. This application requests rezoning to the C-2 zone district.

The application states that the existing 2,477 square foot business has been in operation since the mid 1980's. Its original approval and use, however, were for a more retail-oriented garden center type use which has evolved over time into a lawn and landscape maintenance operation that is now noncompliant with the existing C-1 zoning of the property. The Applicant states in part that the purpose of these proposed amendments is to redevelop and improve the property with a newly constructed 2,254 square foot office building and to provide a transition towards the residential area further East along Gulf Bay Road.

Staff Assessment

Consistency with the Comprehensive Plan

Amendments to the Comprehensive Plan (Plan) may be approved, if found to be consistent with the Plan and in the best interest of the health, safety, and welfare of the citizens of Longboat Key. To facilitate the Planning & Zoning Board's review and consideration of the impact of the proposed amendment on the Comprehensive Plan and on the health, safety, and welfare of the citizens of Longboat Key, staff provides the following assessment (in **bold**).

- **FLU GOAL 1**
- *To preserve and enhance the character of the Town of Longboat Key by the following: 1) ensuring that the location, density, intensity, and character of land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems; and 2) maintaining an environment that is conducive to the health, safety, welfare, and property values of the community.*
 - The proposed land use is providing a land use that is responding to the economic needs of the community by providing landscaping services, at a location that has a long-standing history of providing this use. The site is currently developed, and served by existing manmade systems of Town infrastructure such as roads, water, sewer service, and fire.
- **Future Land Use Element, Policy 1.1.7:** *In development planning efforts, emphasis will be placed upon the protection of the visual and aesthetic character of neighborhoods, including open space.*
 - The existing land use of this property and the properties in this immediate area of Gulf Bay Road are presently designated as Commercial and developed or used as such, to a large extent. During subsequent Site Development Plan review, the Applicant will need to further demonstrate consistency with this Policy to enhance and protect the visual and aesthetic character of the area and nearby properties.
- **FLU Policy 1.1.10:** *General Commercial Established Area (CG)-This category is intended to accommodate general retail sales and services located in highly accessible areas adjacent to major or minor arterials. Uses may include those uses allowed in the Office/Institutional and Limited Commercial categories, but not activities or trades that generate nuisance impacts such as noise, air pollutants or fire hazards, nor is wholesaling or warehousing allowed. Structures may not exceed lot cover of 30 percent, and maximum height is 40 feet. (Proposed Land Use) Future Land Use Element, Policy 1.3.1:*
 - This proposal may be found to be consistent with this Policy in that the property is located in an existing area of Commercial land uses and development that is easily accessible to Gulf of Mexico Drive which is

a major roadway servicing the Town. The existing and proposed activities do involve daily staging of vehicles, however, these activities, according to the applicant have been occurring for several years.

- **Future Land Use Element, Policy 1.3.1:** *The development of land will be coordinated in conjunction with the provision of public facilities and services consistent with the Town's concurrency management system.*
 - The Applicant has provided documentation that water and sewer services exist along Gulf Bay Road, as well as an adjacent fire hydrant that all service the subject property. The proposed land use change will not affect the adopted Level of Service (LOS) standards of the Town.
- **Future Land Use Element, Policy 1.5.2:** *All proposed amendments to this Comprehensive Plan will comply procedurally with State laws, the Town's Charter, and land development regulations.*
 - The plan amendment has followed all applicable rules and procedures.
- **Mobility Goal 1:** *Provide for safe, convenient, and efficient movement of people and vehicles.*
 - The assessment of the Public Works Director is that subsequent re-development of the site can be designed to improve/enhance operational efficiency to traffic flow and avoid staging work vehicles along Gulf Bay Road. This will help improve and enhance traffic operations impact on the *site and operational impacts to the surrounding area.*

Small-scale Development Activities

Staff determined that the proposed plan amendment meets the criteria to be approved as a small-scale development activity. Florida Statute 163.3187(1)(c)(1)(b) requires that a proposed site-specific small-scale development plan amendment, not involve a text change to the goals, policies, and objectives of the local government's Comprehensive Plan, but only may propose a land use change to the Future Land Use map.

Small-scale amendments provide for a shorter, less involved process than a typical Comprehensive Plan amendment. There is no requirement for transmittal, review, and comment by the Department of Economic Opportunity (DEO) and multiple other agencies and governments before adoption. Instead, the amendment and supporting documents are adopted and sent to the DEO and the local Regional Planning Council, in this case the Tampa Bay Regional Planning Council, to provide those agencies with notice of the amendment. Florida Statute 163.3187(1)(c) provides the criteria for small-scale development plan amendments:

- The proposed amendment involves 10 or fewer acres. The submitted survey showed that the property is approximately 0.61 acres.

- The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's Comprehensive Plan, but only proposes a land use change to the Future Land Use map for a site-specific small-scale development activity.
- The property that is the subject of the proposed amendment is not located within an area of critical State concern.
- **Staff finds that the proposed amendment meets the above criteria.**

Site-specific Conditions

This area of Gulf Bay Road contains a mix of commercial and residential land uses and zoning. The area along Gulf Bay Road from Gulf of Mexico Drive to the property's easterly property boundary is designated as the Limited Commercial (CL) Future Land use classification, while further to the east are Medium Density SF/Mixed Residential, 4 dwelling units per acre (RM-4) designated properties. Existing land uses in this area consist of the Grant's Garden Landscape operation (subject property), a Town utility facility to the North of the subject property, Town park, fire and safety services to the South, a restaurant, office building, and vacant commercial property to the West, and to the East, single family and two-family dwellings and vacant residential properties.

Future Development Opportunities

As provided by the Applicant, future plans for the property indicate a proposed redevelopment of the site with a newly constructed office building with updated parking and landscaping. The application states that the redevelopment of the site will include a newly constructed 2,254 square foot office building, 14 parking spaces, including 2 handicap spaces and sufficient landscaping to create, maintain and enhance the environment of the area.

In addition to the Applicant's request to bring the property into conformance with the Future Land Use of the Town, the Applicant has also filed to rezone the property to the C-2 Zoning District, which is the implementing zoning for the CG Future Land Use classification. Upon approval of these, and subsequent applications for the parcel, the property owner is proposing to redevelop the site with a newly constructed building and updated facility for the continuing operation of the Grant's Garden Landscaping operation. These efforts are being put forth by the Applicant and may be found to further the goals and policies of the Comprehensive Plan in response to the economic needs of the community, while enhancing the visual and aesthetic character of the area and adjacent neighborhood.

Staff is of the opinion that the proposed amendment will maintain the character of the Town, have negligible impact on Town services and the environment, and be in harmony with the Town Code. The proposed change in Future Land Use may be found to be consistent with the Comprehensive Plan and would not be detrimental to the public health, safety, or welfare. The proposed commercial Future Land Use is in keeping with the character of the surrounding land uses and development and will help promote the visual and aesthetic character of the area via the subject site's proposed redevelopment.

Planning and Zoning Board Recommendation

The Planning & Zoning Board held a public hearing on October 15, 2019 and recommended Approval (3-2) of Ordinance 2019-11.

Staff Recommendation

Forward Ordinance 2019-11 to the December 2, 2019 Regular Meeting for second reading and public hearing.

Attachments

- A. Ordinance 2019-11 (Available in Town Clerk's office)
- B. PowerPoint Presentation (Available in Town Clerk's office)
- C. Applicant's Application (Available in Town Clerk's office)
- D. October 15, 2019 Planning & Zoning Board Minutes (Available in Town Clerk's Office)

End of Agenda Item