

## 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:** November 15, 2019

**MEETING DATE:** December 2, 2019

**SUBJECT:** Ordinance 2019-12, Amending the Zoning Map to Rezone 524 Bay Road

### **Recommended Action**

Adopt Ordinance 2019-12

### **Background**

The Town Commission held a first reading and public hearing of Ordinance 2019-12 at their November 4, 2019 Regular Meeting and forwarded it to the December 2, 2019 Regular Meeting for second reading and public hearing. The ordinance would change the zoning designation of property located at 524 Gulf Bay Road (known as Grant's Gardens) from Limited Commercial (C-1) to General Commercial (C-2) Zoning District. The Applicant is proposing this change in order to bring the property's existing and long-standing Landscaping and Lawn Services use into conformance with the both the Comprehensive Plan Future Land Use for the property and the corresponding implementing zoning designation. To accomplish this, the applicant has also filed a companion application to change the Future Land Use for the property from the Limited Commercial (CL) to General Commercial (CG) designation.

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, and has not been, allowed in the existing C-1 Zoning District. With the recent update of the Town Zoning Code, it has become 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 Zoning 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 "the purpose of these amendments is to improve the property with a newly constructed 2,254 SF office building while enacting a seamless transition towards the surrounding residential units." 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.

## **Staff Assessment**

### *Consistency with the Comprehensive Plan*

Changing the zoning of the subject property to General Commercial (C-2) Zoning District would be consistent with the General Commercial (CG) Comprehensive Plan Future Land Use designation that is the subject of the Applicant's jointly accompanying application. The proposed amendment can be found to maintain the character of the Town, have negligible impact on Town services and the environment, and be in harmony with the Town Code due to the continuation of a long-standing use with minimal indications of negative impacts from neighbors. 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.

Staff has recommended approval of the companion Comprehensive Plan amendment application and provides further narrative regarding its consistency with the Comprehensive Plan in that accompanying application.

### *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 completely commercial and (see maps included in the applicant's packet) and has the zoning of Limited Commercial (C-1), while residential properties the further to the East have the zoning of R-4SF, Single Family Medium Density Residential. Existing land uses in this area consist of the Grant's Garden Landscape operation (subject property), a Town utility facility located to the North of the subject property, Town park, fire and safety services facilities located to the South, a restaurant, office building, and vacant commercial property to the West, and to the East, single family and two-family dwelling and vacant residential properties.

As described by the agent, the property is, and has been, developed and operating as a Garden Center and Landscaping and Lawn Services in some form or another for over 30 years. The Applicant is seeking to establish the use in compliance with the Town's Zoning Code and is seeking to maintain the business in this location while improving the site. Plans are in the works for improving the site by constructing a new building that has better functionality and is aesthetically pleasing to the neighborhood.

A question arose during the P&Z Board public hearing regarding the operations at property that is also operated by Grant's Gardens located directly across the street from the subject property at 531 Gulf Bay Road. This property was the subject of Site Development Plan review and was approved for a parking structure by Town Commission by Resolution No. 86-13 with conditions (Resolution attached).

### *Future Development Opportunities*

As provided by the Applicant, future plans for the property include a redevelopment of the site with a newly constructed office building, and 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, 2 handicap spaces, and sufficient landscaping to create, maintain and enhance the environment of the area. The Public Works Director has indicated that subsequent re-development of the site can be developed in a manner that would improve/enhance operational efficiency to traffic flow and avoid staging work vehicles along Gulf Bay Road. This will help minimize traffic operational impacts to the surrounding area.

The Planning & Zoning Board held a public hearing on October 15, 2019 and motion to approve Failed (2-3) of Ordinance 2019-12.

**Staff Recommendation**

Adopt Ordinance 2019-12.

**Attachments**

- A. Ordinance 2019-12 (Available in Town Clerk's office)
- B. Resolution 86-13 (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**