

TOWN BOARD: TOWN OF STONY POINT

In the Matter of the Application of

PETITION

TRACTOR SUPPLY COMPANY

For a Text Amendment Affecting the BU Zoning District

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TO THE HONORABLE TOWN BOARD OF THE TOWN OF STONY POINT

1. Tractor Supply Company (“TSC”) is a large chain of retail stores, selling everything from pet supplies to hardware to toys to landscaping and gardening equipment. It is publicly traded on the NASDAQ exchange. TSC has a presence in 48 of the 50 states, and in Canada. It now wishes to open a store in Stony Point.
2. The proposed location is in the Aldi Supermarket shopping center on South Liberty Drive (U.S. Route 9W), at the intersection of Filor’s Lane. The location is in a BU (Business) District. The store would fall under the zoning category of “local convenience commercial use”, which is permitted as of right in the BU District. The property is managed by Gator Stony Point, LLC, a unit of Gator Investments, LLC.
3. Because of the type of goods sold at TSC stores, an area is needed for outdoor sales and storage. This area would typically hold merchandise such as tractors, trailers, and large bags of materials (soil, landscaping materials, etc.) that does not fit inside the store.
4. Unfortunately, the current Zoning Code prohibits such outdoor sales and storage areas. Under the Code, all sales and storage in the BU district must be indoors.

5. For this reason, TSC hereby seeks an amendment to the Code. This amendment would allow outdoor sales and storage for local convenience commercial uses under controls established on a case-by-case basis by the Planning Board.
6. The proposed amendments are attached as Exhibit A, and described below:<sup>1</sup>

- a. ***Amend Table of General Use Requirements, Part II: BU District***

*Add to Column E (Accessory Uses Permitted by Right):*

9. Accessory to local convenience commercial uses, only: outdoor retail sales and storage of retail goods to be delivered to customers on the premises, provided such sales and storage are confined to areas designated on an approved site development plan.

The purpose of this amendment is to allow outdoor sales and storage for retail purposes, but only in the BU district, and only for local convenience commercial uses. Because of the way the term “local convenience commercial” is defined in the Code, outdoor sales and storage would not be allowed for such stand-alone uses as gas stations, gyms, car washes, auto repair or auto body shops, or hotels, even if these uses are located in the BU district. In addition, the location(s) and dimensions of the outdoor sales and storage areas will be controlled by the Planning Board as part of the site plan or amended site plan approval process. Last, only *retail* sales and storage are permitted, so wholesalers would still be required to keep their goods indoors.

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<sup>1</sup>Deleted language is in [brackets]; new language is underscored.

**b. Amend Table of General Use Requirements, Part II: BU District**

*Add to Column F (Minimum Off-Street Parking Spaces):*

<u>11. Accessory outdoor retail</u>	<u>1 per 200 square feet of area shown on site</u>
<u>sales and storage</u>	<u>plan</u>

This provision adds a parking requirement for outdoor retail sales and storage areas at a ratio equal to that for indoor retail sales.

**c. Amend Table of General Use Requirements, Part II: BU District**

*Amend Column G (Additional Use Requirements), #2, as follows:*

*2. [All retail sales and service establishments and accessory storage of goods shall be within completely enclosed buildings.] No production of goods is permitted and all processing and servicing of goods shall be limited to 50% of the floor area and in no event more than 1,000 square feet.*

The deletion of the first sentence of this provision is to remove the apparent conflict with the new text proposed above. It has no impact on Column E, #4, which would continue to require retail sales and storage for all uses other than local convenience commercial uses to be indoors.

**d. Amend § 215-23 Front yard exceptions**

*Add:*

*D. The Planning Board may permit, as an accessory to a local convenience commercial use, outdoor sales and storage of retail goods within a required front*

yard, subject to fencing, security, sight distance, landscaping or other factors as the Planning Board deems appropriate. In the context of addressing such concerns, the Planning Board may waive other dimensional requirements of this Code upon good cause shown.

This amendment grants the retailer and the Planning Board flexibility in the placement of the outdoor sales and storage areas, and also gives the Planning Board flexibility in dealing with issues that may arise from the placement of such areas within required front yards.

7. TSC believes that these amendments would enhance the business environment of the Town of Stony Point, by allowing retailers to adapt to changing trends in marketing and to also offer differing goods for sale. By the same token, the amendments place the Planning Board in control of the placement of outdoor sales and storage areas to insure that such areas are safe, do not impede traffic circulation or emergency vehicles, and are aesthetically pleasing. WHEREFORE, Gator Stony Point, LLC, on behalf of TSC, respectfully asks that the Zoning Code of the Town of Stony Point be amended as set forth in Exhibit A hereto.

Dated: May      , 2014  
North Miami Beach, Florida

Gator Stony Point, LLC

By: \_\_\_\_\_

LLC VERIFICATION

STATE OF FLORIDA        )  
  ) ss.:  
COUNTY OF MIAMI-DADE)

\_\_\_\_\_, being duly sworn, deposes and says:

I am the \_\_\_\_\_ of Gator Stony Point, LLC, a limited liability company, the Petitioner herein. I have read the annexed Petition, know the contents thereof, and the same are true to the best of my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon information contained in the books and records of the company.

\_\_\_\_\_

Sworn to before me this  
day of May, 2014

\_\_\_\_\_  
Notary Public

TRACTOR SUPPLY COMPANY

EXHIBIT A

PROPOSED TEXT AMENDMENTS  
TOWN OF STONY POINT ZONING CODE

***Amend Table of General Use Requirements***

***Part II: BU District***

Add to Column E (Accessory Uses Permitted by Right):

9. Accessory to local convenience commercial uses, only: outdoor retail sales and storage of retail goods to be delivered to customers on the premises, provided such sales and storage are confined to areas designated on an approved site development plan.

Add to Column F (Minimum Off-Street Parking Spaces):

11. Accessory outdoor retail  
sales and storage

1 per 200 square feet of area shown on site  
plan

Amend Column G (Additional Use Requirements), #2, as follows:

2. [All retail sales and service establishments and accessory storage of goods shall be within completely enclosed buildings.] No production of goods is permitted and all processing and servicing of goods shall be limited to 50% of the floor area and in no event more than 1,000 square feet.

***Amend § 215-23 Front yard exceptions***

Add:

D. The Planning Board may permit, as an accessory to a local convenience commercial use, outdoor sales and storage of retail goods within a required front yard, subject to fencing, security, sight distance, landscaping or other factors as the Planning Board deems appropriate. In the context of addressing such concerns, the Planning Board may waive other dimensional requirements of this Code upon good cause shown.

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Language in [brackets] to be deleted. New language is underscored.