



LOCAL PLANNING AGENCY (LPA) STAFF REPORT

Case Number: ZON-23-01

LPA Public Hearing: May 10, 2023

Applicant: La Mirage Beauty Salon, Inc.

Representative: Todd Pressman,
Pressman & Associates

Subject Property: Approximately 3.3 acres located at 3720 and 3730 Tampa Road in Palm Harbor.

Parcel ID(s): 08/28/16/47437/000/0010 & 0020



REQUEST:

A Zoning Atlas amendment from GO, General Office to E-2, Employment-2, with a Development Agreement allowing up to 23,314 square feet of building area for the uses permitted in the E-2 zone, except those specifically prohibited by the Development Agreement, at a building height as allowed by the E-2 zone and terminating a 2014 deed restriction that limits building area to 14,690 square feet. No specific use is proposed.

LOCAL PLANNING AGENCY (LPA) RECOMMENDATION:

The LPA finds the proposed Zoning Atlas amendment **inconsistent** with the Pinellas County Comprehensive Plan and recommends **denial** by the Board of County Commissioners.
(The vote was 6-1, in favor of denial)

Development Review Committee (DRC) STAFF RECOMMENDATION:

- **Staff recommends** that the LPA find the proposed Zoning Atlas amendment **inconsistent** with the Pinellas County Comprehensive Plan, based on this report.
- **Staff further recommends** that the LPA recommend **denial** of the proposed Zoning Atlas amendment to the Pinellas County Board of County Commissioners.

SUMMARY REPORT

The DRC reviewed this application on April 10, 2023. The DRC Staff summary discussion and analysis follows:

The subject property consists of the upland portion of two adjacent parcels that totals approximately 3.3 acres located at 3720 and 3730 Tampa Road in Palm Harbor, which is on the south side of the roadway west of McMullen Booth Road. The parcels are currently home to a beauty salon and an office. They were originally developed as a church and were part of a larger 1980s era master planned development that included part of the surrounding residential area. As part of the master plan, 76 percent of the development rights were transferred off the subject property. As a result, only 24 percent of the otherwise maximum development potential is available. Under the current GO (General Office) zoning district only nonresidential uses are allowed. The maximum development potential for nonresidential uses is based on the floor area ratio (FAR) allowed by the Future Land Use Map (FLUM) category. The existing Residential/Office General (R/OG) land use category allows a maximum FAR of 0.50. At 3.3 acres, this would equate to a maximum of 17,250 square feet of building area on the subject property, however this is further limited to a maximum of 14,690 square feet by a deed restriction recorded in 2014 as part of a Development Agreement approved by the Board of County Commissioners (the R/OG category had a lower maximum FAR at the time). The applicant wishes to have the ability to construct additional building square footage, which would require a FLUM amendment to a category that allows a higher FAR as well as the termination of the 2014 deed restrictions. They also want to have a broader range of potential uses. To facilitate this, a zoning amendment to E-2, Employment-2, is proposed along with a new Development Agreement that would terminate the 2014 deed restriction, set an increased development area maximum, and prohibit certain uses otherwise allowed by the E-2 district.

The increased building area maximum being requested is based on the companion FLUM amendment case (case # FLU-23-01), which proposes a change from R/OG to Employment. If approved, the change would increase the maximum FAR from 0.50 to 0.65. This would allow up to 23,314 square feet of building area at a building height of up to 75 feet. Importantly, no specific future use is proposed and there is no concept plan associated with the Development Agreement. The applicant has, however, proposed to prohibit the following uses normally allowed by right within the E-2 zoning district: Contractor's Yard and Building, Freight Trucking, Manufacturing – Light, Assembly and Processing Type A and Type B, Manufacturing – Heavy, Outdoor Storage Principle Use, Recycling Center, Vehicle Towing, Vehicle Fuel/Gasoline Station, Vehicle Storage/Maintenance/Repair, Adult Use/Adult Use Establishment/Adult Use Business, Shooting Range/Gun Club (Indoor and Outdoor), and Office Temporary Labor (Day Labor). Several uses would still be allowed that are not currently available under the GO district, including alcoholic beverage production, car wash, fitness center, kennel, outdoor sales, retail, self-storage, warehouse, wholesale, commercial recreation, commercial agriculture, and plant nursery.

Surrounding Uses and Zoning Designations

As mentioned previously, the subject property is the upland portion of two parcels fronting the south side of Tampa Road. Environmentally sensitive wetlands and conservation easements border much of the amendment area, beyond which is residential development to the south, east and west. Additional residential properties are located to the north across Tampa Road. In terms of zoning, the wetlands are designated PC, Preservation/Conservation and the surrounding residential area is zoned RPD, Residential Planned Development. Notably, Tampa Road in this location is a designated Scenic/Non-Commercial Corridor (SNCC) per the Pinellas County Comprehensive Plan. It is the intent of the Plan that land uses along SNCCs be managed to preserve the scenic nature and traffic capacity of the roadways. To that end, low density residential in the range of 0 – 5 units per acre is the preferred land use along designated SNCCs. If low density residential is determined to be untenable, nonresidential FLUM categories may be applied if they are compatible with surrounding categories and the existing land use pattern and if the density/intensity of the proposed category is consistent with Comprehensive Plan policy. Based on these criteria, it is reasonable to conclude that the proposed zoning change and Development Agreement is inappropriate. The subject property is surrounded by environmentally sensitive areas and residential uses. While there are office and retail uses along certain portions of Tampa Road, they are located within mixed use nodes centered on major road intersections. There are no other E-2 zoned properties or Employment land use categories anywhere near the subject property.

Past Zoning Cases on the Subject Property

As noted earlier, the subject property was once part of a master planned development and was zoned RPD. In 1999, the former owners successfully changed the zoning to P-1A (Limited Office) and the former church buildings were utilized for lower intensity nonresidential uses. The zoning change included a Development Agreement that the maximum buildable area to 10,454 square feet. Fifteen years later in 2014 the zoning was changed again to P-1 (General Office) to allow somewhat more intense uses along with an updated Development Agreement that set the parameters of the deed restriction that are still in effect today. If approved, this current case would be the third time the use intensity is increased on the subject property.

Flood Risk

The subject property has a low flood risk and is not within the Coastal High Hazard Area or Coastal Storm Area, however it is bordered by environmentally sensitive wetlands and conservation easements.

Conclusion

The DRC is of the opinion that the proposed E-2 zoning and companion Development Agreement are inappropriate based on the subject property's location along a Scenic/Non-Commercial Corridor and the surrounding environmental and residential uses. The existing zoning and deed restriction provide opportunities for reasonable uses of the land that are more appropriate with its locational characteristics. The DRC also finds that the request is inconsistent with the Pinellas County Comprehensive Plan based on the findings of this report.

SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning District	Existing Use
Subject Property:	Residential/Office General	GO	Beauty Salon and Office
Adjacent Properties:			
North	Residential Low and Preservation	RPD	Single Family Attached
East	Residential Urban	RPD	Apartments
South	Residential Urban	RPD	Apartments
West	Residential Low and Preservation	RPD	Apartments

IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

Staff finds that the proposed amendment is consistent with the following adopted goals, objectives, and policies of the Pinellas County Comprehensive Plan:

FUTURE LAND USE ELEMENT

Strategy 4.1.1.4 Utilize the Land Development Code to restrict the impact of industrial development upon surrounding land uses and the natural environment.

Objective 5.3 Enhance aesthetics along key roadway corridors throughout the County.

- Policy 5.3.2 Manage land uses along Scenic Non-Commercial Corridors to preserve their scenic nature and traffic capacity.
- Strategy 5.3.2.1 Utilize the Land Development Code to manage land uses, development form, and other standards along designated Scenic Non-Commercial Corridors (SNCC).
- Strategy 5.3.2.2 Low-density residential development in the range of 0-5 units per acre will be the preferred land use along designated SNCCs.
- Strategy 5.3.2.3 If a low-density residential use is determined to be untenable, nonresidential Future Land Use Map (FLUM) categories may be applied if:
- The proposed category is compatible with surrounding Countywide Rules provisions for SNCCs, FLUM categories, and the existing land use pattern.
 - The density/intensity of the proposed category is consistent with the intent of this policy.

COUNTY DEVELOPMENT REGULATIONS

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

PROPOSED BCC HEARING DATE: July 18, 2023

CORRESPONDENCE RECEIVED TO DATE: For the May 10, 2023, LPA hearing: There has been no correspondence received.

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING: No one from the public appeared.

ATTACHMENTS: (Maps)