

LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the
BOARD OF COUNTY COMMISSIONERS



Regarding: Case No. Z/LU-12-5-16

LPA Recommendation: The LPA finds that the proposed amendments are not consistent with the Pinellas County Comprehensive Plan, and recommends Denial. (The vote was 5-0, to recommend denial of the request).

LPA Public Hearings: September 15, 2016, July 14, 2016 & June 9, 2016

PLANNING STAFF RECOMMENDATION:

- **Staff recommends** that the LPA find that the proposed amendments to the Pinellas County Future Land Use Map (FLUM) and Zoning Atlas are inconsistent with the Pinellas County Comprehensive Plan based on the findings in this report; and
- **Staff further recommends** that the LPA recommend denial of the proposed FLUM and Zoning Atlas amendments to the Pinellas County Board of County Commissioners.

CASE SUMMARY

APPLICANT'S NAME: Martin Rosato
DISCLOSURE: Existing Contract: Dr. Michael Pikos
REPRESENTED BY: Cynthia Tarapani

	LAND USE CHANGE	ZONING CHANGE
FROM:	Recreation/Open Space	A-E, Agricultural Estate Residential
TO:	Institutional	PSP-CO, Public/Semi-Public-Conditional Overlay
Conditional Overlay limiting the use of the property to a medical clinic with a 0.2 floor area ratio (FAR)		

PROPERTY DESCRIPTION:

Approximately 2 acres located on the east side of McMullen Booth Road approximately 700 feet north of Curlew Road in Palm Harbor.

PARCEL ID(S): 16/28/16/00000/240/0140

PROPOSED BCC HEARING DATE: October 25, 2016

CORRESPONDENCE RECEIVED TO DATE:

September 15, 2016 – A petition with 119 signatures was received in opposition.

July 14, 2016 Meeting – Six additional letters received in opposition.

June 9, 2016 Meeting - A petition with 95 signatures was received in opposition. One letter received with concerns. Eighteen letters received in opposition.

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

September 15, 2016 Meeting – One person appeared in opposition.

July 14, 2016 Meeting – One person appeared in opposition of the continuance.

June 9, 2015 Meeting - One person appeared in opposition of the continuance.

SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
Subject Property:	Recreation/Open Space	A-E	Vacant
Adjacent Properties:			
North	Recreation/Open Space	A-E	Water Control Structure and Caretaker Building
East	Recreation/Open Space	A-E	Lake Tarpon Outfall Canal
South	Recreation/Open Space	A-E	Retention Pond
West	Residential Urban	RPD-5	Multifamily Residential

PLANNING REVIEW COMMITTEE:

The Planning Review Committee (PRC) reviewed this application on August 8, 2016. The PRC Staff summary discussion and analysis follows:

PRC STAFF DISCUSSION AND ANALYSIS

BACKGROUND AND COMPATIBILITY WITH SURROUNDING LAND USES

The subject property consists of a vacant two-acre parcel with frontage along the east side of McMullen Booth Road, approximately 700 feet north of Curlew Road. The site lies along a 0.6-mile stretch of contiguous Recreation/Open Space designated land between Curlew Road and the access ramp to Tampa Road. The Lake Tarpon Outfall Canal is to the east of the site, the Canal’s water control structure, owned and operated by the Southwest Florida Water Management District (SWFWMD), is to north, a County-owned stormwater retention pond is to the south, and a multifamily residential development (Landmark Oaks) is to the west across McMullen Booth Road. The water control facility and its associated building are the only structures that currently exist on the east side of McMullen Booth Road between Curlew Road and Tampa Road. The rest of the area consists of stormwater ponds and undeveloped open space.

The proposed use is a medical clinic, specifically the new location for Coastal Jaw Surgery, which is currently located off Tampa Road near US-19. The dental practice is under contract to purchase the subject property from the applicant in the event the requested amendments are granted. To facilitate this use, the applicant is requesting a Future Land Use Map (FLUM) amendment from Recreation/Open Space (R/OS) to Institutional (I) and a Zoning Atlas Amendment from A-E, Agricultural Estate Residential to PSP-CO, Public/Semi-Public with a Conditional Overlay limiting the use of the property to a medical clinic with a maximum 0.2 floor area ratio (FAR).

The subject area was formerly owned by Pinellas County. In 2005, the County swapped ownership of the property with the SWFWMD for a separate site located about 1,000 feet to the northeast. The County had proposed a water tower associated with the reclaimed water system on the subject property, but elected to swap the site with the SWFWMD due to public opposition to the tower from the residential community to the west. The County subsequently built the water tower on the site it obtained in the land swap with the SWFWMD. In 2014, the SWFWMD declared the subject area as surplus property and sold it to the current property owner.

While it is viable as contributing open space, the size and configuration of the subject property arguably make it difficult to establish a viable privately-owned recreation-based use. The property was designated as R/OS on the FLUM when it was sold to its current owner in 2014, and the only development rights currently in place are those permitted under the R/OS category. The Pinellas County Comprehensive Plan clearly encourages the retention of non-dedicated (privately-owned) recreation/open space land. While the requested PSP-CO zoning district is fairly restrictive in terms of permitted development intensity due to the proposed 0.2 FAR associated with the conditional overlay (without this restriction the PSP district would permit up to a 0.65 FAR), it could still permit up to a 17,424 square foot medical clinic building based on the subject property's two-acre size. This would be a stark contrast to the vacant green space that exists now. It is possible that site constraints may limit the building to a smaller size. For example, a 17,424 square foot medical office building would require 85 parking spaces and a certain amount of onsite stormwater retention. There are also other potential safety issues (e.g. traffic and access) and site planning constraints on this property that may impact the potential buildout, but those issues cannot be vetted because a concept plan is not required for a land use change or re-zoning application and the applicant is unwilling to prepare one. It is worth noting that the subject property rises rather steeply from west to east due to clay-based fill material placed on the site some years ago. Effectively dealing with the elevation changes and the fill material will create additional unknowns regarding the cost and overall development potential of the site.

TRANSPORTATION AND INFRASTRUCTURE IMPACTS

Transportation

Comparing the current development potential of the subject site with the potential use associated with the requested Institutional FLUM category as restricted by the proposed conditional overlay, a future medical clinic could generate approximately 455 additional average daily trips (AADT) on McMullen Booth Road. In this location, the roadway is operating at a peak hour level of service (LOS) B with a volume-to-capacity ratio (V/CR) of 0.44. The section of McMullen Booth Road (SR 611) between Curlew Road and Tampa Road is the only portion of the roadway between Keystone Road to the north and the Gulf-to-Bay Boulevard to the south that is not considered Deficient by the Pinellas County Land Development Code. This is largely due to the lack of development along this stretch of road. The 455 potential additional average daily trips are not expected to significantly impact the carrying capacity of McMullen Booth Road, as it represents a small percentage of the overall traffic volume on the roadway (47,984 AADT as of 2015). The site is, however, located within a half-mile of portions of the McMullen Booth Road corridor that are considered Deficient. Because of this, any site development would be subject to mobility mitigation requirements.

A potentially greater concern than the increase in the number of trips generated by the proposed use is the subject property's interaction with the current configuration of McMullen Booth Road. A northbound merge lane from Curlew Road to the south ends near the southern boundary of the site. Because a detailed traffic impact analysis has not been conducted, it is unknown whether the merge lane should be extended north beyond the entrance to the site. It is also unknown whether a southbound left turn lane will be feasible, and, if so, how long it should be to provide adequate queuing space for turning vehicles. There is currently a median opening across from the northern end of the subject property that provides a northbound left turn into the residential development to the west. Whether this median cut could be utilized to provide southbound traffic with access to the subject property is unclear. The posted speed limit is 50 miles per hour on this stretch of McMullen Booth Road, which adds to the complexity of ensuring that safety is maintained on the roadway. These unknowns may have considerable cost

ramifications that could make the site less enticing for development. It is staff's position that the site developer should address roadway improvements necessitated by the site's development. The best way to ensure this occurs is via the conditions and stipulations included with a development agreement. Because the applicant has not provided a concept plan nor detailed traffic impact analysis, the parameters of such an agreement cannot be determined. The applicant has elected not to pursue the development agreement option, instead electing to move forward with a conditional overlay limiting the use of the property to a medical clinic with a 0.2 FAR.

The conditional overlay as proposed provides certainty as to the specific type of use that can occur on the site, but it does not cover the range of specific conditions that can be addressed via a development agreement. In addition to covering the traffic and access related issues, a development agreement could also stipulate the property revert back to its current R/OS designation in the event the site is not developed within a certain timeframe and/or if the financial obligations required to construct a safe roadway condition prove insurmountable.

A potential alternative to a development agreement that could make development of the site more predictable is utilizing the conditional overlay to reduce the maximum allowable development intensity below that which is being proposed by the applicant. The proposed conditional overlay would restrict the site to a maximum 0.2 FAR, which as previously mentioned would allow up to 17,424 square feet of structural development. A reduction to 0.1 FAR, for example, would limit the future building capacity to 8,712 square feet. This would in turn reduce parking requirements, lower the traffic impacts to McMullen Booth Road, and provide greater assurance as to what could be built on the site. The applicant declined to pursue this option due to concerns that it would be too limiting.

Other Infrastructure

The subject area is located within Pinellas County's Potable Water and Sewer Demand Service Area. Amending the subject area from R/OS to Institutional as proposed could increase potable water and wastewater demand by approximately 42,448 gallons per day, respectively when compared to the vacant land in place today. This increase is not expected to significantly impact level of service conditions. With respect to solid waste disposal, approval of the amendment could increase the amount of solid waste generated by approximately 47 tons per year.

OTHER CONSIDERATIONS

McMullen Booth Road is a designated Scenic/Non-Commercial Corridor (SNCC) as recognized by the Pinellas County Comprehensive Plan. Development other than low density residential is typically not preferred along SNCCs. During recent months the Board of County Commissioners on three occasions amended the land use and zoning on properties fronting the McMullen Booth Road/East Lake Road corridor to Institutional, following staff and Local Planning Agency recommendations of approval. None of these properties, however, were amended from R/OS, and all of them involved the development of assisted living facilities, which are low-impact residential-based uses. Any future development of the subject property will be subject to additional landscaping requirements as necessitated by SNCC standards.

SUMMARY

The proposed Institutional FLUM category and PSP-CO zoning district are inappropriate for the subject property based on the findings of this report. The restrictions proposed under the conditional overlay will limit the use of the site to a medical clinic, however other important development-related concerns remain unaddressed. The potential impacts to the operational characteristics of McMullen Booth Road are unclear. An extension of the northbound merge lane off of Curlew Road may be warranted and it is unknown whether a southbound left turn lane is feasible, and if so how long it should be. A development agreement could address needed roadway improvements, but the applicant has elected not to pursue that option based on higher upfront costs associated with the development of a concept plan and detailed traffic analysis.

The Comprehensive Plan explicitly encourages the retention of recreation/open space land uses. Development of the site would disrupt a 0.6-mile stretch of uninterrupted recreation/open space designated land that is a rarity along the McMullen Booth Road corridor. The limited development parameters of the R/OS FLUM category were in place on the property when it was purchased by the applicant in 2014, with no guarantee of their future amendment.

The site is attractive to the potential buyer of the property as a future business location because it is within relatively close proximity to the existing business location and its client base, and the site provides a rare opportunity to develop vacant land in Pinellas County from the ground up. There are other opportunities, however, to redevelop underutilized sites in northern Pinellas County without the need for land use and zoning amendments. Doing so would provide for the betterment of an existing site while preserving an increasingly rare open space resource. It is staff's conclusion that there are no compelling reasons nor overarching public benefit to justify granting the requested amendments.

Due to the reasons described in this report, including the loss of R/OS-designated land along a Scenic/Non-Commercial Corridor and the precedence it might set, as well as the unknowns regarding the overall developability of the subject site and its potential impacts on McMullen Booth Road, staff recommends denial of the proposed land use and zoning amendments.

**IMPLEMENTATION OF
THE PINELLAS COUNTY COMPREHENSIVE PLAN**

Staff finds that the proposed amendments are inconsistent with the following adopted principal, objectives and policies of the Pinellas County Comprehensive Plan.

FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT

GOAL ONE: THE PATTERN OF LAND USE IN PINELLAS COUNTY SHALL PROVIDE A VARIETY OF URBAN ENVIRONMENTS TO MEET THE NEEDS OF A DIVERSE POPULATION AND THE LOCAL ECONOMY, CONSERVE AND LIMIT DEMANDS ON NATURAL AND ECONOMIC RESOURCES TO ENSURE SUSTAINABLE BUILT AND NATURAL ENVIRONMENTS, BE IN THE OVERALL PUBLIC INTEREST, AND EFFECTIVELY SERVE THE COMMUNITY AND ENVIRONMENTAL NEEDS OF THE POPULATION.

1.2.3. Policy: Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area.

1.10.1 Policy: Land uses along dedicated scenic/non-commercial corridors shall be managed to protect the traffic carrying capacity and the scenic nature of these developments.

RECREATION, OPEN SPACE AND CULTURE ELEMENT

Objective 1.4: Pinellas County will protect its open spaces and scenic vistas for their contributions to quality of life.

Objective 1.5: In recognition of the limited amount of available open space remaining within the County, Pinellas County shall prohibit to conversion of dedicated recreation/open space land uses, and encourage the retention of non-dedicated recreation/open space land uses.

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.

Attachment (Maps)