



## LOCAL PLANNING AGENCY (LPA) STAFF REPORT

**Case Number:** ZON-23-01

**LPA Public Hearing:** May 10, 2023  
November 8, 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 GI, General Institutional, with a Development Agreement allowing up to 23,314 square feet of building area for the uses permitted in the GI zone at a building height as allowed by the GI zone and terminating a 2014 deed restriction that limits building area to 14,690 square feet. No specific use is proposed.

This is an amended request from what the LPA heard on May 10, 2023.

### **LOCAL PLANNING AGENCY (LPA) RECOMMENDATION:**

On May 10, 2023, the LPA found the proposed Zoning Atlas amendment to E-2, Employment-2, and the associated Development Agreement **inconsistent** with the Pinellas County Comprehensive Plan and recommended **denial** to the Board of County Commissioners. (Vote 6-1)

On November 8, 2023, the LPA found the proposed Zoning Atlas amendment to GI, General Institutional and the associated Development Agreement **consistent** with the Pinellas County Comprehensive Plan and recommended **approval** to the Board of County Commissioners (Vote 7-0)

### **Development Review Committee (DRC) STAFF RECOMMENDATION:**

- **Staff recommends** that the LPA find the proposed Zoning Atlas amendment to GI, General Institutional, and the associated Development Agreement and deed restriction termination **consistent** with the Pinellas County Comprehensive Plan, based on this report and subject to the Future Land Use Map amendment in case # FLU-23-01.
- **Staff further recommends** that the LPA recommend **approval** of the proposed Zoning Atlas amendment and associated Development Agreement and deed restriction termination to the Pinellas County Board of County Commissioners.

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## **SUMMARY REPORT**

The DRC reviewed the original application on April 10, 2023, and the amended request on October 9, 2023. The DRC Staff summary discussion and analysis follows:

### **Case History**

The LPA originally heard this case on May 10, 2023. The request at that time included a zoning amendment from GO, General Office, to E-2, Employment-2, as well as an associated Development Agreement and deed termination. Staff did not support that request for various reasons, including the subject property's location on a Scenic/Non-Commercial Corridor (SNCC) and the potential impacts that a much broader range of possible nonresidential uses posed on the surrounding residential and environmentally sensitive areas. The LPA agreed and by a 6-1 vote recommended denial to the Board of County Commissioners. On July 18, 2023, the Board of County Commissioners continued the case to provide the applicant the opportunity to amend the request to something more appropriate for the subject property's location. That amended request is now before the LPA.

### **Subject Property**

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 restriction. To facilitate this, a zoning amendment to GI, General Institutional, is proposed along with a new Development Agreement that would terminate the 2014 deed restriction and set an increased development area maximum for uses that are allowed by the GI district. The recording of a new deed restriction reflecting the increased maximum building area will be required during the site plan review/permitting process of any new development.

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 Institutional. 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 50 feet. No specific future use is proposed and there is no concept plan associated with the Development Agreement. The proposed GI district allows institutional type uses such as assisted living facilities and nursing homes, medical offices and clinics, community service and fraternal clubs, museums and cultural facilities, parks and recreation areas, cemeteries, day care facilities, government uses, libraries, meeting halls and places of worship, schools, and certain utilities. Importantly, the existing uses on the site would become nonconforming if the zoning is changed but may continue until abandoned or removed.

### **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 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. Institutional uses are considered generally appropriate along SNCCs, and there are many such cases where they currently exist along them, including Tampa Road and the nearby McMullen Booth/East Lake Road corridor.

#### Past Zoning Cases on the Subject Property

As noted previously, 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 limited 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.

#### 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 finds that the proposed GI zoning and companion Development Agreement are appropriate based on the subject property's location along a SNCC and compatibility with the surrounding uses. The proposed Development Agreement will require a new deed restriction that will reflect the updated maximum building area limitation, which is 24 percent of what it otherwise normally would be under the proposed Institutional land use category. The DRC also finds that the request is consistent with the Pinellas County Comprehensive Plan based on the findings of this report.

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### **SURROUNDING ZONING AND LAND USE FACTS:**

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

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## **IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN**

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

### **FUTURE LAND USE ELEMENT**

Goal 1:	Provide a variety of land use character areas to meet the needs of a diverse population and support thriving, resilient, quality communities.
Objective 1.2	Maintain a Land Development Code that responds to the unique challenges of infill and (re)development within Unincorporated Pinellas County.
Policy 1.2.2	Consider creative regulatory solutions to support (re)development.
Strategy 2.4.1.5	Manage land use compatibility and building scale and character transitions between established residential neighborhoods and adjacent non-residential uses.
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 5.3.2.3	<p>If a low-density residential use is determined to be untenable, nonresidential Future Land Use Map (FLUM) categories may be applied if:</p> <ul style="list-style-type: none"> <li>• The proposed category is compatible with surrounding Countywide Rules provisions for SNCCs, FLUM categories, and the existing land use pattern.</li> <li>• The density/intensity of the proposed category is consistent with the intent of this policy.</li> </ul>

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## **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:** December 12, 2023

**CORRESPONDENCE RECEIVED TO DATE:** For the May 10, 2023, LPA hearing and the November 8, 2023, LPA hearing: There was no correspondence received.

**PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:** For the May 10, 2023, LPA hearing and the November 8, 2023, LPA hearing: No one from the public appeared.

**ATTACHMENTS: (Maps)**