



LOCAL PLANNING AGENCY (LPA) STAFF REPORT

Case Number: FLU-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 Future Land Use Map (FLUM) amendment from Residential/Office General (R/OG) to Employment (E) on approximately 3.3 acres located along the south side of Tampa Road, approximately one-quarter mile west of McMullen Booth Road in Palm Harbor. The subject property is currently developed with a beauty salon and an office.

LOCAL PLANNING AGENCY (LPA) RECOMMENDATION:

The LPA finds the proposed land use 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 land use amendment **inconsistent** with the Pinellas County Comprehensive Plan, based on this report.
- **Staff further recommends** that the LPA recommend **denial** of the proposed land use 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 (143,748 square feet x 0.5 FAR x 24% development rights remaining = 17,250 square feet). 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 desires 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 FLUM amendment to Employment (E) is proposed along with a companion application for a zoning amendment to E-2, Employment-2 (case ZON-23-01). Also proposed under a separate case is 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 proposed E-2 zoning district.

The proposed Employment (E) land use category includes a maximum FAR of 0.65. The Primary Uses identified in the Comprehensive Plan as consistent with the E category include Research/Development-Light, Research/Development-Heavy, Manufacturing-Medium, Manufacturing-Light, Wholesale/Distribution, and Storage/Warehouse (no self-storage). Secondary Uses identified include, but are not limited to Office, Accessory Retail Commercial, Personal Service/Office Support, Commercial/Business Service Support. The 'Purpose' of the Employment land use category as stated in the Comprehensive Plan is, *"...to depict those areas of the County that are now developed, or appropriate to be developed, with a broad range of employment uses; and so to encourage the reservation and use of areas for industrial use in a manner and location consistent with surrounding use, transportation facilities, and natural resource characteristics."*

It is important to note that the subject property is further and more specifically regulated by a development agreement and deed restriction. Therefore, regardless of the land use designation, there are additional limitations governing the property. In order to more fully utilize the available FAR and breadth of uses identified in the FLUM designation, such elements would require modification or removal. No specific future use is proposed at this time and there is no concept plan associated with the Development Agreement. The applicant has, however, proposed to prohibit certain uses through their companion Zoning Atlas amendment application (case ZON-23-01).

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 land use, the property is surrounded on the west, south and east by Residential Low, Preservation, and Residential Urban, respectively. To the north, across Tampa Road is Residential Low and Preservation. Another R/OG land use designation begins along Tampa Road approximately 650 feet east of the subject property and forms the southwest quadrant of the Tampa Road and McMullen Booth Road interchange. 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 land use change 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 Employment land use designations anywhere near 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 Employment land use amendment is inappropriate based on the subject property's location along a Scenic/Non-Commercial Corridor and the surrounding environmental and residential uses. The existing R/OG land use designation provides 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)