



## LOCAL PLANNING AGENCY (LPA) STAFF REPORT

**Case Number:** Z/LU-15-09-19

**LPA Public Hearing:** December 12, 2019

**Applicant:** McMullen Booth 2AC 3 2019 Trust/  
Martin J. Rosato, Trustee

**Representative:** E. D. Armstrong, Jr. and  
Cynthia Tarapani

**Subject Property:** Two acres on the east side of  
McMullen Booth Road, approximately 900 feet  
north of Curlew Road in Palm Harbor.

**PARCEL ID(S):** 16/28/16/00000/240/014



### **REQUEST:**

Future Land Use Map amendment from Recreation/Open Space (R/OS) to Institutional (I) and a Zoning Atlas amendment from R-A, Residential Agriculture to LI, Limited Institutional, along with a Development Agreement limiting the use to a 1-story medical office having a maximum size of 18,000 square feet and requiring additional development parameters involving site access, roadway improvements, buffering and building design.

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

The LPA finds that the proposed Future Land Use Map and Zoning Atlas amendments, with a Development Agreement, are consistent with the Pinellas County Comprehensive Plan and recommends approval of the proposed amendments. (The vote was 3-2, in favor).

### **PLANNING STAFF RECOMMENDATION:**

- **Staff recommends** that the LPA find the proposed amendments to the Pinellas County Future Land Use Map (FLUM) and Zoning Atlas, and Development Agreement, **consistent** with the Pinellas County Comprehensive Plan, based on this report.
- **Staff further recommends** that the LPA recommend **approval** of the proposed FLUM and Zoning Atlas amendments, and Development Agreement, to the Pinellas County Board of County Commissioners.

## **SUMMARY REPORT**

The Development Review Committee (DRC) reviewed this application on August 12, 2019. The DRC Staff summary discussion and analysis follows:

### **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 mostly undeveloped 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 office, 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 R-A, Residential Agriculture to LI, Limited Institutional. A Development Agreement is also proposed, which would limit the use of the property to a 1-story medical office with a maximum size of 18,000 square feet, along with additional requirements involving site access, roadway safety improvements, buffering and building design.

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. Notably, at some point in the past fill debris from a road project was deposited on the site, which is why it is somewhat elevated in comparison to nearby properties.

The Pinellas County Comprehensive Plan clearly encourages the retention of non-dedicated (privately-owned) recreation/open space land, but it does not prohibit its change. The only development rights currently in place on the subject property are those permitted under the R/OS category. 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.

It is important to note that a similar request regarding the subject property was brought before the LPA in 2016. Like now, that past request involved a proposed dental office with the same owner and contract purchaser. The primary difference between the two requests is that the current one includes a Development Agreement. The 2016 request, which was not supported by staff and unanimously recommended for denial by the LPA, proposed to limit the use on site via a conditional overlay. While a conditional overlay can restrict uses and development

parameters such as height and setbacks, it cannot set requirements or obligations on non-zoning related items, such as site access and roadway improvements, which are two points of concern regarding the development of the subject property. The Development Agreement also includes a concept plan that adds more certainty to the proposed location of the building, parking areas, landscaping, site access, and so on. A conditional overlay cannot memorialize a concept plan.

## **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 development agreement, a future medical office could generate approximately 473 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 0.43. The section of McMullen Booth Road/East Lake 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. The 473 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. 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.

The subject property's interaction with the current configuration of McMullen Booth Road is also a transportation-related concern. A northbound merge lane from Curlew Road to the south ends near the southern boundary of the site. Also, it is a heavily traveled road with a posted speed limit of 50 miles per hour. To help counteract these potential issues, the Development Agreement requires the construction of a turn lane into the site at the subject property owner's expense, which will be restricted to right-in, right-out turning movements only. There is also concern regarding southbound left turns into the property. 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. This issue is also addressed by the Development Agreement, as it will require, at the subject property owner's expense, the construction of modifications and improvements to the existing median opening. These safety improvements involve median channelization that would eliminate southbound left turns into the subject property while allowing left turn movements to and from Landmark Boulevard on the west side of McMullen Booth Road. The channelization would also prevent left turns out of the subject property. All of these roadway improvements memorialized in the Development Agreement address staff's concerns regarding traffic flow impacts, which were one of the primary reasons staff did not support the 2016 request.

### 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 1,800 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 41.4 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, although certain nonresidential uses have been established. During recent years the Board of County Commissioners on at least 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. The proposed development agreement includes additional landscaping requirements along the road frontage, which is appropriate considering its SNCC status.

## SUMMARY

The proposed Institutional FLUM category and LI zoning district are appropriate for the subject property via the controls and requirements of the proposed Development Agreement. The Development Agreement will limit the use of the site to a one-story medical office, provide for enhanced landscaping along McMullen Booth Road with additional buffer width and more trees, and require site access enhancements that include a dedicated right turn lane, a site entrance designed for right-in and right-out turning movements only, and median modifications and improvements that prevent left turns into the subject property while allowing left turns into and out of the residential subdivision across the roadway to the west. The Development Agreement also includes a concept plan that depicts the proposed location of the building and general site layout. This is a significant improvement over the 2016 request that involved a conditional overlay that provided only limited assurances regarding site development and roadway operational impacts.

The Comprehensive Plan encourages the retention of privately-owned recreation/open space land uses; however, it does not prohibit its change, and the relatively small size of the subject property and its residential zoning limit potential use viability. Amendment of the site to Institutional would not set a precedent in the area because the other surrounding Recreation/Open Space designated properties are publicly-owned and utilized for a public purpose such as flood control and drainage retention. Additionally, the site is not environmentally pristine due to the large amounts of fill placed on it in years past. Importantly, the contract purchaser is committed to going above and beyond normal site development requirements per the Development Agreement. The proposed roadway enhancements in particular are significant and provide a public safety benefit. Due to these reasons and others described in this report, staff recommends approval of the proposed land use and zoning amendments, and the associated Development Agreement.

---

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

	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Existing Use</b>
<b>Subject Property:</b>	Recreation/Open Space	R-A	Vacant
<b>Adjacent Properties:</b>			
<b>North</b>	Recreation/Open Space	R-A	Water control structure
<b>East</b>	Recreation/Open Space	R-A	Lake Tarpon Outfall Canal
<b>South</b>	Recreation/Open Space	R-A	Retention Pond
<b>West</b>	Residential Urban	RPD	Multi-family Residential

---

## **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 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.

Objective 1.2 Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.

Policy 1.2.2 The Local Planning Agency (LPA) of the Board shall ensure that zoning provisions within the Land Development Code are in conformance with the density, intensity and other relevant standards contained within the Future Land Use and Quality Communities Element.

Policy 1.2.3 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.

Policy 1.2.5 The Board shall implement land development regulations that are compatible with the density, intensity and other relevant standards of those land use categories defined in the Future Land Use and Quality Communities Element.

### **TRANSPORTATION ELEMENT**

Policy 1.2.1: Pinellas County shall coordinate decisions on Future Land Use Map (FLUM) amendments with the mobility and safety needs of the principal modes of travel including bicycling, walking, transit and motor vehicles.

Objective 1.5 Pinellas County's transportation system should provide for safety and efficiency in the movement of people and goods.

### **ECONOMIC ELEMENT**

GOAL ONE: To facilitate a strong and robust local economy that provides growth opportunities for existing businesses, attracts new high-wage primary employers and promotes a diverse range of industries through innovative, sustainable methods that, in a responsible manner, enhance the County's vitality and the quality of life for residents and visitors.

The proposed amendment may conflict with the following adopted objectives and policies of the Pinellas County Comprehensive Plan:

#### **FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT**

- 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.

#### **TRANSPORTATION ELEMENT**

- Objective 1.3 Pinellas County shall enhance and protect scenic vistas on County road corridors.

---

#### **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:** January 28, 2020

**CORRESPONDENCE RECEIVED TO DATE:** A petition with 13 signatures and a letter received in favor. Two letters received in opposition. (Correspondence received at the hearing: A petition with 6 signatures in favor. A petition with 76 signatures in opposition.)

**PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:** Two persons appeared in favor. Two individual persons and One person representing Landmark Oaks HOA (a group of five) appeared in opposition.

**ATTACHMENTS: (Maps)**