



# Pinellas County

## Legislation Details (With Text)

**File #:** 23-0946A      **Version:** 1

**Type:** Zoning / Land Use and Related Item      **Status:** Held

**File created:** 6/7/2023      **In control:** Board of County Commissioners

**On agenda:** 7/18/2023      **Final action:** 7/18/2023

**Title:** Case No. FLU-23-01 (La Mirage Beauty Salon, Inc.)  
A request for a land use change from Residential/Office General to Employment on approximately 3.3 acres located at 3720 and 3730 Tampa Road in Palm Harbor. (Companion to Item No. 63)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. LPA Staff Report, 2. Case Maps, 3. Ordinance - approving, 4. Ordinance - denying, 5. Impact Assessment - May 2023, 6. Traffic Analysis - May 2023, 7. LegalAd, 8. LegalAdMap, 9. Owners Certification and Legal Description, 10. Survey, 11. Development Agreement, 12. Realtor Letter - correspondence, 13. Public Notice Map, 14. Presentation, 15. Electronic Affidavit of Publication, 16. Affidavit of Publication

Date	Ver.	Action By	Action	Result
7/18/2023	1	Board of County Commissioners	continued	Pass

**Subject:**

Case No. FLU-23-01 (La Mirage Beauty Salon, Inc.)  
A request for a land use change from Residential/Office General to Employment on approximately 3.3 acres located at 3720 and 3730 Tampa Road in Palm Harbor. (Companion to Item No. 63)

**Recommended Action:**

Based upon the evidence and findings contained in the staff report and attachments, Case No. FLU-23-01 is recommended for denial:

An ordinance approving the application of La Mirage Beauty Salon, Inc. for a change in land use from Residential/Office General (R/OG) to Employment (E).

- The applicant is seeking a land use amendment on the 3.3-acre upland portion of the properties located at 3720 and 3730 Tampa Road in Palm Harbor.
- This land use proposal (coupled with the companion zoning change proposal) would allow for larger buildings and a wider range of allowable nonresidential uses.
- The subject property is surrounded by environmentally sensitive areas and residential uses and is located along a designated Scenic/Non-Commercial Corridor.
- The applicant is also seeking a zoning change with an existing development agreement modification under a separate case number.
- The Local Planning Agency (LPA) recommended denial of the request based on staff's recommendation and the evidence presented in the LPA report (vote 6-1). No reason was given for the dissenting vote. No one from the public appeared in support or opposition and no public correspondence has been received.

## **Strategic Plan:**

Deliver First Class Services to the Public and our Customers

5.2 Be responsible stewards of the public's resources

## **Summary:**

The subject property consists of the upland portion of two (2) adjacent parcels that totals approximately 3.3 acres located on the south side of Tampa Road in Palm Harbor between US-19 and McMullen Booth Road. The parcels currently house 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 much of the surrounding residential area. As part of the master plan, 76.0 % of the development rights were transferred off the subject property. As a result, only 24.0% 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 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 24.0% 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 (Board) (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 E is proposed along with a companion application for a zoning amendment to Employment-2 (E-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 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 E land use category as stated in the Comprehensive Plan is, "...to depict those areas of Pinellas 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).

In terms of surrounding uses, 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 (RL), Preservation (P), and Residential Urban (RU), respectively. To the north, across Tampa Road is RL and P. 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 Preservation/Conservation (PC), and the surrounding residential area is zoned, Residential Planned Development (RPD).

Notably, Tampa Road in this location is a designated 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 E land use designations anywhere near the subject property.

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.

Staff finds that the proposed E land use amendment is inappropriate based on the subject property's location along a SNCC 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. Staff also finds that the request is inconsistent with the Pinellas County Comprehensive Plan based on the findings of this report.

**Background Information:**

The LPA recommended denial of the request during its May 10, 2023, public hearing (vote 6-1).

Surrounding property owners within 500 feet of the subject property were notified by mail. A sign advertising the public hearings was posted on the subject property.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Carol Stricklin, Director, Housing and Community Development

**Partners:**

N/A

**Attachments:**

LPA Report  
Case Maps  
Ordinance (x2)  
Impact Assessment  
Transportation Analysis  
Ownership Certification  
Legal Ad  
Legal Ad Map  
Survey and Legal Description  
Development Agreement  
Realtor Letter (correspondence)  
Public Notification Map  
Presentation