



# Pinellas County

## Legislation Details (With Text)

**File #:** 23-0887A **Version:** 1

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

**File created:** 5/30/2023 **In control:** Board of County Commissioners

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

**Title:** Case No. ZON-23-01 (La Mirage Beauty Salon, Inc.)  
A request for a zoning change from GO, General Office to E-2, Employment-2, with a Development Agreement allowing up to 23,314 square feet of building area for the uses permitted in the E-2 zone, except those specifically prohibited by the Development Agreement, at a building height as allowed by the E-2 zone and terminating a 2014 deed restriction that limits building area to 14,690 square feet, on approximately 3.3 acres located at 3720 and 3730 Tampa Road in Palm Harbor.(Quasi-Judicial) (Companion to Item No. 63)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. LPA Report, 2. Case Maps, 3. AATF - Approval Resolution, 4. Denial Resolution, 5. Development Agreement, 6. Realtor Letter, 7. Ownership Certification, 8. Legal Ad, 9. Legal Ad Map, 10. Notice Map, 11. Survey, 12. PowerPoint Presentation, 13. Electronic Affidavit of Publication, 14. Affidavit of Publication

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

### Subject:

Case No. ZON-23-01 (La Mirage Beauty Salon, Inc.)

A request for a zoning change from GO, General Office to E-2, Employment-2, with a Development Agreement allowing up to 23,314 square feet of building area for the uses permitted in the E-2 zone, except those specifically prohibited by the Development Agreement, at a building height as allowed by the E-2 zone and terminating a 2014 deed restriction that limits building area to 14,690 square feet, on approximately 3.3 acres located at 3720 and 3730 Tampa Road in Palm Harbor.(Quasi-Judicial) (Companion to Item No. 62)

### Recommended Action:

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

A resolution approving the application of La Mirage Beauty Salon, Inc for a change in zoning from General Office (GO) to Employment-2 (E-2) with a Development Agreement allowing up to 23,314 square feet of building area for the uses permitted in the E-2 zone, except those specifically prohibited by the Development Agreement, at a building height as allowed by the E-2 zone and terminating a 2014 deed restriction that limits building area to 14,690 square feet.

- The applicant is seeking a zoning change with a development agreement on the 3.3-acre upland portion of the properties located at 3720 and 3730 Tampa Road in Palm Harbor.
- The 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 land use change 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 % of the development rights were transferred off the subject property. As a result, only 24 % of the otherwise maximum development potential is available.

Under the current GO 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 based on the remaining development rights, however this is further limited to a maximum of 14,690 square feet by a deed restriction recorded in 2014 as part of an approved Development Agreement.

The applicant wishes to have the ability to construct additional building square footage, which would require a FLUM amendment to a land use category that allows a higher FAR as well as the termination of the 2014 deed restriction. A broader range of potential uses is also desired. To facilitate this, a zoning amendment to E-2, is proposed along with a new Development Agreement that would terminate the 2014 deed restriction, set an increased building area maximum, and prohibit certain uses otherwise allowed by the E-2 district. The requested increase in maximum building area is based on the companion FLUM amendment case (case # FLU-23-01), which proposes a change from R/OG to Employment (E). 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 75 feet.

While no specific future use is proposed and no concept plan is associated with the Development Agreement, the applicant is proposing to prohibit certain uses normally allowed within the E-2 zoning district, including contractor's yard, freight trucking, manufacturing, assembly and processing, outdoor storage, recycling center, gasoline station, vehicle towing/storage/maintenance/repair, adult use, shooting range/gun club, and day labor. Several uses could still be allowed that are not currently available under the GO district, such as alcohol production, fitness center, kennel, outdoor sales, retail, warehouse, and wholesale.

In terms of surrounding uses, conservation easements and wetlands border much of the subject property, beyond which is residential development to the south, east and west. Additional residential properties are located to the north across Tampa Road. The adjacent wetlands are zoned Preservation/Conservation (PC), and the surrounding residential area is zoned Residential Planned Development (RPD).

Importantly, Tampa Road in this location is a designated SNCC. The Pinellas County Comprehensive Plan intends 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 zero (0) to five (5) units per acre is the preferred land use along SNCCs. If low density residential is determined to be untenable, nonresidential FLUM categories may be applied if they are compatible with the surrounding area and if the density/intensity of the proposed category is consistent with Comprehensive Plan policy. Based on these criteria, staff feels that the proposed zoning change and Development Agreement are inappropriate. The subject property is surrounded by environmentally sensitive areas and residential uses. While there are office and retail use along certain portions of Tampa Road, they are located within mixed use nodes centered on major road intersections. There are no other E-2 zoned properties or E land use categories anywhere near the subject property.

As noted earlier, 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 a Limited Office district and the former church buildings were utilized for lower intensity nonresidential uses. The zoning change included a Development Agreement that set the maximum buildable area to 10,454 square feet. Fifteen years later in 2014 the zoning was changed again to GO 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 (14,690 square feet of maximum building area). If approved, this current case would be the third time that the potential use intensity is increased on the subject property.

Staff is of the opinion that the proposed E-2 zoning district and companion Development Agreement are inappropriate based on the subject property's location along an SNCC and the surrounding environmental and residential uses. The existing zoning and deed restriction provide 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 Comprehensive Plan.

**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  
Resolution  
Development Agreement  
Ownership Certification  
Survey  
Legal Ad  
Legal Ad Map  
Notification Map  
Realtor Letter  
PowerPoint Presentation