



Pinellas County

Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 11/9/2023 **In control:** Board of County Commissioners

On agenda: 12/12/2023 **Final action:** 12/12/2023

Title: Case No. FLU-23-01 (La Mirage Beauty Salon, Inc.)
A request for a Future Land Use Map amendment from Residential/Office General to Institutional on approximately 3.3 acres located at 3720 and 3730 Tampa Road in Palm Harbor. (Companion to Item No. 48)

Sponsors:

Indexes:

Code sections:

Attachments: 1. State-Filed Ordinance 23-30, 2. Adopted ORD 23-30, 3. AATF - Ordinance, 4. LPA Staff Report, 5. Case Maps, 6. Impact Assessment, 7. Traffic Analysis, 8. Ownership Certification, 9. Survey, 10. Realtor Letter, 11. Legal Ad, 12. Legal Ad Map, 13. Notification Map, 14. Presentation, 15. Todd Pressman Presentation, 16. Electronic affidavit of publication, 17. Affidavit of publication, 18. Item 47 - Speaker Card

Date	Ver.	Action By	Action	Result
12/12/2023	2	Board of County Commissioners	approved	Pass

Subject:

Case No. FLU-23-01 (La Mirage Beauty Salon, Inc.)
A request for a Future Land Use Map amendment from Residential/Office General to Institutional on approximately 3.3 acres located at 3720 and 3730 Tampa Road in Palm Harbor. (Companion to Item No. 48)

Recommended Action:

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

An ordinance approving the application of La Mirage Beauty Salon, Inc for a Future Land Use Map amendment from Residential/Office General (R/OG) to Institutional (I).

- The applicant is seeking a land use change on the 3.3-acre upland portion of the properties located at 3720 and 3730 Tampa Road in Palm Harbor.
- In July 2023 the Board continued this case to allow the applicant time to amend the request to a more appropriate land use category. At that time a change to Employment was proposed, which was recommended for denial by both staff and the Local Planning Agency (LPA).
- The current proposal would allow for a larger building area and a range of institutional type uses.
- The subject property is surrounded by environmentally sensitive areas and residential uses and is located along a designated Scenic/Non-Commercial Corridor. Institutional uses are common along such corridors.
- The applicant is also seeking a zoning change with a development agreement under a

separate case number (ZON-23-01).

- The LPA recommended approval of the current request based on staff's recommendation and the evidence presented in the LPA report (vote 7-0). No one from the public appeared in support or opposition and no public correspondence has been received.

Strategic Plan:

Foster Continual Economic Growth and Vitality

4.3 Catalyze redevelopment through planning and regulatory programs

Deliver First Class Services to the Public and our Customers

5.2 Be responsible stewards of the public's resources

Summary:

The Board originally heard this case on July 18, 2023. The request at that time included a land use amendment from R/OG to "E". Staff did not support that request for various reasons, including the subject property's location on a 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. On July 18, 2023, the Board continued the case to provide the applicant the opportunity to amend the request to something more appropriate for the subject property's location.

The subject property consists of the upland portion of two (2) 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 currently contain 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, 76.0% of the development rights were transferred off the subject property and utilized elsewhere. As a result, only 24.0% of the otherwise maximum development potential is available.

Under the current General Office (GO) zoning district only nonresidential uses are allowed. The maximum development potential for nonresidential uses is based on the FAR allowed by the 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 (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. To facilitate this, a FLUM amendment to "I" is proposed along with a companion application for a zoning amendment to General Institutional (GI). Also proposed under a separate case is 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 change in land use to "I" would increase the maximum FAR from 0.50 to 0.65. (This would allow up to 23,314 square feet of building area.) The Primary Uses identified in the Comprehensive Plan as consistent with the "I" category generally include, but are not limited to schools, hospitals, medical clinics, assembly uses, public service and government-type buildings, courthouses, libraries, and

child day care. Secondary Uses identified residential and recreation/open space. The 'Purpose' of the Institutional land use category as stated in the Comprehensive Plan is, "...to depict those areas of the County that are now used, or appropriate to be used, for public/semipublic institutional purposes; and to recognize such areas consistent with the need, character and scale of the institutional use relative to surrounding uses, transportation facilities, and natural resource features."

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.

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 wetlands are designated Preservation (P) and the surrounding residential area is designate Residential Urban (RU) and Residential Low (RL). 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. Institutional uses are considered generally appropriate along SNCCs, and there are many such cases where they currently exist among them, including Tampa Road and the nearby McMullen Booth/East Lake Road corridor.

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 "I" land use is appropriate based on the subject property's location along a SNCC and compatibility with the surrounding uses. Under the companion zoning case (ZON-23-01), a proposed Development Agreement would require a new deed restriction that would reflect the updated maximum building area limitation, which is 24.0 % of what it otherwise normally would be under the proposed "I" land use category. Staff also finds that the request is consistent with the Pinellas County Comprehensive Plan based on the findings of this report.

Background Information:

The LPA recommended approval of the current request to "I" during its November 8, 2023, public hearing (vote 7-0).

The LPA recommended denial of the original request to "E" 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

Ownership Certification

Survey

Legal Ad

Legal Ad Map

Notification Map

Realtor Letter

PowerPoint Presentation