



Pinellas County

Legislation Details (With Text)

File #: 23-1793A **Version:** 1

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

File created: 11/6/2023 **In control:** Board of County Commissioners

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

Title: Case No. ZON-23-01 (La Mirage Beauty Salon, Inc.)
 A request for a zoning change from GO, General Office to GI, General Institutional, with a Development Agreement allowing up to 23,314 square feet of building area for the uses permitted in the GI zone at a building height as allowed by the GI 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. 47)

Sponsors:

Indexes:

Code sections:

Attachments: 1. FE_Development Agreement, 2. Adopted RES 23-108, 3. LPA Report, 4. Case Maps, 5. Development Agreement, 6. Resolution, 7. Ownership Certification, 8. Legal Ad, 9. Legal Ad Map, 10. Notification Map, 11. Survey, 12. Realtor Letter, 13. Presentation, 14. Todd Pressman Presentation, 15. Electronic affidavit of publication, 16. Affidavit of publication, 17. Item 48 - Speaker Card

Date	Ver.	Action By	Action	Result
12/12/2023	1	Board of County Commissioners	approved	Pass

Subject:

Case No. ZON-23-01 (La Mirage Beauty Salon, Inc.)
A request for a zoning change from GO, General Office to GI, General Institutional, with a Development Agreement allowing up to 23,314 square feet of building area for the uses permitted in the GI zone at a building height as allowed by the GI 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. 47)

Recommended Action:

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

A resolution approving the application of La Mirage Beauty Salon, Inc for a change in zoning from General Office (GO) to General Institutional (GI) with a Development Agreement allowing up to 23,314 square feet of building area for the uses permitted in the GI zone at a building height as allowed by the GI 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.
- In July 2023 the Board continued this case to allow the applicant time to amend the request to a more appropriate zoning designation. At that time a change to Employment-2 (E-2) 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 land use change under a separate case number.
- 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 zoning amendment from GO to Employment-2 (E-2), as well as an associated Development Agreement and deed termination. Staff did not support that request for various reasons, including the subject property's location on a Scenic/Non-Commercial Corridor (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 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 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 equates to a maximum of 17,250 square feet of building area on the subject property, 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 (the R/OG category had a lower maximum FAR at the time). The applicant wishes 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 restriction. To facilitate this, a zoning amendment to GI, is proposed along with 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 recording of a new deed restriction reflecting the increased maximum building

area will be required during the site plan review/permitting process of any new development.

The increased building area maximum being requested is based on the companion FLUM amendment case (case # FLU-23-01), which proposes a change from R/OG to Institutional. 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 50 feet. No specific future use is proposed and there is no concept plan associated with the Development Agreement. The proposed GI district allows institutional type uses such as assisted living facilities and nursing homes, medical offices and clinics, community service and fraternal clubs, museums and cultural facilities, parks and recreation areas, cemeteries, day care facilities, government uses, libraries, meeting halls and places of worship, schools, and certain utilities. Importantly, the existing uses on the site would become nonconforming if the zoning is changed but may continue until abandoned or removed.

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 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 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. Institutional uses are considered generally appropriate along SNCCs, and there are many such cases where they currently exist along 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 GI zoning and companion Development Agreement are appropriate based on the subject property's location along a SNCC and compatibility with the surrounding uses. The proposed Development Agreement will require a new deed restriction that will reflect the updated maximum building area limitation, which is 24.0 % of what it otherwise normally would be under the proposed Institutional land use category. The DRC 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 GI during its November 8, 2023, public hearing (vote 7-0).

The LPA recommended denial of the original request to E-2 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