



# Pinellas County

## Legislation Details (With Text)

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<b>Type:</b>	Zoning / Land Use and Related Item	<b>Status:</b>	Passed
<b>File created:</b>	12/13/2019	<b>In control:</b>	Planning
<b>On agenda:</b>	1/28/2020	<b>Final action:</b>	1/28/2020
<b>Title:</b>	Case No. Q Z/LU-15-09-19 (McMullen Booth 2AC 3 2019 Trust, Martin J. Rosato, Trustee) A request for a land use change from Recreation/Open Space to Institutional (Legislative) and a zoning change from R-A, Residential Agriculture to LI, Limited Institutional (Quasi-Judicial) with a Development Agreement limiting the use on the property to a one-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, on approximately 2.0 acres located on the east side of McMullen Booth Road, approximately 900 feet north of Curlew Road in Palm Harbor.		

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. State-filed ORD 20-03, 2. Adopted RES 20-7, 3. Adopted ORD 20-03, 4. Landmark Oaks Petition Submittal - Opposed, 5. Comment Cards Submitted for Public Comment, 6. Comment Cards Submitted for Public Comment, 7. Affidavit of Publication - Notice of Public Hearing, 8. Aerial Map for Condo Distances 1-20, 9. Correspondence\_opposition.pdf, 10. Correspondence\_in favor.pdf, 11. Resolution-AATF, 12. Ordinance-AATF, 13. Legal Ad.pdf, 14. Development Agreement.pdf, 15. Map\_Public Notification.pdf, 16. Ad\_Map.pdf, 17. Power Point Presentation.pdf, 18. Raysor Traffic Study\_recvd\_8-2-19.pdf, 19. Raysor Suppl Traffic Report\_additional rcvd\_11\_01\_19.pdf, 20. Supplemental Materials\_received 12-5-19.pdf, 21. Ordinance.pdf, 22. Resolution.pdf, 23. Traffic Analysis.pdf, 24. Impact Assessment.pdf, 25. Case Maps.pdf, 26. LPA Report.pdf

Date	Ver.	Action By	Action	Result
1/28/2020	1	Board of County Commissioners	approved	Pass

### Subject:

Case No. Q Z/LU-15-09-19 (McMullen Booth 2AC 3 2019 Trust, Martin J. Rosato, Trustee)  
A request for a land use change from Recreation/Open Space to Institutional (Legislative) and a zoning change from R-A, Residential Agriculture to LI, Limited Institutional (Quasi-Judicial) with a Development Agreement limiting the use on the property to a one-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, on approximately 2.0 acres located on the east side of McMullen Booth Road, approximately 900 feet north of Curlew Road in Palm Harbor.

### Recommended Action:

Based upon evidence and findings contained in the staff report and attachments, Case N. Q Z/LU-15-09-19 is recommended for approval:

- 1.) An Ordinance approving the application of McMullen Booth 2AC 3 2019 Trust, Martin J. Rosato, Trustee for a land use change from Recreation/Open Space to Institutional, on approximately 2.0 acres located on the east side of McMullen Booth Road approximately 900 feet north of Curlew Road.

- 2.) A Resolution approving a zoning change from R-A, Residential Agriculture to LI, Limited Institutional, with a Development Agreement limiting the use on the property 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.
- The applicant is seeking land use and zoning changes on 2 acres of land that is currently vacant. If granted, the amendments will allow for a medical office.
  - The contract purchaser is proposing to construct a dentist office.
  - The proposed Development Agreement will limit the use to a medical office that can be a maximum of 1-story and 18,000 square feet in size, along with additional requirements involving site access, roadway safety improvements, buffering and building design to address safety concerns.
  - The Local Planning Agency recommended approval of the request (vote 3-2). Those who voted no offered no specific explanation. Two persons spoke in favor and one person representing a group of five individuals spoke in opposition. Those in opposition cited various concerns, including traffic, flooding, development along the scenic/non-commercial corridor, and not enough visual buffering. They desire for the property to remain undeveloped open space.
  - A petition in support of the proposal with 19 signatures, and one letter in support have been received. A petition in opposition with 76 signatures and two letters in opposition have been received. The stated reasons for opposition include traffic concerns, loss of open/green space, flooding concerns, development along the scenic/non-commercial corridor, belief that there are other commercially-zoned locations already available for development, and a worry that this will set a precedent.

### **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 subject property consists of a vacant two-acre parcel with frontage along the east side of McMullen Booth Road, approximately 900 feet north of Curlew 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 property 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. In 2014, the SWFWMD declared the subject area as surplus property and sold it to the current property owner.

The Pinellas County Comprehensive Plan 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 but withdrawn before being heard by the Board of County Commissioners. 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.

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 additional 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 subject property's interaction with the configuration of McMullen Booth Road is a traffic-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 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.

McMullen Booth Road is a designated Scenic/Non-Commercial Corridor (SNCC). Development other than low density residential is typically not preferred along SNCCs, although certain nonresidential uses are acceptable. During recent years the Board 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.

Staff is of the opinion that 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 1-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.

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.

#### **Background Information:**

The Local Planning Agency (LPA) recommended approval of the request during its December 12, 2019 public hearing (vote 3-2).

Surrounding property owners within 1,300 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:**

Renea Vincent, Director, Planning

#### **Partners:**

N/A

**Attachments:**

LPA Report

Maps

Impact Assessment

Traffic Analysis

Development Agreement

Resolution

Ordinance

Addition Traffic Study Supplement

Original Submittal Traffic Study

Supplemental Materials

Correspondence

Power Point Presentation

Map of Radius Search

Legal Ad

Ad Map