



# 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>	12/9/2021	<b>In control:</b>	Board of County Commissioners
<b>On agenda:</b>	1/25/2022	<b>Final action:</b>	1/25/2022
<b>Title:</b>	Case No. Q ZON-21-07 (Palm Harbor Montessori School, Inc.) (Companion to Agenda Item No. 30) A request for a change of Zoning from RPD-W, Residential Planned Development-Wellhead Protection Overlay to LO-W, Limited Office-Wellhead Protection Overlay on approximately 2.25 acres located at 1961 East Lake Road in East Lake Tarpon. (Quasi-Judicial Hearing)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Adopted RES 22-9, 2. Case Maps.pdf, 3. Resolution.pdf, 4. Boundary Survey.pdf, 5. Correspondence.pdf, 6. Public Notification Map.pdf, 7. Power Point Presentation.pdf, 8. Legal Ad.pdf, 9. Legal Ad Map.pdf, 10. AATF - Resolution, 11. Electronic Affidavit of Publication, 12. Affidavit of Publication		

Date	Ver.	Action By	Action	Result
1/25/2022	1	Board of County Commissioners	approved	Pass

### **Subject:**

Case No. Q ZON-21-07 (Palm Harbor Montessori School, Inc.) (Companion to Agenda Item No. 30)  
A request for a change of Zoning from RPD-W, Residential Planned Development-Wellhead Protection Overlay to LO-W, Limited Office-Wellhead Protection Overlay on approximately 2.25 acres located at 1961 East Lake Road in East Lake Tarpon. (Quasi-Judicial Hearing)

### **Recommended Action:**

Based upon evidence and findings contained in the staff report and attachments, Case No. ZON-21-07 is recommended for approval:

A Resolution approving the application of Palm Harbor Montessori School, Inc. for a zoning change from Residential Planned Development - Wellhead Protection Overlay to Limited Office (LO-W), - Wellhead Protection Overlay on approximately 2.25 acres located at 1961 East Lake Road in East Lake Tarpon.

- The applicant is seeking a zoning change on a 2.25-acre site that formerly contained a private school.
- The applicant is proposing to utilize the site for office use, but nothing specific is proposed. The requested LO-W zoning allows general and medical offices while eliminating residential as a primary use.
- The applicant is also seeking a land use change under a separate case number.
- The Local Planning Agency unanimously recommended approval of the request; vote six - zero. No one appeared in favor or in opposition.
- One correspondence has been received with a concern regarding traffic.

- a.) Anticipated traffic impacts are expected to decrease under this proposal, particularly when compared to the former school use.

### **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 two (2) parcels totaling approximately 2.25 acres located at 1961 East Lake Road in East Lake Tarpon, which is approximately 100 feet north of the signalized Woodlands Boulevard intersection. The property is the former location of a private school, which was established via a Type-2 Use approval (special exception) granted by the Board of Adjustment in 1999. The onsite structure was built in 1971 and it is currently undecided if any future use would utilize the existing structure or if the property would be redeveloped. The property is designated Residential Planned Development (RPD-W), - Wellhead Protection Overlay on the Zoning Atlas, which allows a flexible range of residential use types. The applicant wishes to have the ability to utilize the site for office uses. A Zoning Atlas amendment to LO-W - Wellhead Protection Overlay is proposed. The LO-W zoning district is intended to permit professional services, general and medical offices, employment, and related uses that may serve as a transition between a higher intensity activity and a lower density neighborhood. It includes intensity limits and design standards that achieve development and redevelopment that is complementary and compatible with adjacent neighborhoods and uses. Maximum development intensity is based on the Future Land Use Map (FLUM) category assigned to the property. Office uses are not permitted under the existing land use category; however, the applicant is pursuing a FLUM amendment via a separate case number that would allow office uses at a maximum intensity of 0.2 FAR (floor area ratio), which is the lowest maximum FAR of any land use category except Preservation. The maximum height allowed by the LO-W district is 45 feet. What ultimately is built will also depend on site plan review, including landscaping and parking requirements, internal access drives, stormwater facilities, and wetland buffers. There are wetlands on the eastern part of the subject property which are to be avoided.

The subject property is located along the East Lake Road corridor, which is largely comprised of lower density residential uses and open space, with nodes of supporting nonresidential uses located near major road intersections. There is a fire station immediately to the south, beyond which is Woodlands Boulevard, a collector road, and a main entrance into the gated East Lake Woodlands master planned community. To the north is a small townhome development, to the east is a conservation area, and to the west is a drainage pond on the other side of the 200-foot wide East Lake Road right-of-way. The zoning designation is RPD-W on the surrounding properties to the north, south and east, including the fire station, which is an institutional use approved via a special exception (Type-2 Use approval). The zoning is RPD on the properties to the west across East Lake Road. Despite its RPD-W designation, the subject property is not part of an established development master plan.

More than half of the subject property is within the Coastal High Hazard Area (CHHA) and it is entirely within the Coastal Storm Area (CSA). About a quarter acre of the property is within the Federal Emergency Management Agency's (FEMA) Special Flood Hazard Area, Flood Zone AE, more than half is within Pinellas County riverine floodplain, and most is within the Pinellas County

100-year coastal floodplain.

As the entire property is within the CSA and/or floodplain, it is important to note that the proposed LO-W zoning district would not allow residential uses. In addition, the companion land use request would allow the lowest maximum building intensity of any land use category outside of Preservation.

East Lake Road is a designated Scenic/Non-Commercial Corridor (SNCC). Because of this, additional landscaping beyond what is normally mandated by the Land Development Code will be required along the site's road frontage. The exact amount and nature of the additional landscaping will be determined during site plan review. While low-density residential development is generally preferred along SNCCs, certain nonresidential uses are acceptable in certain locations. In this case, the subject property has historically been used for nonresidential purposes and is directly adjacent to a fire station, which makes the site less than ideal for residential use.

The subject property is located within the boundaries of the East Lake Tarpon Community Overlay as recognized by the Pinellas County Comprehensive Plan. The Overlay describes the community's desire to maintain its low-density residential character, expansive open spaces, and limited commercial development. It is staff's opinion that the requested zoning amendment is in keeping with the parameters of the Overlay. The proposed LO-W district is compatible with the surrounding area as it provides a logical transition from the fire station to the south to the townhomes to the north and is in proximity to a major signaled road intersection. It allows only low intensity office uses which could serve and be supportive of the surrounding residential community.

A Wellhead Protection Overlay generally covers all lands between East Lake Road and the Hillsborough County line in the northeast portion of Pinellas County, which is an important aquifer recharge area. The Overlay provides additional development controls that may be applied to better protect the groundwater resource, particularly regarding potential contamination sources, site drainage and stormwater runoff. These controls, if necessary, will be applied during site plan review.

Staff is of the opinion that the proposed LO-W zoning district is appropriate at this location when considering the adjacent fire station, the subject property's past use as a school, and its location in proximity to a signalized intersection of arterial and collector roadways. It is also consistent with the Pinellas County Comprehensive Plan, the East Lake Tarpon Community Overlay, and SNCC criteria. The amendment will remove the potential for residential uses within the CSA, be cognizant of the wellfield recharge area, and should help encourage reinvestment on the property.

**Background Information:**

The LPA recommended approval of the request during its August 12, 2021 public hearing; vote Six (6) - Zero (0).

Surrounding property owners were notified by mail as required by Code. A sign advertising the public hearings was posted on the subject site.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Carol Stricklin, Director, Housing and Community Development

**Partners:**

N/A

**Attachments:**

LPA Report

Case Maps

Resolution

Boundary Survey

Correspondence

Public Notification Map

Power Point Presentation

Legal Ad

Legal Ad Map