

AGENDA
Planning Review Committee
Pinellas County Planning Department
310 Court Street, 1st Floor Conference Room
April 11, 2016 – 10:00 AM

Case Summary Review:

1. [\(Q\) Z/LU-12-5-16](#) (Martin Rosato)

Note: Q = Quasi-Judicial

CASE SUMMARY
CASE NO. Z/LU-12-5-16
(Quasi-Judicial)

PRC MEETING: April 11, 2016 @ 10:00 AM-1st Floor, Planning Conf Room

LPA HEARING: May 11, 2016 @ 9:00 AM-5th Floor, Board Assembly Room

BCC HEARING: June 21, 2016 @ 6:00 PM-5th Floor, Board Assembly Room

PPC HEARING: August 10, 2016 @ 3:00 PM-5th Floor, Board Assembly Room

FINAL DETERMINATION BY: October 11, 2016

APPLICANT'S NAME: Martin Rosato

REQUEST: Zone change from: A-E, Agricultural Estate Residential
to: P-1A, Limited Office

Land Use change from: Recreation/Open Space
to: Residential/Office Limited

CASE DESCRIPTION: Approximately 2 acres located on the east side of McMullen Booth Road approximately 700 feet north of Curlew Road in Palm Harbor (16/28/16/00000/240/0140). A legal description is available in file upon request.

APPLICANT/ADDRESS: Martin Rosato
P. O. Box 348
Largo, FL 33779

REP/ADDRESS: Cynthia Tarapani, VP, Planning
Florida Design Consultants, Inc.
3030 Starkey Boulevard
New Port Richey, FL 34655

NOTICES SENT TO: Martin Rosato, Oldsmar, Landmark Oaks, COA, The Oaks @ Countryside, COA, Mike Meidel-Economic Development Council, DOT, Clint Herbic-Pinellas County School Board, BCC Office & Surrounding Owners

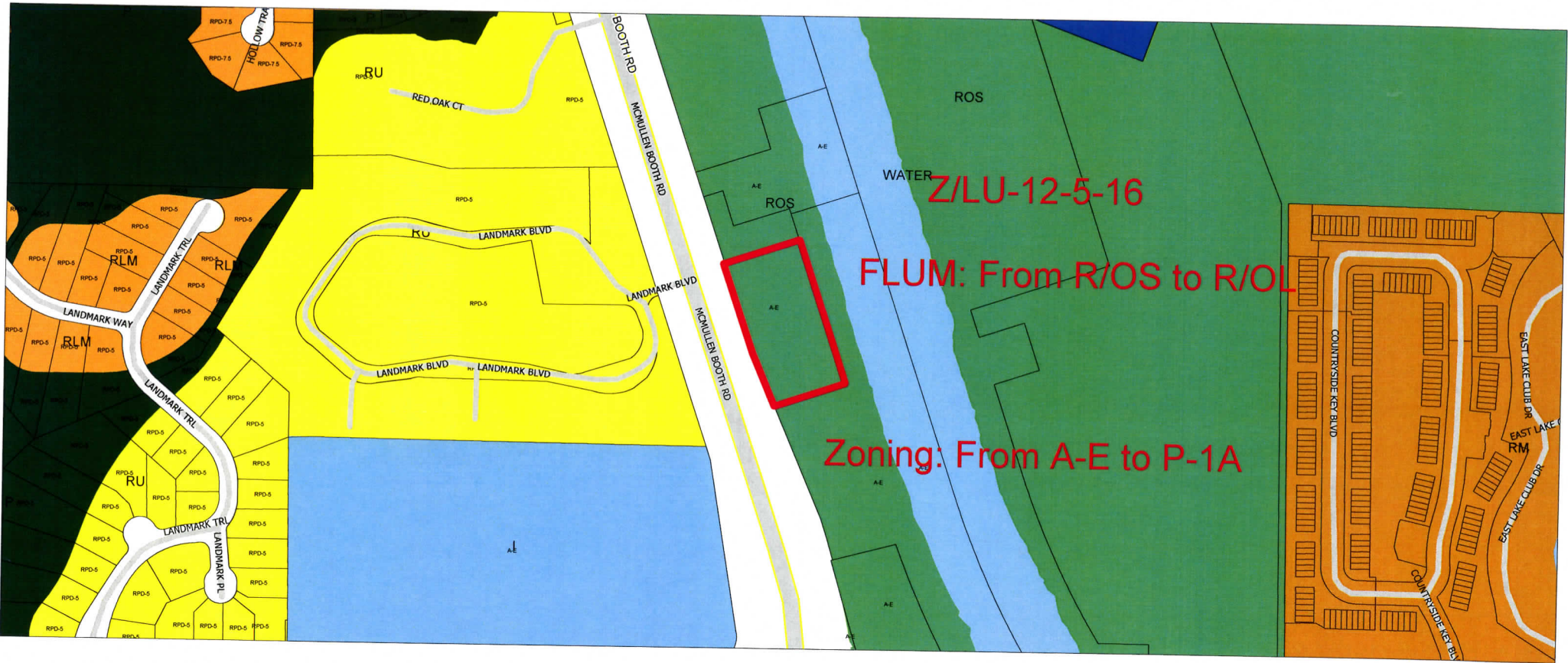
EXISTING USE: Vacant

PROPOSED USE: Medical Office

LAND USE: Recreation/Open Space

ZONING: A-E

Z16-000005



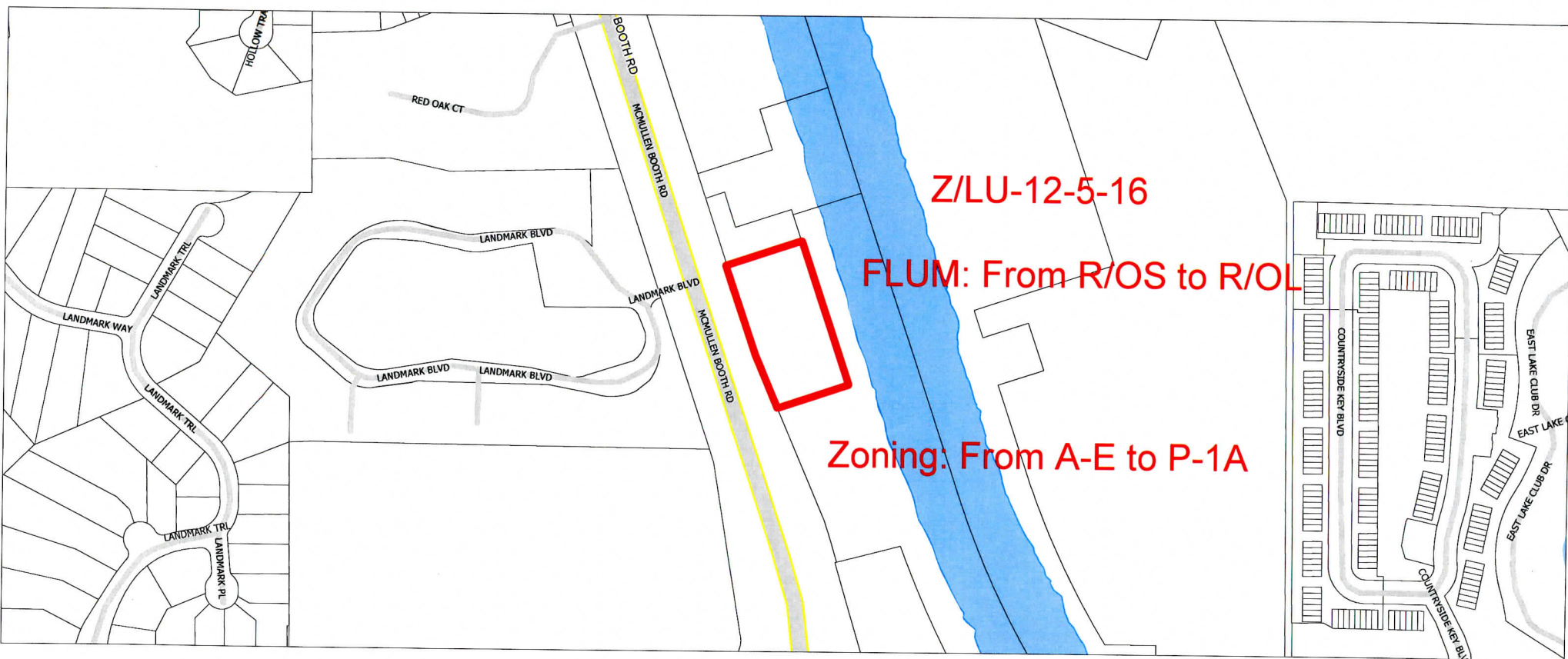


Z/LU-12-5-16

FLUM: From R/OS to R/OL

Zoning: From A-E to P-1A





1. Owner: Martin Rosato
Mailing Address: P.O. Box 348
City: Largo State: FL Zip Code: 33779 Daytime Phone: (727) 771-3000
Email: flalandno1@yahoo.com

2. Representative's Name: Cynthia Tarapani, Vice President, Planning
Company Name: Florida Design Consultants, Inc.
Mailing Address: 3030 Starkey Boulevard
City: New Port Richey State: FL Zip Code: 34655 Daytime Phone: (727) 849-7588
Email: ctarapani@fldesign.com

3. Disclosure information (This information must be supplied pursuant to County Ordinance No. 74-15):

- A. If the owner is a corporation, partnership, or trust, list all persons (i.e. partners, corporate officers, all members of the trust) who are a party to such as well as anyone who may have a beneficial interest in the property which would be affected by any ruling on their application.

N/A

Specify interest held: _____

- B. Is there an existing contract for sale of subject property: ☒ Yes ☐ No
If yes, list names of all parties to the contract including all partners, corporate officers, and members of any trust:

Seller - Martin Rosato

Buyer - Dr. Michael Pikos

Is contract conditional or absolute? ☒ Conditional ☐ Absolute

- C. Are there any options to purchase on subject property? ☐ Yes ☒ No
If so, list names of all parties to option including all partners, corporate officers and members of any trust:

4. This hearing is being requested to consider: Plan Amendment from ROS to ROL and Rezoning from AE to P-1A

5. Location of subject property (street address): East side of McMullen Booth Road approximately 600 feet north of Curlew Road

6. Legal Description of Property: (attach additional documents if necessary)

See Attached Exhibit A

7. Size of Property: 409 feet by 214 feet, 2.0 acres

8. Present zoning classification: AE

9. Present Land Use Map designation: ROS

10. Date subject property acquired: April 26, 2014

11. Existing structures and improvements on subject property:

Vacant

12. Proposed structures and improvements will be:

Medical Office Building

13. I/We believe this application should be granted because (include in your statement sufficient reasons in law and fact to sustain your position.) (If this request is for a determination of Vested Rights/Appeal Determination, applicants are advised to review the procedural and substantive requirements of Pinellas County Ordinances 89-32 and 89-69) (Attach a separate sheet if necessary).

See Attached Exhibit B

14. Has any previous application relating to zoning or land use on this property been filed within the last year?
Yes ☒ No ☐ When? In whose name?

Briefly state the nature and outcome of the hearing:


15. Does applicant own any property contiguous to subject property? _____ Yes ☒ No
If so, give complete legal description of contiguous property:

16. The following data and exhibits must be submitted with this application and they become a permanent part of the public records:

- a) Plat, if it will have particular bearing on the subject application.
- b) Certification of Ownership: submit a certificate of a duly licensed title or abstract company, or a licensed attorney-at-law, showing that each applicant is the present title holder of record.
(Warranty deeds, title insurance documents, tax receipts, etc. are not acceptable as proof of ownership.)
- c) Preliminary site plan will be required for conditional use applications only (as specified in the Zoning Ordinance, Section 605.301 - see attached).

CERTIFICATION OF OWNERSHIP

I hereby certify that I have read and understand the contents of this application, and that this application together with all supplemental data and information is a true representation of the facts concerning this request, that this application is made with my approval, as owners and applicant, as evidenced by my signature appearing below. It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request and further that if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and rules and regulations pertaining to the use of the subject property, while under my ownership. I am aware that attendance by me or my authorized representative at all public hearings relative to this request is required and that failure to attend may result in a denial of the request. It shall be my responsibility to determine time and location of all hearings.


***Signature of Owner or Trustee

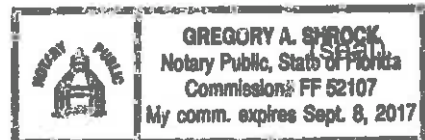
Date: 3/3/16

STATE OF FLORIDA, COUNTY OF PINELLAS

Before me this 3rd day of March, 20 16

personally appeared Martin Rosato
who, being duly sworn, deposes and says that the above is a true and correct certification.


(signature) NOTARY PUBLIC



***Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized act on behalf o the corporation (Please note question #3).

EXHIBIT "A"

Legal Description Parcel 16-001-153S (Lake Tarpon Outfall Canal)

The South 409.39 feet of that certain parcel of land as described in Official Records Book 15042 Page 180 of the Public Records of Pinellas County, Florida, lying and being in Section 16, Township 28 South, Range 16 East, Pinellas County, Florida being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of said Section 16; thence run along the South line of said Northwest 1/4 of Section 16, South 89°27'57" East, a distance of 227.03 feet; thence leaving said line, North 00°32'03" East, a distance of 59.00 feet to the Easterly right-of-way line of McMullen Booth Road (right-of-way width varies) and a non-tangent curve to the right; thence run Northwesterly along said East right-of-way line, 121.67 feet along the arc of said curve having a radius of 87.50 feet, central angle of 79°40'26" and a chord bearing and distance of North 49°37'45" West, 112.11 feet to a reverse curve to the left; thence run Northerly 351.71 feet along the arc of said curve, having a radius of 2,291.83 feet, central angle of 08°47'34" and a chord bearing and distance of North 14°11'18" West, 351.37 feet; thence run North 23°10'27" West, a distance of 332.96 feet to the southwest corner of the aforesaid certain parcel of land as described in Official Records Book 15042 Page 180 of the Public Records of Pinellas County, Florida, for a POINT OF BEGINNING; thence continue along said right-of-way and the West line of said certain parcel North 23°10'27" West, a distance of 146.35 feet; thence run North 18°24'07" West, a distance of 263.55 feet; thence run North 71°35'53" East, along a line 409.39 feet North of and parallel with the South line of said certain parcel of land as described in Official Records Book 15042 Page 180 of the Public Records of Pinellas County, Florida, a distance of 214.97 feet to an intersection with the East line of said certain parcel; thence run along said East line of said certain parcel South 18°24'07" East, a distance of 409.39 feet to the Southeast corner of said certain parcel; thence run South 71°35'53" West, along the South line of said certain parcel, a distance of 202.80 feet to the POINT OF BEGINNING.

The above described lands containing 2.00 acres.

**MCMULLEN BOOTH ROAD
PLAN AMENDMENT & REZONING APPLICATION**

EXHIBIT B

I. INTRODUCTION

The property proposed for a plan amendment and rezoning is located on the east side of McMullen Booth Road and approximately 600 feet north of Curlew Road. This two- acre vacant property was previously owned by Pinellas County who sold it to the Southwest Florida Water Management District (SWFWMD) in April, 2006 (OR Book 15042, Page 0180). In 2014, SWFWMD declared the property surplus and sold it to Martin Rosato, the current property owner (OR Book 18522, Page 0180). Due to the property being owned for many years by these two public entities, the site is designated as R/OS, Recreation/ Open Space on Pinellas County's *Future Land Use Map* and is currently zoned A-E, Agricultural Estate Residential District.

In January, 2016, Mr. Rosato entered into a contract to sell the property to Dr. Michael Pikos so that Dr. Pikos could construct his oral surgery medical practice on this site. Dr. Pikos founded Coastal Jaw Surgery in Palm Harbor in 1983 and has become an internationally known oral surgeon who has pioneered new oral surgery techniques. In addition to his oral surgery practice, in 1990, Dr. Pikos created the Pikos Institute to train oral surgeons on advanced surgical techniques and he has trained over 3,100 oral surgeons from all 50 states and 43 countries. Dr. Pikos' office is currently located on the north side of Tampa Road at its intersection with Somerset Lane. Due to the growth of his business, Dr. Pikos wishes to construct a new larger office that will accommodate his expanded practice. As with most medical practices, a new office must be located relatively close to the existing office to continue to conveniently serve his patients. The McMullen Booth Road site is ideal for Dr. Pikos' office since it is located proximate to the current office and will provide a smooth transition for his patient base.

Since medical offices are not allowed in the site's current plan category or zoning district, a plan amendment and rezoning will be necessary to develop. The request is to change the site's plan category from R/OS to R/OL, Residential/ Office Limited, and to rezone from the A-E district to the P-1A, Limited Office District. It should be noted that the Institutional Plan category was considered since a medical clinic is a Primary Use allowed in that category; however, the compatible Institutional Limited Zoning district does not allow medical offices so this option is not available for the proposed use.

It is recognized that the site is located on McMullen Booth Road, designated as a scenic, non-commercial corridor according to the Pinellas Planning Council (PPC) *Countywide Rules*. The request's compliance with the County's policies on scenic non-commercial corridors are described in **Section III** below.

II. REVIEW CRITERIA

Section 134-339 of the Pinellas County *Land Development Code* establishes the following evidence to be reviewed in evaluating a plan amendment and rezoning application:

“Sec. 134-339 (c) Supporting evidence submitted. All evidence and testimony necessary to support the application shall be presented, including but not limited to the following:

- (1) Existing conditions and uses in the surrounding area.
- (2) Justification for the proposed uses, designations or densities.
- (3) Impacts on surrounding properties and community.
- (4) Impacts on public facilities and services.
- (5) Consistency with the comprehensive plan.
- (6) Impacts on the flood plain and how the impact will be mitigated.”

The following section of this report will demonstrate how the proposed plan amendment and rezoning are consistent with each of the above criteria.

III. ANALYSIS OF THE REQUEST'S CONSISTENCY WITH THE REVIEW CRITERIA

The review criteria are shown below in bold following by the Applicant's response as to how the proposed application complies with each criterion.

(1) **Existing conditions and uses in the surrounding area.**

Response: The site is a rectangular shaped site with approximately 409 feet of frontage on McMullen Booth Road and approximately 214 feet deep. The east border of the site is close to the Lake Tarpon Canal that connects Lake Tarpon to the north with the Safety Harbor waterbody, and ultimately to Old Tampa Bay. To the east of the canal is Oldsmar's Canal Park that fronts on Tampa Road.

All of the remaining properties on the east side of McMullen Booth Road between Tampa Road and Curlew Road in the immediate vicinity of the plan amendment/ rezoning site are owned by public entities. There is a small property immediately north of the plan amendment site that is owned by SWFWMD. The stormwater pond at the northeast corner of McMullen Booth Road and Curlew Road is owned by Florida Department of Transportation. Other than these two parcels, the rest of the property on the east side of McMullen Booth Road is owned by Pinellas County.

The west side of McMullen Booth Road between Tampa Road and Curlew Road contains a wide variety of urban residential and commercial uses that are typical of this principal arterial and its intersections with two additional major roads, Tampa Road and Curlew Road. Additionally, both Tampa Road and Curlew Road serve as east/ west minor arterials that connect the Palm Harbor area of Pinellas County to Oldsmar and ultimately to Hillsborough County.

The intersection of McMullen Booth Road and Tampa Road contains two shopping centers and an office development with ten buildings at the northeast corner; a bank at the southeast corner; a large multi-story adult congregate facility at the northwest corner; and a five- building office complex and apartment development at the southwest corner. Moving south on McMullen Booth Road along the west side of the road is the Countryside Rehabilitation Center whose sole access is via the Countryside Boulevard off-ramp. The Countryside Palms single family subdivision is located on the south side of Countryside Boulevard, which road is also its sole access. Immediately south of this subdivision are two multifamily developments, Oaks at Countryside and Landmark Oaks, each of which has a driveway on McMullen Booth Road. South of these developments at the northwest corner of McMullen Booth Road and Curlew Road is the site of Curlew Creek Elementary School which does not have access to either of these roads. The sole access to the school is by traveling west on Curlew Road from McMullen Booth Road and then turning north on Landmark Boulevard to the school entrance.

At the intersection of McMullen Booth Road and Curlew Road, the southeast corner is developed as a stormwater pond; and the southwest corner is developed with an assisted living facility. Both sites are located within the jurisdiction of the City of Clearwater.

In summary, the west side of this segment of McMullen Booth Road is completely built out with a variety of single family and multifamily residential developments, shopping centers, health care facilities, offices and a school, all of which demonstrates its urban development character. Since all of the property on the east side, except for the subject property, is under public ownership, this plan amendment request is unusual since it will not create additional development pressures along the east side of the road.

Table 1
McMullen Booth Plan Amendment & Rezoning Site
Land Use Characteristics of Site and Vicinity

	Existing Use	Plan Category	Zoning District
Site	<i>Vacant</i>	<i>R/OS</i>	<i>AE</i>
North	Vacant, Multifamily & Single Family, Rehabilitation Center, Commercial, Offices,	R/OS, RLM, R/OG, ROR, CG	AE, RPD-7.5, P-1, C-2
South	Vacant, Elementary School, Stormwater Ponds, Assisted living facility	R/OS, Institutional	AE
East	Lake Tarpon Canal, Oldsmar's Canal Park, Multifamily	Water, R/OS, RM	AE Oldsmar Zoning
West	Multifamily, Single Family	RU	RPD-5

The proposed use of the site as a medical office will be consistent with the existing residential and commercial uses and will be an asset to the community. Since the site is bordered on the north, south and east with property that is either vacant or used for utility purposes (the SWFWMD site), there will not be any negative impact on adjacent uses. The multifamily residential uses on the west side of McMullen Booth Road are separated from the site by a major road at such a significantly large distance that no negative impacts are anticipated. Additionally, the medical office will be limited to a low Floor Area Ratio of 0.20 and will operate during the week days only, both of which will result in a low level of development that is not expected to create any negative impacts on the existing uses.

Although McMullen Booth Road is designated as a scenic/ non-commercial corridor, the entire corridor from its origin at State Road 60 north to the Pinellas/ Pasco County line has historically developed with retail, office and hospital uses. Specifically, in the immediate area of the proposed amendment site, there is a major retail and office node located less than ½ mile north of the site at the intersection of McMullen Booth Road and Tampa Road. At the McMullen Booth Road/ Tampa Road intersection, the existing commercial, office and multifamily development is designated with the R/OG, CG and R/O/R plan categories consistent with the development pattern.

Approximately one mile to the south of the site is a major health care center located on both sides of McMullen Booth Road. This major health care center includes the Mease Countryside Hospital, day surgery centers, medical offices, medical testing facilities and other health care support uses and these uses are designated as Institutional on the FLUM.

Within the last few months, there have been two plan amendments submitted in the unincorporated area on McMullen Booth Road to change the *Future Land Use Map* from a Residential plan category to the Institutional plan category. One of these amendments has been approved by the County Commission/CPA and the second case is pending before the County Commission/ CPA. The first case which has been approved (Z/LU 30-11-15 and CW 16-7) is a 4.2 acre site located on the east side of McMullen Booth Road and approximately 600' north of Keystone Road. The request is to change the FLUM from the Residential Rural category to the Institutional category for development of an assisted living facility. It is important to note that this site is not located at an intersection of McMullen Booth Road and an east/west through road. This case was recommended for approval by the Pinellas County Planning Department and the Local Planning Agency, and was approved by the Board of County Commissioners on December 15, 2015. Both the PPC staff and the PPC recommended approval of this case of the plan amendment case on February 10, 2016. On March 15, 2016, the County Commission sitting as the CPA approved this plan amendment.

A second similar case (Z/LU 34-12-15) is composed of 2.5 acres on the west side of McMullen Booth Road and approximately 680 feet north of Union Street. Like the first case described above, this site is not located at an intersection of a major east/ west road with McMullen Booth Road. The request is to change the FLUM from the Residential Suburban category to the Institutional Category to allow an assisted living facility. The Planning Department staff recommended approval of this plan amendment as did the Local Planning Agency. The Board of County Commissioners approved the plan amendment on February 23, 2016. The plan amendment case is pending a final decision through the countywide planning process with the PPC hearing scheduled for April 13, 2016 and the County Commission hearing in their CPA role scheduled for May 10, 2016.

These two cases demonstrate that non-residential plan categories have been approved on the McMullen Booth Road scenic non-commercial corridor at limited site sizes and upon a demonstration that the plan amendment will not impair the traffic carrying capacity of the corridor. This plan amendment is smaller than both of these two similar cases and this analysis will demonstrate that the traffic capacity of McMullen Booth Road will be maintained if the plan amendment is approved.

(2) Justification for the proposed uses, designations or densities.

Response: The current Recreation/ Open Space (R/OS) plan category is not suitable for this site for several reasons. First, the ownership of the site has changed from a public entity to a private citizen and the currently allowable recreational uses are not viable as a private development. Secondly, the primary uses in the current R/OS category of public/ private open space or park, public recreation facility, public beach or golf course are not suitable for this site due to its small size and lack of amenities to attract people to the site as a park or recreational facility. Additionally, the County's decision in 2006 to sell this property to SWFWMD indicates that the County does not intend to use the property for a recreational or open space use.

As described in the Introduction above, the Institutional Plan category and its compatible Institutional Limited Zoning district were evaluated for a possible fit with the proposed medical office use. Although the Institutional Plan category allows medical office as a primary use, the Institutional Limited Zoning district does not allow medical offices. Therefore, the applicant has requested the R/OL, Residential/ Office Limited plan category and its compatible P-1A, Limited Office District which are restrictive in the types of uses allowed and in the intensity of the development. It should be noted that the P-1A zoning district is limited to professional or medical offices, artist studio, funeral home, bank with no drive-in facilities, and a bed and breakfast facility with a maximum of ten rooms. The P-1A does not allow any retail uses such as restaurants or shopping centers. This Plan Category and Zoning district also limits development on the site to a maximum FAR of 0.20 which will result in a low level of development on the site.

(3) Impacts on surrounding properties and community.

Response: The proposed medical office is not expected to create any negative impacts on surrounding properties and the community as described in detail in the Response to Criterion No. 1 above, beginning on Page 2.

(4) Impacts on public facilities and services.

Response: Please see the detailed analysis of the project's impact on and compliance with public facilities and services in the analysis of the *Future Land Use and Quality Communities Element*, beginning on Page 7.

(5) **Consistency with the *Comprehensive Plan*.**

Response: Based on the analysis described below, this request is consistent with the following Goals, Objectives and Policies of the Pinellas County *Comprehensive Plan*.

PLANNING TO STAY ELEMENT

Sustain a Quality Urban Community and Promote Strong Neighborhoods and Diverse Housing Opportunities

Principle 5: Pinellas County recognizes that successful neighborhoods are central to the quality of life in Pinellas County. Therefore, redevelopment and urban infill should not compromise the integrity and viability of existing residential neighborhoods.

Analysis: The proposed plan category and zoning district are very limited in both the type of allowable uses and the intensity of use. As described in the Response to Criterion 2 above, there are very few allowable uses, primarily professional and medical offices which are limited to a FAR of 0.20. Both the characteristics of the proposed medical office and the very low intensity of the development will ensure that it is compatible with the existing residential developments on the west side of McMullen Booth Road. The proposed medical office will also positively contribute to the mixed use area by providing a medical office conveniently located for the community.

Maintain a Competitive Edge by Promoting a Sustainable Economy

Principle 2: Achieving a sustainable community and the quality of life desired by the County's citizens is dependent upon continued growth in both the size and quality of the local economy. In order to attain this level of economic growth, Pinellas County will take steps to retain and recruit clean and green industries and businesses that provide high-wage jobs that bring money into the local economy from outside the County.

Analysis: The proposed plan amendment and rezoning will allow an established periodontist to expand his business and remain in Pinellas County serving its citizens. Additionally, the proposed medical business employs dentists, periodontists and professional support staff whose wages reflect their high level of education, training and expertise. The approval of this plan amendment and rezoning is consistent with the County's principle to continue to grow its local economy.

FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT

Goal One: The pattern of land use in Pinellas County shall provide a variety of urban environments to meet the needs of a diverse population and the local economy, conserve and limit demands on natural and economic resources to ensure sustainable built and natural environments, be in the overall public interest, and effectively serve the community and environmental needs of the population.

Objective 1.2: Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.

Policy 1.2.4: Recognizing that successful neighborhoods are central to the quality of life in Pinellas County, redevelopment and urban infill development should be compatible with and support the integrity and viability of existing residential neighborhoods.

Analysis: This plan amendment and rezoning request represents an urban infill project and due to the low scale of the R/OL Plan category and the P-1A Zoning district as well as the significant separation of this use from residential uses, the development will be consistent and compatible with the residential and commercial development along this segment of McMullen Booth Road.

Objective 1.10: The scenic/ non-commercial corridor policies adopted in the Comprehensive Plan shall continue to be enforced to preserve the scenic/non-commercial designations approved by resolution by the Board of County Commissioners for specific transportation corridors, and to protect their traffic carrying capacity.

Policy 1.10.1: Land uses along designated scenic/ non-commercial corridors shall be managed to protect the traffic carrying capacity and the scenic nature of these developments.

Analysis: McMullen Booth Road is currently operating at Level of Service (LOS) C which is better than the County's adopted LOS D. The medical office proposed on this site will be restricted to a maximum FAR of 0.20. The trip generation for the site has been estimated by two methods: **Table 2** calculates the trips based on the ITE Handbook; **Table 3** calculated the trips based on the *Countywide Rules*.

Table 2
McMullen Booth Plan Amendment & Rezoning Site
ITE Handbook- Estimated Trip Generation

Use	ITE Code	Weekday Trip Rate	ADT	% of Current McMullen Booth Rd. Trips
Existing Recreational/ Open Space				
• Tennis Courts (assumes 4 courts)	490	31.04/ court	124 trips	0.2%
• Racquet/ Tennis Club (assumes 4,000 sf)	491	14.03/ 1,000 sf	56 trips	0.1%
• Health/ Fitness Club (assumes 8,000 sf)	492	32.93/ 1,000 sf	263 trips	0.4%
Proposed Use- Medical Office	720	36.13/ 1,000 sf	289 trips	0.5%

Table 2 Notes:

1. The Trip generation rates are based on *Trip Generation*, an ITE Informational Report, 8th Edition.
2. The Table reflects Recreational uses that will fit on the site and for which ADT rates are available in *Trip Generation*. It should be noted that use of the weekday trip rate most likely underestimates the amount of traffic to be generated since the peak period for these uses will be the weekend.
3. The proposed medical office is assumed to be 8,000 square feet.
4. The current AADT for the segment of McMullen Booth adjacent to the site is 55,500 trips (Source: *Year 2040 Long Range Transportation Plan Traffic Forecast and Level of Service Analysis of Pinellas County*, Prepared by Pinellas Metropolitan Planning Organization, December, 2015).

Table 3
McMullen Booth Plan Amendment & Rezoning Site
Countywide Rules- Estimated Trip Generation

Plan Category	Trip Rate	ADT	% of Current Trips
Existing Recreational/ Open Space Plan Category	3 trips/ acre	6 trips	≤ 0.1%
Proposed R/OL Plan Category	89 trips/ acre	178 trips	0.3%
Difference- <u>Increase</u> or (Decrease)		<u>172 trips</u>	<u>0.3%</u>

Table 3 Notes:

1. The Trip generation for both existing and proposed plan categories is based on the two acre size of the site.

In both methods of analysis outlined above, the proposed project will generate new trips that are less than 1% of the current volume of McMullen Booth Road. It should also be noted that the MPO's LOS Analysis states that the V/C Ratio, (Volume to Capacity Ratio) for McMullen Booth Road is 0.513, meaning that the road is operating at 51% of its capacity with a substantial amount of available capacity. Due to the extremely small number of new trips from the project and the currently available capacity on McMullen Booth Road, the proposed plan amendment will protect the travel carrying capacity of McMullen Booth Road and the road is expected to remain at a LOS C.

It is recognized that due to the site's location on McMullen Booth Road, additional landscaping will be required along the road frontage consistent with the County's *LDC*. The Applicant will demonstrate compliance with this landscaping requirement at the time of site plan review.

Goal Four: Pinellas County shall work toward a land use pattern that can be supported by the available community and public facilities that would be required to serve that development.

Objective 4.1: The Pinellas County Concurrency Management System will insure the compatibility of all proposed development with the capacities of the existing and planned support facilities for which a level of service standard has been adopted in this plan.

Policy 4.1.1: The Concurrency Management System will ensure proposed development to be considered for approval shall be in conformance with existing and planned support facilities and that such facilities and services be available, at the adopted level of service standards, concurrent with the impacts of development.

Objective 4.2: The Concurrency Management System, applicable policies within the Pinellas County Comprehensive Plan, and the standards and the locational and use characteristics as set out in the Future Land Use Category Descriptions and rules of the Future Land Use and Quality Communities Element comprise the County's program in which development shall be coordinated with the availability of public and private utilities.

Policy 4.2.1: Land use location and intensity shall be accurately defined and monitored through the concurrency Management System, the Future Land Use and Quality Communities Element, including Policy 1.2.1, to ensure coordination with the availability of facilities and services.

Policy 4.2.2: Pinellas County's Land Development Regulations shall require developers to submit their proposed development plans to the affected public utilities, who will in turn submit to the County, prior to the County's issuance of development orders or building permits, a statement of their ability to serve the proposed development.

Objective 4.4: The Pinellas County Concurrency Management System shall insure that building permits and development orders for development of regional impact are not authorized unless the needed support facilities and services are available or such authorization is conditioned on the availability of the facilities and services necessary to serve that development at the time it is needed.

Policy 4.4.1: Pinellas County's Concurrency Management System shall include, as a minimum, level of service standards for roadways, potable water, sanitary sewer, solid waste, drainage and recreation and open space.

Analysis: Pinellas County maintains concurrency requirements for the following seven services: Roadways, Potable Water, Wastewater, Solid Waste, Stormwater, Recreation and Mass Transit. With regard to roadways, as described in detail in the Response to *Future Land Use and Quality Communities Element* Objective 1.10 and Policy 1.10.1 immediately above, the adopted LOS for McMullen Booth Road is C Average Daily. The current LOS for this road is C and will remain at C including the project's traffic. Therefore, the proposed amendment is consistent with this Goal, Objectives and Policies regarding Road Concurrency.

According to Ordinance 15-15, adopted by the Board of County Commissioners on March 24, 2015, the level of service for Potable Water, Wastewater, Solid Waste, Recreation and Mass Transit are at an acceptable level. With regard to Stormwater, concurrency is determined for each site at time of site plan review. It is recognized that the proposed plan amendment site must demonstrate this compliance at that time.

Therefore, in summary, the proposed plan amendment is consistent with this Goal, Objectives and Policies and the proposed plan amendment is concurrent for all services.

TRANSPORTATION ELEMENT

GOAL ONE: Provide for a safe, convenient, and energy efficient multimodal transportation system that serves to increase mobility, reduce the incidence of single-occupant vehicles, protect roadway capacity, reduce the contribution to air pollution from motorized vehicles and improve the quality of life for the citizens of Pinellas County.

Objective 1.1: All county and State roadways within Pinellas County, not including those identified in the Concurrency Management System as concurrency corridors (e.g., long term concurrency management, constrained and congestion containment corridors) shall operate at level of service C average daily/ D peak hour and a volume- to-capacity ratio of less than 0.9. Florida Intrastate Highway System (FIHS) facilities, with the exception of US Highway 19 for an interim period described in Policy 1.1.7 and roads funded through the Transportation Regional Incentive Program (TRIP) shall operate at a level of service that is consistent with Rule 14-94, F.A.C.

Policy 1.1.3: Pinellas County shall minimize the impacts of development on concurrency and management corridors through the implementation of land development restrictions and transportation management plan (TMP) strategies through the application of the Concurrency Management System.

Analysis: It is recognized that the County will review the project's access point(s) on McMullen Booth Road during the site plan review process. It is also recognized that even though the adjacent roadway operates at an acceptable LOS C, the site is located within ½ mile of a constrained corridor, East Lake Road at Woodlands Parkway and, therefore, a Transportation Management Plan (TMP) will be established for the project to develop at the 0.20 FAR. The Applicant is committed to working with Pinellas County to develop an acceptable Transportation Management Plan during the site plan review

process. Therefore, based on compliance with the TMP process, the proposed amendment is consistent with this Goal, Objective and Policy.

Objective 1.3: The Transportation Element shall be coordinated with the goals, objectives and policies of the Future Land Use and Quality Communities Element in guiding population distribution, economic growth, and the overall pattern of urban development.

Policy 1.3.1: Pinellas County shall coordinate decisions on Future Land Use Map (FLUM) amendments with the need to protect the traffic carrying capacity of roads designated as concurrency management corridors in the Concurrency Test Statement.

Analysis: The proposed amendment will continue to protect the traffic carrying capacity of McMullen Booth due to the small number of new trips and with development of a TMP. Please also see the detailed traffic analysis in the *Future Land Use and Quality Communities Element*, Response to Goal One, Objective 1.10 and Policy 1.10.1, beginning on Page 7.

RECREATION, OPEN SPACE & CULTURE ELEMENT

Goal One: To administer outstanding countywide recreational, open space and environmental systems that provide, through acquisition, development and maintenance, sufficient resource-based regional parks and environmental lands that are environmentally sustainable, foster environmental stewardship, and enhance the County's economic vitality and the quality of life for residents and visitors.

Objective 1.1: Pinellas County shall continue to provide a system of regional resource- based County parks and environmental lands to adequately meet the needs of Pinellas county residents through the Year 2025.

Policy 1.1.1: Pinellas County shall maintain a minimum level of service standard of 14.0 acres of parks and environmental lands, in combination, for every 1,000 residents within the County through the Year 2025.

Analysis: According to this Element, the proposed plan amendment site is not a part of the County's regional resource-based parks or environmental lands. Additionally, in 2006, with the sale of this property to SWFWMD, the County determined that the site is not necessary to meet the recreational needs of the County. Therefore, this plan amendment will not have any effect on the County's ability to continue to provide regional resource- based parks and environmental lands and the amendment is consistent with this Goal, Objective and Policy.

Objective 1.5: In recognition of the limited amount of available open space remaining within the county, Pinellas County shall prohibit the conversion of dedicated recreation/ open space land uses, and encourage the retention of non-dedicated recreation/ open space land uses.

Policy 1.5.1: By December 2012, Pinellas County will evaluate whether additional policies, regulations, and/or incentives are required to support the retention of recreation/ open space land use designations on golf course properties, small parks and other similarly designated privately-owned open space properties.

Analysis: With the sale of this land in 2006 to SWFWMD, the County determined that this site is not part of the County's dedicated recreation/ open space land uses. Further, the site is not identified in this Element as contributing to any of the County's recreation facilities. The site's small size, lack of waterfront access and little to no recreational attractiveness reveals that the site has none of the characteristics generally associated with a valuable and useful recreational site. Therefore, the proposed plan amendment is consistent with this Goal, Objective and Policy.

POTABLE WATER SUPPLY, WASTEWATER & REUSE ELEMENT

Goal One: High quality and affordable potable water will be available to meet the existing and projected demands of Pinellas County utility customers.

Objective 1.1: Pinellas County shall continue to cooperate on a regional level to ensure that adequate and dependable supplies of potable water are available to meet existing and projected potable water demands, and shall coordinate the issuance of building permits and development orders with the availability of potable water. Policies 1.1.1 through 1.1.4 represent the adopted level of services standards for potable water systems serving Pinellas County.

Policy 1.1.6: Pinellas County will continue to utilize its Concurrency Management System and Groundwater Protection program as one means of linking land and water management, and assuring the availability and reliability of the potable water resource.

Analysis: As described in the *Future Land Use and Quality Communities Element*, Response to Goal 4, Objectives 4.1, 4.2, 4.4 and Policies 4.1.1, 4.2.2 and 4.4.1, there is available capacity of Potable Water to serve the site; and, therefore, this amendment is consistent with this Goal, Objective and Policy. Additionally, there is an existing water line in the McMullen Booth Road right-of-way available to serve the project. Please see the detailed Response beginning on Page 9 above.

Goal Two: Wastewater collection, treatment, reuse and disposal facilities are available to safely meet existing and future demands, in a manner that contributes to water conservation, and does not degrade the surrounding natural environment.

Objective 2.1: Pinellas County Utilities (PCU) shall provide the levels of service necessary for proper wastewater treatment, reuse and disposal in order to ensure the protection of its citizens and the environment and to provide adequate wastewater treatment capacity for all current and projected wastewater facility demands of Pinellas County Utility customers.

Policy 2.1.1: Wastewater flows associated with existing and permitted development cannot exceed the wastewater treatment plant's permitted design capacity.

Policy 2.1.3: Pinellas County will, for concurrency management purposes, annually compare wastewater flows to permitted treatment capacity to determine the percentage of available capacity and assess whether permitted treatment capacity exceeds the needs of existing and committed development. If available treatment capacity meets this standard development can be permitted.

Analysis: As described in the *Future Land Use and Quality Communities Element*, Response to Goal 4, Objectives 4.1, 4.2, 4.4 and Policies 4.1.1, 4.2.2 and 4.4.1, there is available capacity of Wastewater to serve the site; and, therefore, this amendment is consistent with this Goal, Objective and Policy. Additionally, there is an existing wastewater line in the McMullen Booth Road right-of-way available to serve the project. Please see the detailed Response beginning on Page 9 above.

SOLID WASTE AND RESOURCE RECOVERY ELEMENT

Goal Three: Regulate in the most economically feasible, cost-effective, and environmentally safe manner, the processing, source reduction, recycling and disposal of solid and hazardous waste in order to protect the public health and safety.

Objective 3.2: The County shall establish a level of service standard for disposal of refuse countywide.

Policy 3.2.1: the level of service standard shall be to dispose of 1.30 tons per person per year.

Analysis: As described in the *Future Land Use and Quality Communities Element*, Response to Goal 4, Objectives 4.1, 4.2, 4.4 and Policies 4.1.1, 4.2.2 and 4.4.1, there is available capacity of Solid Waste to serve the site; and, therefore, the proposed amendment is consistent with this Goal, Objective and Policy. Please see the detailed Response beginning on Page 9 above.

ECONOMIC ELEMENT

Goal One: To facilitate a strong and robust local economy that provides growth opportunities for existing businesses, attracts new high-wage primary employers and promotes a diverse range of industries through innovative, sustainable methods that, in a responsible manner, enhance the County's vitality and the quality of life for residents and visitors.

Objective 1.1: To strengthen the local economy by attracting 50,000 new high-wage primary jobs to Pinellas County by 2030.

Policy 1.1.1: Pinellas County will continue to actively recruit identified Target Industry businesses.

Policy 1.1.2: Particular emphasis will be placed on attracting and retaining businesses that specialize in innovation, research and development, as such organizations often serve as catalysts for creating new high-wage spin-off companies, and attracting complementary industries.

Objective 1.4: To achieve a business climate that promotes and supports local business retention, expansion and diversity.

Policy 1.4.2: Pinellas County will support and encourage a diversified local economy that is less susceptible to economic downturns and the fluctuations of a particular industry.

Policy 1.4.3: Pinellas County will encourage exports to outside of Pinellas County and internationally.

Analysis: The proposed amendment will allow an existing periodontist business to expand and remain in Pinellas County, thus contributing to the strengthening of the local economy. Additionally, the proposed business can be considered as one of the Target Industry Businesses in the sector of Life Sciences/ Medical Technologies since the business has developed advanced surgical procedures and computer guided surgery for periodontal issues. The Applicant, Dr. Michael Pikos, has pioneered computer guided surgery and has been teaching advance surgical procedures to other implant dentists from all 50 states and 43 countries since 1990. Therefore, the proposed amendment will allow a business that will positively contribute to the community and is consistent with this Goal, Objectives and Policies.

(6) Impacts on the flood plain and how the impact will be mitigated.

Response: The site is not located within a flood zone or within the flood plain and therefore, no impacts are expected. However, the applicant is aware that the Lake Tarpon Canal in close proximity to the site is within the flood plain. The design of the site will comply with the applicable County regulations regarding the flood plain when construction plans are developed.

I. SUMMARY

Based on the analysis provided, the proposed plan amendment and rezoning application should be approved for the following reasons:

1. There is no viable marketable recreational use for this site under the current R/OS plan category due to the site's small size, location and lack of recreational attractiveness.
2. The County's sale of this property to SWFWMD in 2006 confirms that the site is not part of the County's recreational system and is not needed to meet the recreational needs of the County.
3. The proposed use as a medical office limited by the proposed R/OL plan category and P-1A Zoning district is consistent with the existing mixed use corridor in the vicinity of the site.
4. The proposed use as a low scale medical office use is compatible with the existing neighborhood due to the large distance separating these two uses and the low intensity allowed by the requested plan category and zoning district.
5. Although McMullen Booth Road is a designated scenic non-commercial corridor, historically, there is a development pattern of retail, office, medical and institutional uses along this roadway.

6. The County Commission's recent approval of two plan amendments on McMullen Booth Road demonstrate that non-residential plan categories can be acceptable at limited site sizes and upon a demonstration that the use will not impair the traffic carrying capacity of the corridor. This analysis has demonstrated that the proposed use will generate trips that are less than 1% of the current road volume and a substantial amount of capacity exists on this segment of McMullen Booth Road.
7. This analysis has documented that the proposed plan amendment and rezoning are consistent with the review criteria listed in Section 134-339 of the Pinellas County *Land Development Code*.

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CASE SUMMARY
CASE NO. Z/LU-12-5-16
(Quasi-Judicial)

PRC MEETING: April 11, 2016 @ 10:00 AM-1st Floor, Planning Conf Room

LPA HEARING: May 11, 2016 @ 9:00 AM-5th Floor, Board Assembly Room

BCC HEARING: June 21, 2016 @ 6:00 PM-5th Floor, Board Assembly Room

PPC HEARING: August 10, 2016 @ 3:00 PM-5th Floor, Board Assembly Room

FINAL DETERMINATION BY: October 11, 2016

APPLICANT'S NAME: Martin Rosato

REQUEST: Zone change from: A-E, Agricultural Estate Residential
to: P-1A, Limited Office

Land Use change from: Recreation/Open Space
to: Residential/Office Limited

CASE DESCRIPTION: Approximately 2.6 acres located on the east side of McMullen Booth Road approximately 1/4-mile north of Curlew Road in Palm Harbor (16/28/16/00000/240/0130). A legal description is available in file upon request.

APPLICANT/ADDRESS: Martin Rosato
P. O. Box 348
Largo, FL 33779

REP/ADDRESS: Cynthia Tarapani, VP, Planning
Florida Design Consultants, Inc.
3030 Starkey Boulevard
New Port Richey, FL 34655

NOTICES SENT TO: Martin Rosato, Oldsmar, Landmark Oaks, COA, The Oaks @ Countryside, COA, Mike Meidel-Economic Development Council, DOT, Clint Herbic-Pinellas County School Board, BCC Office & Surrounding Owners

EXISTING USE: Vacant

PROPOSED USE: Medical Office

LAND USE: Recreation/Open Space

ZONING: A-E

Z16-000005

ANCLOTE TITLE SERVICES, INC
38868 US Highway 19 North
Tarpon Springs, Florida 34689
Phone 727-934-5453 Fax 727-934-8862

March 18, 2016

Pinellas County Board of County Commissioners

Re: Our File No.: 16-192

Property Address: 0 McMullen Booth Rd., Oldsmar, Florida 34677

Parcel Number: 16-28-16-00000-240-0140

Dear Sir / Madam:

Please find the copy of the latest deed to the above referenced property. This letter is to state that the current owner of the subject property is Martin Rosato.

If further information is required please advise.

Sincerely,



Julie T. Holt
President

Prepared by and return to:
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34602

SWF Parcel No. 16-001-153S

QUIT CLAIM DEED

This Indenture, made this 26th day of August, 2014, by and between the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter called "the Grantor" and Martin Rosato, an individual, having an address of P.O. Box 348, Largo, Florida 33779, hereinafter called "the Grantee".

Witnesseth, that the Grantor, for and in consideration of ten dollars and no cents (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does remise, release and quitclaim to the Grantee and its successors and assigns forever all the right, title, interest, claim and demand which the Grantor has in and to the following real property lying and being in the County of Pinellas County, State of Florida, and described in Exhibit "A" attached hereto and incorporated herein by reference:

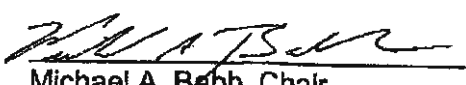
Together with all the tenements, hereditaments and appurtenances thereto belonging or anywise appertaining.

In Witness Whereof, the Grantor has caused these presents to be executed the date and year first above written.

Attest:


Jeffrey M. Adams, Secretary

Southwest Florida Water
Management District


Michael A. Babb, Chair

(Seal)

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

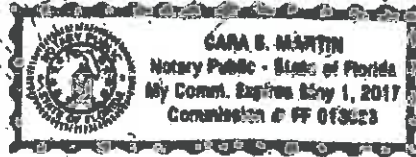
The foregoing instrument was acknowledged before me this 24 day of August, 2014, by Michael A. Babb and Jeffrey M. Adams of the Southwest Florida Water Management District. They are personally known to me.

Cara S. Martin
Notary Public

Cara S. Martin
(Name of Notary typed, printed or stamped)

Commission No. FF 013893

My Commission Expires: May 1, 2017



APPROVED BY:	INITIALS	DATE
Attorney	<u>CNF</u>	<u>8/1/14</u>
Real Estate Manager	<u>[Signature]</u>	<u>8/21/14</u>
QPS Bureau Chief	<u>[Signature]</u>	<u>8/21/14</u>
Division Director	<u>[Signature]</u>	<u>8/21/14</u>

EXHIBIT "A"

Legal Description Parcel 16-001-153S (Lake Tarpon Outfall Canal)

The South 409.39 feet of that certain parcel of land as described in Official Records Book 15042 Page 180 of the Public Records of Pinellas County, Florida, lying and being in Section 16, Township 28 South, Range 16 East, Pinellas County, Florida being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of said Section 16; thence run along the South line of said Northwest 1/4 of Section 16, South $89^{\circ}27'57''$ East, a distance of 227.03 feet; thence leaving said line, North $00^{\circ}32'03''$ East, a distance of 59.00 feet to the Easterly right-of-way line of McMullen Booth Road (right-of-way width varies) and a non-tangent curve to the right; thence run Northwesterly along said East right-of-way line, 121.67 feet along the arc of said curve having a radius of 87.50 feet, central angle of $79^{\circ}40'26''$ and a chord bearing and distance of North $49^{\circ}37'45''$ West, 112.11 feet to a reverse curve to the left; thence run Northerly 351.71 feet along the arc of said curve, having a radius of 2,291.83 feet, central angle of $08^{\circ}47'34''$ and a chord bearing and distance of North $14^{\circ}11'18''$ West, 351.37 feet; thence run North $23^{\circ}10'27''$ West, a distance of 332.96 feet to the southwest corner of the aforesaid certain parcel of land as described in Official Records Book 15042 Page 180 of the Public Records of Pinellas County, Florida, for a POINT OF BEGINNING; thence continue along said right-of-way and the West line of said certain parcel North $23^{\circ}10'27''$ West, a distance of 146.35 feet; thence run North $18^{\circ}24'07''$ West, a distance of 263.55 feet; thence run North $71^{\circ}35'53''$ East, along a line 409.39 feet North of and parallel with the South line of said certain parcel of land as described in Official Records Book 15042 Page 180 of the Public Records of Pinellas County, Florida, a distance of 214.97 feet to an intersection with the East line of said certain parcel; thence run along said East line of said certain parcel South $18^{\circ}24'07''$ East, a distance of 409.39 feet to the Southeast corner of said certain parcel; thence run South $71^{\circ}35'53''$ West, along the South line of said certain parcel, a distance of 202.80 feet to the POINT OF BEGINNING.

The above described lands containing 2.00 acres.