

Denhardt and Rubenstein
Attorneys at Law

James W. Denhardt
Lauren C. Rubenstein

2700 First Avenue North
St. Petersburg, Florida 337113
Telephone (727) 327-3400
Facsimile (727) 323-0888

April 21, 2021

Board of County Commissioners
c/o Development Review Services

RE: Objection to ZLU21-01

Dear Commissioners:

On behalf of my client, Suncoast Primate Sanctuary Foundation, Inc., located at 4600 Alternate U.S. Highway 19, I am submitting this Objection to the above-referenced Application for a Future Land Use Map Amendment from Residential Suburban (RS) and Preservation (P) to Residential Low (RL) and Preservation (P), and a Zoning Atlas Amendment from R-A (Residential Agriculture) and R-3 (Single Family Residential) to R-5-CO (Urban Residential - Conditional Overlay), with a conditional overlay limiting the use on the site to either 70 1-story villas or 78 2-story townhomes, and Preservation - Conservation (PC). The subject property, consisting of approximately 21.5 acres located at and to the south of 4706 Pleasant Avenue in Palm Harbor, is situated in a neighborhood that is currently zoned R-A (Residential Agriculture), R-R (Residential Rural) and R-3 (Single Family Residential), with a future land use designation of Residential Suburban (RS).

The first of many concerns related to the proposed rezoning is the traffic. The proposed project lies within a deficient corridor, as that term is defined by the Pinellas County Land Development Code (Section 150-48(b)(3)). Access from the proposed project to the surrounding arterial network is very limited. The project has full access to Alternate U.S. Highway 19 via a travel distance of approximately 300 feet via Valley Road, which is an east/west roadway less than 200 feet north of the project. The only other access to the surrounding arterial network is a total distance of approximately one quarter mile drive on

Pleasant Avenue, and then on Roberts Road to an eastbound right in and eastbound right out on Klosterman Road. It should be noted that Alternate U.S. Highway 19, from Alderman Road to Klosterman Road is a deficient roadway corridor because it is operating at a level of service F, and has a V/c ratio of 1.06, based on the Pinellas County 2019 Annual Level of Service Report. Granting the proposed Future Land Use Map Amendment, which doubles the maximum allowable density on the subject site (the current future land use designation of RS allows for 2.5 units per acre, while the proposed future land use of RL allows for 5 units per acre), will create an estimated 549 additional daily trips and exacerbate the current traffic nightmare that exists on Alternate U.S. Highway 19.

Related to the traffic concern, is the fact that when accessing the proposed project from Alternate U.S. Highway 19, via Valley Road, all the vehicles must crossover a Pinellas Trail crossing (see the attached photos). The applicant has not addressed this anywhere in its Application, but it certainly constitutes a significant safety hazard when looking at the potential increased number of trips that will primarily occur on Valley Road.

In reviewing the proposed Application, my client engaged Traffic Engineer, George Deakin, to analyze the traffic study letter provided by Palm Traffic Company that was included as part of the applicant's original Application. Palm Traffic Company ran trip generation calculations for both proposed projects (70 villas and 78 townhomes). However, Palm Traffic Company used the same land use code for both the one-story villas project (which are described as two attached, one-story dwelling units) and the 78 townhomes project (which consists of four units per building). While Traffic Engineer, Mr. Deakin, agrees with the trip calculation numbers that were submitted for the 78 townhomes project, Mr. Deakin would disagree regarding those calculations being used for the 70 one-story villas proposed project. Mr. Deakin provides a thorough analysis and explanation of why land use code 220, which is for low rise multi-family housing located within the same building with at least three other dwelling units and that have one or two levels, is not the correct land use code for the one-story villas project. Since there is not a separate land use code category for multi-family housing consisting of less than four units per building, a more accurate number would be a compromised rate that is a simple average of land use code 220 (multi-family, low rise) and land use code 210 (single-family, detached dwelling unit). Using the compromised rate, the trip generation for the 70 villas is 57.5 trips during the p.m. peak hour (see page A-5, Appendix A, attached to the Traffic Review Letter prepared by Deakin Property Services). This is extremely significant since Section 150-48 of the Pinellas County Land Development Code specifically requires a Transportation Management Plan if a project will generate 51 or more peak hour trips, and the project is located within a deficient roadway corridor. The applicant's traffic engineer from Palm Traffic Company was able to stay below 51 peak hour trips by only utilizing the multi-family, low rise land use code 220. I would submit

that based on the calculations provided by Deakin Property Services, a Traffic Management Plan is required prior to the County even considering the proposed Application. I would further submit that even with the trip generation numbers provided by the applicant's traffic engineer, when taking into consideration the limited access to the proposed development and above-mentioned traffic concerns, as well as being located in a deficient corridor, that any approval of the proposed Application without a Traffic Management Plan being submitted to the County would be unreasonable and appropriate grounds for denial.

Another major concern related to the proposed rezoning is the substantial increase in density that would be allowed on the subject parcel. Looking at the future land use designation alone, the proposed change from RS to RL effectively doubles the maximum allowed density on the subject site under the comprehensive plan (RS allows for 2.5 units per acre, while the proposed future land use of RL allows for 5 units per acre). However, when taking into account that the majority of the subject site is currently zoned R-A (Residential Agriculture) which requires a minimum lot size of two acres, the proposed rezoning to R-5-CO, which allows a minimum lot size of only 3,000 square feet, the resulting density is much, much greater than double. A two acre lot is 87,120 square feet, which is more than 29 times larger than the minimum 3,000 square foot lot size required under R-5 zoning. This dramatic increase in density, when analyzed in conjunction with the surrounding uses and neighborhood, is completely unreasonable and incompatible. Other residential properties located in the same neighborhood are zoned R-A, which requires the two acre minimum lot size, or R-R, which requires a 16,000 square foot lot, or R-3, which requires a minimum lot size of 6,000 square feet (double that of the minimum lot size required in R-5 zoning).

Related to the increased density are the reduced setbacks that would come with the proposed rezoning. In the R-A zoning district, a minimum rear setback is 20 feet. However, when taking into account that the minimum lot size in the R-A district is two acres, the actual rear setbacks often greatly exceed 20 feet. The proposed zoning change to R-5-CO, would allow minimum rear setbacks of only 10 feet, which is exactly what the applicant is proposing on its conceptual site plans. My client's property, which fronts Alternate U.S. Highway 19, functionally abuts many of the proposed dwelling units on the subject property. Although the Pinellas Trail provides some buffer between the two properties, the decreased setbacks, paired with the substantial increase in density, is not compatible with the existing use of my client's property as a primate sanctuary. The Suncoast Primate Sanctuary Foundation, and its predecessor organizations, have provided a safe haven for animals, including chimpanzees, orangutans, monkeys, reptiles and tropical birds, for over 50 years at its location at 4600 Alternate U.S. Highway 19 North. My client is rightfully concerned for the well-being of the Sanctuary's residents, as well as the potential new owners of residences on the subject site. Under the current

R-A zoning, the density of any new development, paired with the required setbacks, would much more limited on the subject site and compatible with the neighboring Suncoast Primate Sanctuary's use of the their property. However, under the proposed development, a much more densely populated subdivision would suddenly appear, with very limited setbacks, which would not be compatible with the neighboring land uses. The more people, lights, noise, etc. that come with more densely developed subdivisions, would create a nuisance environment for the primates residing at the Suncoast Primate Sanctuary. It will likely cause additional stress to the animals, which could result in animals becoming uneasy and making a significant amount of noise, which in turn could potentially create problems for individuals residing in the proposed new subdivision. This is a perfect example of why you, as Commissioners, must look at the current surrounding land uses and make sure they would be compatible with the proposed project. It isn't just to protect what is currently there, but to also ensure compatibility for future property owners, so that everyone may equally use and enjoy their property.

Policy 1.2.3 and Policy 1.2.4 of the Pinellas County Comprehensive Plan, Future Land Use and Quality Communities Elements, read as follows:

Policy 1.2.3 - Plan designations on the future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area.

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.

The proposed Rezoning and Future Land Use Map Amendment would be inconsistent with the above mentioned Policies. The proposed change in the future land use would specifically violate Policy 1.2.3 noted above, as it would not be compatible with the natural environment and land uses in the surrounding area. As discussed above, the existing land use of the Suncoast Primate Sanctuary is not compatible with the proposed denser land use designation RL (Residential Low). The proposal is also inconsistent with Policy 1.2.4 that requires urban infill development be compatible with and support the integrity and viability of existing residential neighborhoods. The existing residential neighborhood, which the new development would be a part of, is much less dense, features larger lots, and requires greater setbacks. This allows for the surrounding existing uses, such as the Suncoast Primate Sanctuary, to peacefully exist with the current neighborhood. The proposed development is clearly inconsistent with the above-mentioned policies of the Pinellas County Comprehensive Plan.

Additionally, Policy 4.2.3 of the Pinellas County Comprehensive Plan requires the following:

When making decisions on requests to amend the Future Land Use Map (FLUM), or the Zoning Atlas (other than decisions on appropriate locations from mixed-use development and transit-oriented development), Pinellas County shall review the potential impacts on the transportation system by considering the following:

- Ability of the surrounding existing and planned transportation network to meet the mobility objectives of the comprehensive plans;
- Capacity of the surrounding existing and planned transportation network to accommodate any projected additional demand; and
- Extent to which the proposed FLUM amendment or rezoning furthers the intent of the Comprehensive Plan to improve mobility.

The above-mentioned traffic impacts and traffic concerns, paired with the proposed development being located in a deficient corridor, and a main access point requiring vehicles to cross the Pinellas Trail, is not consistent with the above-mentioned policy in the Pinellas County Comprehensive Plan. The current future land use designation and current zoning, which still allows for meaningful development on the subject property with compatible density and development perimeters, is much more consistent with the Pinellas County Comprehensive Plan and should remain in place.

Wherefore, in accordance with the reasons stated above, my client respectfully requests that the Board of County Commissioners deny the proposed Rezoning and Future Land Use Map Amendment ZLU 21-01.

Very truly yours,

Lauren C. Rubenstein

Lauren C. Rubenstein



Pinellas Trail

STOP

ALL WAY



US 9

11





Pinellas Trail

Valley St

STOP

ALL WAY

From: [Carpenter, Katherine](#)
To: [Comments, BCC Agenda](#)
Subject: FW: Correspondence received for April 27th BCC - # 21-562 A - CASE NO: ZLU 21-01
Date: Monday, April 12, 2021 11:03:22 AM

From: Swinton, Tammy M <tswinton@co.pinellas.fl.us>
Sent: Monday, April 12, 2021 10:31 AM
To: Bartlett, Christopher T <ctbartlett@co.pinellas.fl.us>
Cc: Young, Bernie C <bcyoung@co.pinellas.fl.us>; Carpenter, Katherine <kcarpenter@co.pinellas.fl.us>
Subject: Correspondence received for April 27th BCC - # 21-562 A - CASE NO: ZLU 21-01

Good morning Chris,

See below the additional correspondence received for April 27th BCC Item 21-562A – Z/LU-21-01 (Noell Family, LLC)

Tammy Swinton
Pinellas County Planning & Zoning
(727) 464-3583
tswinton@pinellascounty.org

From: SPSFI <spsfi@aol.com>
Sent: Sunday, April 11, 2021 2:29 PM
To: Blanton, Whit <wblanton@co.pinellas.fl.us>; Chatman, Rodney S <rschatman@co.pinellas.fl.us>; Jablon, Tina <[TMJablon@co.pinellas.fl.us](mailto:TJablon@co.pinellas.fl.us)>; Stysly, Rebecca <RStysly@co.pinellas.fl.us>; Favero, Chelsea <cfavero@co.pinellas.fl.us>; Kelly, Maria <Mkelly@co.pinellas.fl.us>; Jacobs, Joann <jjacobs@co.pinellas.fl.us>; Elmore, Amy <aelmore@co.pinellas.fl.us>; Caper, Sarah <scaper@co.pinellas.fl.us>; Mendoza, Christina <CMendoza@co.pinellas.fl.us>; Ryan, Angela <aryan@co.pinellas.fl.us>; Fisher, Linda A <lfisher@co.pinellas.fl.us>; Knoebel, Sandra <sknoebel@co.pinellas.fl.us>; Feigel, Robert <rfeigel@co.pinellas.fl.us>; Rahman, Nousheen <NRahman@co.pinellas.fl.us>; Austin, Jared <jaustin@co.pinellas.fl.us>; Historic <Historic@co.pinellas.fl.us>; Planner <Planner@co.pinellas.fl.us>; Ambadi, Smita <sambadi@co.pinellas.fl.us>; Noah Taylor <noah.taylor@stpete.org>; McKibben, Nancy <nmckibben@co.pinellas.fl.us>; Lowack, Brian <blowack@co.pinellas.fl.us>; Moore, Christopher D <cdmoore@co.pinellas.fl.us>; acer@futuregear.com; websolutions@futuregear.com; steve.wonderly@florida.sierraclub.org; grant.gelhardt@florida.sierraclub.org; cas@clearwateraudubonsociety.org; slavensky@pinellascf.org; info@zoomiami.org; Mattaniah Jahn <mjahn@thelawmpowered.com>; larijohnson@hotmail.com; info@klarklar.com; Susan@SusanReiter.com; info@wwtia.com; Valerie@plainandpractical.com; Herbic Clinton <herbic@pcsb.org>; charlenebeyerfl@gmail.com
Subject: CASE NO: ZLU 21-01

CAUTION:

This message has originated from **Outside of the Organization**. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe.

This is in reference to the case # ZLU 21-01 that is touching the property we own. I have noticed this came up and noticed there was no change to R5 in Palm Harbor and do not feel there should be a change now. Due to the problems with the state road ALT 19 and Pleasant Ave cannot handle anymore traffic. This change is not in the best interest for the residents, wildlife, businesses, or hurricanes that we have been hit with. I am sending this in representing Jon Cobb, Deborah Cobb, Brandy Cobb, Breanna Cobb and Joseph Howe to make you aware we live here, we vote here, and we can be reached at any time to help preserve our community. So please vote NO for re zoning. I would appreciate a response back.

Deb Cobb
727-667-0717

Carpenter, Katherine

From: zoningabuse@earthfutures.org
Sent: Thursday, March 11, 2021 7:53 AM
To: Eggers, Dave
Subject: Attention: Dave Eggers, Pinellas County Commission

CAUTION:

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Re: Case No. ZLU 21-01

Attention: Dave Eggers, Pinellas County Commission

Hello Dave, Please have the Pinellas County Commission look into this matter, I am writing you to inform you that I am very concerned about the proposed zoning change in Palm Harbor of 21.5 acres on the Pinellas Trail directly behind the Suncoast Primate Sanctuary. That is not a good site for 78 condominium units. We need to keep some green space for wildlife in Pinellas County and the Primate Sanctuary is a piece of our Florida and County history. I am asking you look closely at the facts and vote NO on this zoning change.

There is a sizable petition growing against these changes. Citizens and voters are concerned.

Details are here:

www.earthfutures.org

Sincerely,

Doug Adams, Palm Harbor resident and registered Pinellas County voter

Stop R-5 Zoning Changes in Suburban Palm Harbor & Save Natural Habitat

The Noell Family LLC land parcel, located adjacent to the Pinellas Trail and Alt 19 South of Klosterman, is a significant, 21.5-acre piece of natural Florida and should be preserved in order to maintain the much-needed green space for Pinellas County residents and to protect one of the few 70+year old natural habitats in the County. In Clearwater, Dunedin, and Palm Harbor there are few acres of undeveloped land; this unique parcel has been untouched for over 70 years, and as such, is home to a wealth of local animal and plants species whose habitat will be destroyed if zoning changes and development proceed.

We are asking for your support in opposing the current rezoning proposal for a 21.5 acre parcel of land located adjacent to the Pinellas Trail and Alt 19 South of Klosterman, from Residential Agricultural to Urban Residential R-5.

The proposed development plan includes up to 78 dwellings within the confines of the property, with only a single road access and no defined buffer between the homes' backyards and the Pinellas Trail and adjacent Suncoast Primate Sanctuary. Additionally, the developers have overlooked creating a

comprehensive flood plan mitigation strategy for adjacent natural areas to the west which will be significantly impacted by the proposed development.

Of significant note is that the proposed 78 townhomes will house up to 156 adults and adolescents who will drastically impact the traffic patterns and congestion of the area. Valley Road is currently a small, poorly maintained thoroughfare that feeds into a congested highway (Alternate US 19). The deleterious effect of the predicted 549 additional daily trips of the residents of this area would be substantial in terms of road wear and tear, destruction of natural habitat, and public safety.

This land parcel is a significant, 21.5-acre piece of natural Florida and should be preserved in order to maintain the much-needed green space for Pinellas County residents and to protect one of the few 70+year old natural habitats in the County. In Clearwater, Dunedin, and Palm Harbor there are few acres of undeveloped land; this unique parcel has been untouched for over 70 years, and as such, is home to a wealth of local animal and plants species whose habitat will be destroyed if zoning changes and development proceed.

We are asking for your help to maintain the natural landscape, compatibility and consistency of our neighborhood!

There is not another natural area of this size in Palm Harbor; its value in its natural state far outweighs its destruction to create a cramped sub-division. The loss of this habitat is inconceivable by responsible citizens and elected officials who understand the many values of biodiversity and nature in creating a livable community. This property should, and must, be preserved.

Carpenter, Katherine

From: zoningabuse@earthfutures.org
Sent: Thursday, March 11, 2021 7:58 AM
To: Gerard, Pat
Subject: Attn: Pat Gerard, Pinellas County Commission

Follow Up Flag: FollowUp
Flag Status: Completed

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Re: Case No. ZLU 21-01

Attention: Pat Gerard, Pinellas County Commission

Hello Pat, Please have the Pinellas County Commission look into this matter, I am writing you to inform you that I am very concerned about the proposed zoning change in Palm Harbor of 21.5 acres on the Pinellas Trail directly behind the Suncoast Primate Sanctuary. That is not a good site for 78 condominium units. We need to keep some green space for wildlife in Pinellas County and the Primate Sanctuary is a piece of our Florida and County history. I am asking you look closely at the facts and vote NO on this zoning change.

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Carpenter, Katherine

From: zoningabuse@earthfutures.org
Sent: Sunday, March 14, 2021 8:01 AM
To: Gerard, Pat
Subject: Attention: Pat Gerard

Follow Up Flag: Follow up
Flag Status: Completed

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Re: Case No. ZLU 21-01

Attention: Pat Gerard - District 2 - Countywide

Hello Pat

I sent you an email on the 10th and I am to understand that you did not personally receive and review it? Somehow it went to the wrong person? Someone named Whitney? My email was addressed to you Pat. Pat, I am not trying to discuss the matter outside of the hearings, the purpose of my emails is to create a public record that the officials in this matter have been notified and presented more of the facts surrounding this case, so as to better decide the outcome. It is with the greatest respect that I submit these facts. Please review them.

I am sending this email as a follow up, I was able to review a recording of the first hearing on Case No. ZLU 21-01 that was held on 03/11/2021 and i was disturbed at the way it was handled. The applicant D. R. Horton made a joke in a demeaning manner about the Suncoast Primate Sanctuary calling it "the monkey farm" as if it was somehow inferior to D.R. Horton's planned development to cut down all the trees on 22 adjoining acres and wipe out all the wildlife.

There were numerous objections to the plan, and the objectors presented facts that were ignored by the board. Prior to the vote a board member advised the board that they could only vote on facts, but the only facts they voted on were the ones presented by the "largest home builder in the country" that only sees dollar signs. D.R. Horton is not impacted on a local level like the tax payers, voters, and historic landmarks, and monuments, and environment are. Out of all the members sitting on your board only one had actually ever visited the SPS Sanctuary, and surrounding area, and so your members are voting on something they know nothing about?

A quasi-judicial body such as a zoning board is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action,

I will present some more of the truly important facts, here now, that need to be entered into the public record, and not ignored again:

Fact 1 - notices were not sent out announcing the proposals and hearings thus depriving local residents of chances to object and prepare for these hearings

fact 2 - the SPS is a historical landmark that is a treasure to our community and needs to be preserved, please take time to view the history compiled here in this video by **Fox Business** aired on "**Strange Inheritance**" ~ **Gorillas In Their Midst** ~ **#StrangeInheritance** ~ **S3E14**

<https://www.youtube.com/watch?v=cDMrPXxArZw>

The SPS is a great part of our tourism and heritage, provides and promotes healthy tourism and enjoys a surrounding natural setting that must be preserved

The tourist trap video - Suncoast Primate Sanctuary in Palm Harbor Florida

<https://www.youtube.com/watch?v=uALixss9z8A>

Fact 3 - the primates will become stressed by such an intense development so close

Click this link to view the rear of the property that will be affected

<https://photos.app.goo.gl/y7o3T5MvsMGaHNMT6>

Fact 4 - the damage to the local eco system and environment will be catastrophic

Gopher tortoises threatened – keystone species

<https://www.facebook.com/TheCityofNorthPort/posts/2967855906782417>

Fact 5 - the existing zoning is better suited, half the number of single family homes is much better and will preserve more trees and wildlife, and we need more trees and wildlife not less. Better yet the county should purchase the land and turn it into a park on the Pinellas trail bordering the historic landmark.

Fact 6 - the traffic impact would be enormous creating chaos and danger in the surrounding area, and on surrounding roads

fact 7- just because the largest home builder in the US wants to cut down all trees does not mean we have to do it, the existing zoning will provide a sufficient tax base for the county

fact 8 - the growing number of petition objections is growing rapidly, these are taxpayers and voters, and clearly show our county residents do not want this zoning change, I repeat, the citizens, taxpayers, and voters of Pinellas county don't want this change

Fact 9 - this case deserves special consideration and research for a number of reasons and that is why we are monitoring this case closely

Pat, these emails are now a part of the public record and will be forwarded in the county in an effort to educate the public, taxpayers, and voters as to what is going on here. Please reply that you have received and reviewed them personally. In closing I am sure you agree we need and deserve responsible growth management.

Sincerely,

Doug Adams

www.earthfutures.org

RE: Attn: Pat Gerard, Pinellas County Commission

From [Creech, Whitney <wcreech@co.pinellas.fl.us>](mailto:wcreech@co.pinellas.fl.us)

To [zoningabuse@earthfutures.org <zoningabuse@earthfutures.org>](mailto:zoningabuse@earthfutures.org)

Date **Today 09:18**

Message Body

On behalf of Commissioner Gerard, thank you for the email.

However, this matter is being heard this morning before the Local Planning Agency, LPA, not the County Commission.

Also, if the matter comes before the Commission it will be a quasi-judicial matter. The Commissioners can not discuss the matter outside of the public hearing.

Thank you.

Whitney Creech

Exec. Aide to Comm. Pat Gerard, District 2

Pinellas County Board of County Commissioners

315 Court Street, 5th Floor

Clearwater, FL 33756

Phone: 727.464.3360 office

Email: wcreech@pinellascounty.org

www.pinellascounty.org

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Due to Florida's broad public records laws most written communications with government employees are considered public records. Therefore, this e-mail communication and any attachments may be subject to public disclosure.

From: zoningabuse@earthfutures.org <zoningabuse@earthfutures.org>

Sent: Thursday, March 11, 2021 7:58 AM

To: Gerard, Pat <pgerard@co.pinellas.fl.us>

Subject: Attn: Pat Gerard, Pinellas County Commission

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