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January 22, 2024

The Honorable Chairman Long and Members
of the Board of County Commissioners
Pinellas County
315 Court Street
Clearwater, Florida 33756

Re: Cypress Run of Florida Rezoning Case Zon-2-08
Response to Whetzel Letter dated November 13, 2023

Dear Chairman Long and Members:

I am writing on behalf of my client, Cypress Run of Florida, who is the Applicant for a rezoning case pending for your review at the County Commission's January 30, 2024 public hearing. Please include this letter in the official file for the Cypress Run application and consider this letter as the Applicant's response to the inaccurate comments contained in the letter dated November 13, 2023 sent by Jane Graham, Attorney for Terri Whetzel.

1. Project is Compatible: The Whetzel Letter contains objections to the project due to a belief that the proposed Master Plan is incompatible with the existing Cypress Run Golf Course and residences. In fact, the Applicant/ Property Owner has made every effort to achieve compatibility with both the Golf Course and especially the existing homes and residents in the following ways:
 - When the property owner first envisioned the project, he held meetings with Cypress Run Property Owners Association and owners outside of the RPD, displayed the proposed Master Plan and heard comments from the residents. This earlier proposal located the new maintenance building on the south side of the site and the residential homes on the north side. Due to objections from both groups of residents, the location of the two uses were switched so that the new homes would face the golf course and existing villas/ townhouses and the maintenance building would be located further from the existing homes and the golf course.
 - The revised proposal that is currently before the County Commission locates the new homes along the south side of the site adjacent to and overlooking the Golf Course. One of the new accessory maintenance facility is proposed to be located on the north

portion of the site and separated from the Golf Course and existing homes by the project's new homes and existing mature trees. The second accessory maintenance facility is a substantial distance east of the villas and is adjacent to the golf course and County preservation area.

- The earlier proposal to include outdoor tennis and pickleball courts has been completely eliminated from the proposed Master Plan. The Applicant made these revisions based on the specific requests of the Cypress Run residents.
- The three new homes will be located approximately 300 feet away from the closest villa/ townhome, and the golf course is located between the existing townhomes and the three proposed homes. In addition to the golf course, there are existing mature trees along the project's south property line that further buffers the new homes from the existing homes.
- When originally approved, the Cypress Run Master Plan proposed different heights for the single family detached homes versus the villas/ townhomes. In the RPD, the maximum height for single family homes is 75' while the maximum height for villas/ townhomes is two stories (no numerical standard established).

The proposed height for all buildings within the new project is 35' in height, which is clearly compatible with the approved heights for both the single family homes and the villas/ townhomes.

- The accessory maintenance building proposed on the Railroad Parcel is bounded on the south by the Cypress Run Golf Course, and on the north by property owned by Pinellas County. This County property is designated as Preservation on the *Future Land Use Map*, which prevents any development on this site. The accessory maintenance building will not have negative impacts on the Golf Course to the south or to the County's Preservation land to the north.
2. Declaration of Use Restriction Irrelevant: The Whetzel letter references a Declaration of Use Restriction ("Restriction Agreement") for a new senior living facility on East Lake Road/ McMullen Booth Road that created a height limit. While we certainly respect the rights of the parties in that Restriction Agreement to privately agree on aspects of that project, the Restriction Agreement is irrelevant to the proposed Master Plan since the senior living facility is completely outside of the Cypress Run RPD on the east side of East Lake Road/ McMullen Booth Road. Additionally, as discussed above, the RPD for Cypress Run regulates the height of all structures; and therefore, there is no need for a private agreement that would duplicate the County's RPD regulations.

3. Consistent with East Lake Tarpon Community Overlay: The Applicant is aware that the Cypress Run RPD is located within the East Lake Tarpon Community Overlay established in the *Future Land Use Element* of the *Comprehensive Plan* (Objective 1.22 and Policies 1.22.1 through 1.22.8). The proposed residential project is consistent with the following applicable Policies shown in *italics* followed by the Applicant's analysis of the project's compliance with the Policy. It should be emphasized that this application does not request a change to the site's Plan Category nor does it request an increase in density.

"Policy 1.22.1 Land Use, zoning and conditional use decisions by Pinellas County that affect properties in East Lake Tarpon Should be compatible with the established residential development pattern and passive recreation areas..."

The project proposes residential uses and accessory maintenance/ recreational uses that are consistent with the residential pattern of the immediate area and with the Overlay area.

"Policy 1.22.3 All future development in East Lake Tarpon should be compatible with the community and fit within the community characteristic land use types, density, height, and scale."

The project's proposed three homes can be developed as either a single family detached home or as townhomes, and each of these residential styles has been previously approved and built within Cypress Run. There is no increase in density proposed by this project and the site has the same Plan Category of Residential Rural and density of 0.5 units/ acre that exists in Cypress Run and in most of the surrounding area. As described earlier in this letter, the height and scale of the buildings are consistent with the height approved in the existing Cypress Run. Therefore, based on this analysis, the proposed project is consistent with this Policy.

"Policy 1.22.7 Land use, zoning, conditional use and project decisions by Pinellas County and other agencies will place a priority on the protection of natural land resources, lake and estuary habitats and dependent species."

The Master Plan for the proposed project demonstrates that there are no wetlands on the site and there will not be any impact on floodway that exists on a portion of the site; therefore, the proposed project is consistent with this Policy.

4. Accessory Maintenance Facility/ Self- Storage/ Recreational Buildings: There are two accessory nonresidential buildings proposed as part of the Master Plan. One building is located to the north of the proposed residential homes, a substantial distance from existing homes within Cypress Run. The second building is located on a wider section

within the Railroad Parcel approximately 1,800 feet east of the new residential homes. The intervening villas that currently exist to the south of the project, the proposed new homes and a mature tree buffer will block the view of the accessory buildings from the existing homes within Cypress Run.

The Master Plan proposes several potential uses for the buildings as a long-term strategy to serve the Cypress Run RPD. Both accessory buildings are proposed to complement the Cypress Run RPD by housing the maintenance operations of the Golf Course, Clubhouse, tennis courts and other aspects of the RPD. The Master Plan also proposes that the accessory buildings may be used in part for self-storage and/or indoor recreational uses. It should be emphasized that the self-storage building will be limited solely to residents of Cypress Run RPD. The indoor recreational use will be limited solely to residents of Cypress Run RPD and/or members of the Cypress Run Golf Course.

5. Floodplain and Floodway: The proposed Master Plan depicts both the Floodplain and Floodway within and adjacent to the Master Plan site. Consistent with County regulations, there are no buildings located within either the Floodplain or the Floodway. The County staff has reviewed the proposed Master Plan and has no objections to the proposed project.
6. Stormwater Management: The proposed Master Plan conceptually depicts a stormwater management area as required by the County's regulations for the RPD Master Plan. The County staff has reviewed the proposed Master Plan and has no objections to the proposed project. As is consistent with the County's regulations, the specific details on the size, dimension and functionality of the stormwater pond will be reviewed by County staff during the site plan review process, and no permits will be issued by the County until it is satisfied that the proposed stormwater management system functions according to the Code. The project will also be required to obtain a permit from the Southwest Florida Water Management District for stormwater management.
7. Access: The project will continue to use the same driveway from East Lake Drive as exists today. After entering the site, there will be a new driveway to the south to serve the three new residential homes and a new driveway to the north for the new maintenance building. This proposed access is conceptually shown on the Master Plan and is subject to the review and approval by the County as part of the site plan review process.

It should be noted that the project does not have any frontage on East Lake Road/ McMullen Booth Road and, therefore, will not have any access to that roadway.

8. Golf Cart Path: Currently, a portion of the Golf Cart Path is located on the project site where the residential homes are proposed. The Master Plan proposes to remove this portion of the existing Golf Cart Path out of the project site and relocate it slightly to the south onto the Golf Course and re-connect it to the existing Path. The relocated Golf Cart Path will remain fully functional for residents with a complete path throughout the Golf Course.
9. Framework Plan: The submitted Framework Plan includes all of the required elements as established in the County's LDC. Specifically, the Open Space Plan is Page 4 of the Framework Plan and depicts the available Open Space within the Cypress Run RPD. Additionally, the Master Plan, Sheet 1 of the Framework Plan, contains a Site Data Table that identifies all of the dimensional standards for the proposed Master Plan. Therefore, the proposed Application is compliant with all of the County-established requirements for a Master Plan.
10. Proper Authorization by Property Owner: The Applicant has supplemented the Application to provide evidence of the authority granted to Robert Warren via a Resolution of Cypress Run of Florida, LLC. A copy of this resolution has previously been submitted to the County. Nothing in that written consent modified Mr. Warren's authority to sign on behalf of Cypress Run of Florida, LLC or Cypress Run Railroad Property, LLC. Rather, the document simply provided written authority. Cypress Run of Florida, LLC is the manager of Cypress Run Railroad Property, LLC, and, thus the authorization may be utilized for both entities. Nevertheless, the County's Application itself requires the signatory to attest as to his authority- of which Mr. Warren has done. Nothing in the County's regulations require further evidence. In the event that Cypress Run Railroad Property, LLC or Cypress Run of Florida, LLC would object to Mr. Warren's actions, it is only those entities who would have standing to argue the same. This issue is simply not an issue pertinent to the standards of approval of this application.

Summary

In summary, the proposed Master Plan and Rezoning Applications request three new residential units and two accessory maintenance/ recreational/ self-storage buildings within the Cypress Run RPD. The new site has been carefully designed for compatibility with the existing homes within Cypress Run and with the surrounding area in the following ways:

- The proposed residential homes are the same residential styles as were approved by the original Cypress Run RPD and as have been constructed within the RPD.

- The residential homes are located overlooking the golf course and villas, are separated from the golf course with tall mature trees along the common property line, and are a minimum of 300 feet away from the closest villa.
- The proposed RPD establishes the dimensional requirements of all buildings, including a maximum height of 35', less than the allowable height of Cypress Run single family detached homes and compatible with the two-story height limit of the villas/ townhomes.
- The accessory buildings are located to minimize impacts to other properties through distance from residential uses and buffering.
- There is no increase in density proposed by this project and the site's Plan Category will remain as Residential Rural (density of 0.5 units per acre) which is the same Category as the balance of Cypress Run RPD and as the surrounding area.
- As with all RPDs, the Master Plan will regulate the land uses, location and dimensional requirements and no significant changes can be made to the Master Plan without Pinellas County review and approval.
- The proposed project meets all of the County's standards for approval of a zoning atlas amendment and for a Master Plan Modification.
- The Pinellas County staff has recommended approval of the applications for Master Plan and Rezoning.
- On October 11, 2023, the Local Planning Agency held a public hearing and unanimously recommended approval of the applications for Master Plan and Rezoning.

Thank you for your consideration of these applications and we will be in attendance at the January 30, 2024 public hearing to answer your questions.

Sincerely,



Cynthia Tarapani, Owner/ Authorized Member
Tarapani Planning Strategies, LLC

c: Robert Warren, Applicant, Cypress Run of Florida, LLC
Katie Cole, Hill Ward Henderson, Applicant's Attorney