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**Sent:** Monday, March 1, 2021 2:33 PM

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**Subject:** TIDES Planning INPUT to March 9th Pinellas County DRC

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Submitted for distribution and review and discussion in the 9:00am March 2, DRC

## SAVE THE TIDES PLANNER TO DRC

**Richard E. Gehring**

**Discussion of Staff & Developer for Understanding and Completeness**

**MARCH 2, 2021, 9:00am**

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**Case Number:** Z/LU-14-09-19 – (RESUBMITTED WITH UNCLEAR CHANGES)

**DRC Development Review Committee:** Set for March 2, 2021, 9:00am

**LPA Public Hearing:** Set for April 2, 2021

**Applicant:** TTGC, LLC

**Subject Property:** Approximately 95.96 acres- Located at 11832 66<sup>th</sup> Avenue North

### **Why are we here?**

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The **Development Review Committee (DRC)** is made up of County staff representing various County departments. **The Key purpose is to assist in the County's deliberation of the project in its determination of whether the project is consistent with the [Pinellas County Land Development Code](#).** (from County Web Site)

To be Consistent with the LDC, we must determine that there is also consistency with the "Planning to Stay" theme and policy content of the Pinellas County Comprehensive Plan. A multi element adopted document that is the controlling Unincorporated Policy for the Land Development Code Process and Program. The Save the TIDES Neighborhood has for nine (9) years been in Public Dialog on the Importance Countywide Open Space protection for their Neighborhood and all Neighborhoods.

This

March 2<sup>nd</sup> DRC is a rerun of a DRC held a year ago on March 9<sup>th</sup>, 2020 in the same place for this same Restoration Bay project. That DRC closed with my summary of concerns that are still applicable today in review of this SUPPLEMENTAL APPLICATION because the resubmittal is just a recycle of the Original Application with a set of Objections to the staff interpretation of the County Plan.

### **What Policy Framework Must Guide the Structure of Recommendation?**

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As I said on March 9<sup>th</sup> 2020 DRC and expand on here the key points summary that has not changed in that the TIDES Neighborhoods rely on the **Pinellas County Comprehensive Plan**.

- The **Pinellas Plan is the Controlling Document** – The lead action is an AMENDMENT to the FLUM -Future Land Use Element and while this is a consolidated request for Land Use change and follows with a Zoning Change and Development Agreement that can only proceed if the **Land Use** Amendment is Approved.
- The **County Plan is the Adopted Community Policy**, and it is a Legislative Document that can be acted upon not in a Quasi-Judicial setting but a legislative policy setting. It can be discussed except that the County allows the aggregation of the applications and then points to zoning to be a quasi-judicial cloud over the whole application. All Comprehensive Plan actions are Legislative actions.
- **Florida Law Protects Citizens** with Plan Consistency and the neighbors I represent rely on that Land Use Plan and its 46-year history defining the open space conditions of their Neighborhood.
- The Plan is an **Unincorporated Area Plan**, controlling the Planning Sector 9 for the Seminole Area, but while requested amendment impacts will occur on Boca Ciega Bay, the proposed amendment has Countywide impact and precedent significance of opening to development opportunity Countywide recreation open space golf course land areas which exceed some 5000 acres in land area. (see Taylor Morrison Denial)
- Plan needs consistency with **Countywide Plan** maintained by Forward Pinellas/ PPC which has plan review criteria that the DRC must consider as it prepares its recommendation. The following rules will be considered by the Forward Pinellas /Pinellas Planning Council in review of any Land Use Amendment request:
  1. *LU 8.1 -The scale of proposed land development should be **compatible** with the capacity of existing or planned transportation facilities and infrastructure.*
  2. *LU 8.3 -Where possible, land **development** should highlight and **maximize scenic amenities** and provide for public access*
  3. *LU 8.4 -Land use planning should **emphasize the preservation of important natural resources**, such as wetlands and beaches.*
  4. *LU 8.5 -Land development should be appropriately **limited** or regulated in coastal high hazard areas and floodplains.*

5. *LU 8.7 -Land use planning should **weigh heavily** the established character of predominantly developed areas when changes of use or intensity of development are contemplated.*

6. *LU 12.1 -In recognition of the limited amount of available open space remaining within the County, **strongly discourage** the conversion of Recreation/Open Space and Preservation land to other designations.*

7. *LU 12.4 -**Discourage the conversion of golf courses to other land uses without addressing how the loss of open space and recreational opportunities for the community will be mitigated.***

- Plan controls and requires consistency with Zoning, but this application resubmittal maintains its demand for its fictitious 273 Units with little concern for the impacts of the proposal on the TIDES Neighborhoods, on every natural feature and infrastructure condition. There are zero units in the R/OS land use, .5 units per acre in the existing Estate Zoning, the 170 units in the recommended denial of and withdrawn Taylor Morrison application on the same site and yet still this application proposes to put **273 households which could be 550 people in a 100-year flood** plane that is clearly a Coastal High Hazard area which calls for NOT PLACING FUTUTRE POPULATIONS AT RISK.
- Planning to Stay Element and Plan Policy focus has as its central theme to be a Neighborhood Oriented Plan. It recognizes the built-out character of the County and need to protect the existing neighborhood structure with its **PRINCIPLES**, and it calls to avoid the loss of Open Space in its principals for neighborhood protections.
- Pinellas is a **Built-out County** with no additional land which makes the policies that call for the protection and expansion of Open Space paramount.
- In our 2021 setting any **Loss of Open Space** is a reduction in Pinellas **Quality of Life**, and we must aggressively protect and expand all open space resources.
- Note the recent effort of City of Dunedin and Pinellas County to structure a set of commitments to save 50 acres of Douglas Property to be merged with 50 acres of SWFWMD Jerry Lake property **to create an approximate 100-acre park** supported by private contributions to get to the estate acquisition number.

## **Restoration Bay Applications Built on Inconsistency of Fact & Comp Plan Policy?**

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The Restoration Bay Application of 2020 was structured by the Applicant with full knowledge of the history and reality of Pinellas Land Development Regulations (Flood Plain Management and Flood Plain Compensation), Comp Plan Conditions (Protect Open Space, Coastal High Hazard and Emergency Evacuation) and Real-World actions ( the Prior Denial Recommendation for Taylor Morrison’s 170 Units on the less open space Master Development Plan) that led the owner to acquire the Tides Golf Course property and then close the Golf Course and now expect the approval process to find a path to grant approval for 273 units. This is a classic case of being “HOISTED ON YOUR OWN PITARD”.

After the LPA staff recommendation of **DENIAL**, the project went quiet and did not call for the TBD- LPA meeting. They asked to resubmit comments to the DENIAL Recommendation and did so on November 25<sup>th</sup> 2020 with a 9 page letter, with graphics, setting up Challenges to the Policy Interpretations selectively structured from the Denial Recommendation focusing on Coastal Zone Management Plan Policies to establish that there is some full right to the 5 Du/Acre and they should be granted their requested 3.1 Du/Acre at 273 Units. There supportive policy extractions are presented on the assumption that they have the Land Use and Zoning in place. **WHICH THEY DON’T**. They claim that selective staff positions are “Made of Less than Full Cloth”. There should not be an expectation that the County should find the solution to this self-inflicted condition. We should **NOT DESIGN** a solution and if no new conditions or balance of benefits exist, the Recommendation of Denial should stand and be forwarded to the LPA.

The Applicant through his planning consultants and legal support present in the November 25<sup>th</sup> Supplement Submittal a charge of How Dare you aggregate, and layer public policy given these “UNDISPUTED FACTS” and declare that staff is *“unfair and erroneous to contend that on balance the public benefit does not outweigh the overall impacts of the development”*.

Selective cherry-picking challenges that focus on some inherent right to 5 DU/Ac., ignores the crux of the Staff recommendation that lists a Plan policy **INCOMPATIBILITY** for three and a half pages of specific sites (pgs. 26-29) of some **34** goals, objectives and policy conflicts. (Note: five (5) policies are listed as COMPATIBLE) on pp.29.

The resubmittal contorts the staff recognition of density but ignores the Staff key

phrase that “*The locational characteristics of the proposed Residential Low (RL) category indicate that it is appropriate for areas within the 100-year flood plain ‘where preservation, open space/restricted, or recreation/open space are not feasible’.* As stated earlier in this report, a large portion of the subject property is within the 100-year floodplain, and it has a 45-year history of being utilized for recreation/open space purposes.

**NOTE:** There is no existing RL designation on the subject property and there is a need to read the entire LAND USE section on page 24 of the DENIAL recommendation that is built on the principal policy concern of this requested land use change as follows: *Objective 1.4 of the ROSC Element states that ‘Pinellas County will protect its open spaces and scenic vistas for their contributions to quality of life’ and Policy 1.4.3. says that ‘Pinellas County will encourage and incentive the retention and reestablishment of open vistas, where appropriate, with particular emphasis on coastal areas and lands surrounding parks and environmental lands’.* We ask where in this supplemental data is there any effort to address these key open space policy concerns other than to propose to fill the majority of the site and provide no identifiable flood plain compensation.

- The History of TIDES Site Regulatory and Development Actions are clear and not supportive of the Supplemental Application.
  - Plat of 1926 (96 years ago) – Early Real Estate Crash & Pinellas is 14 years old
  - The Site sat vacant from 1926 to 1970 – (44 Years)
  - Special Exception 1969 for TIDES Golf Course in service 1970-2019 (49 Years)
  - County Comp Plan FLUM Recreation/Open Space in 1975 (for 46 Years)
  - County Rezoning 1985 for Land Use Consistency to Estate Ag Zone at .5 Du/Ac
  - Plat Vacated by Owners request and Nullified 1992 (No 273 Units Exit)
  - Land Use Amendment Request-RL Land Use and R2.5 RD, 2013-(170du) T. Morrison
  - TIDES PLANNING LETTER to Pinellas Planning Director Arrington – See Attached
  - Staff Taylor Morrison 70+ page Recommendation of Denial & Withdrawal- See Attached
  - Restoration Bay Application has no supporting argument for-
    - 273 DU which is a 60% Greater then 2014 – (273du vs. 170du)
    - Remaining Open Space 40% Less than TM- (10 Ac Vs. 18 Acres)
    - Water Quality Proposal by Brownfield w/ County Role

The TIDES Community would request that the Key DRC Questions be to DOCUMENT from the Amended Application and Comparison with Prior Application **WHAT HAS been CHANGED???**

The TIDES Community comments and concerns here presented are predicated on our judgement that the changes of the file Nov 25 submittal are weak opinions of the developers Planners and that Staff should **build on the presented Staff Recommendation of Denial** for Restoration Bay. See Attached

**Application Process** – While the County allows and has accepted this Project as a “Consolidated Application” addressing Land Use, Zoning, Development Agreement, Master development Plan while this provides more information it also limits needed information. The amendment of Land Use must precede to approval before and action on the Zoning and Site Planning can be approved. So many impacts of concern are not known until Site Plan phase. What is the Product mix? Can the proposed unit count fit on the site and in What Configuration? While the Stormwater Management can have significant impacts, since the site has topo starting at one- and two-feet elevation with 15 foot and higher only in the Upper NE corner of the site. Fill to address a conceptual one foot over flood could be V-14 plus one or 15’ of material as site grading and Stem walls and structural piers but we can’t see that at this time. The infrastructure of the site must be elevated and the cubic foot for cubic foot relationship exists for Fill and Flood Compensation which is not defined in this application. Concentrated **fill will displace flood waters** into the County Park on the West and into Neighborhoods on the East.

**Planning Challenge Statement-** I have been working with Attorney Bill Kimpton and the TIDES neighborhood Leadership and their thousands of petitioners for over nine years. This neighborhood, as they wrestle with development threats and change in their community for now this re-application is the third major effort. We have attempted to secure the structure of recommendations of the staff to deny these applications in the form of a Comp Plan Overlay for the community but there has been no staff support for this effort.

This means the Tides neighborhoods must face major 100-acre development approval reviews every two or three years. We have constantly argued that the comprehensive plan anticipated dealing with golf course open space properties, but

history has made each action stand on its own. Recently, two weeks ago, the County entertained an open space acquisition study document proposed by the Parks Department but since this Re-Submittal application was pending there has been no direct discussion of the TIDES perpetual problem. We need attention to this issue so folks cannot live in fear of neighborhood upheaval. Think of it, the Subject property has been open space **Forever**. There must be more than the minimal application justification for a Land Use Change Request with such impact.

**Land Use Reality** – Land-Use is a simple proposition of how a population comes to a location to accomplish an activity. When a land-use amendment is proposed all three components become significant variables. For this site population of 500 to 600 individuals will come to a location that it has been for over 100 years of passive site with more recently 50 years of recreational golf. The Development impacts to create a residential hub of 270 + homes with associated trips and services with Land modifications for residential amenities in an area subject to coastal flooding water elevation rise and severe hurricane risk will also have impacts on an adjacent major passive Millennial Park and abutting neighborhoods and all of the above will demand public safety and utility services. As the densest county in the state, Pinellas should support preservation and expansion of all Open Space and accommodate growth through residential not Open Space loss and redevelopment. If this is not our planned future, why do we promote SUSTAINABILITY.

We have reviewed these application actions with three planning Directors, and we recommend review of our letter concerning staff review and the important Planning to Stay Principals to Planning Director Larry Arrington in 2014. -See Attached

#### **WHAT ACTION IS REQUESTED?**

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We call in this DRC for Staff to follow Comprehensive Plan Policy's defined and presented in the comprehensive recommendations to the Pinellas LPA, Local Planning Agency **for Denial** of the requested Land Use Change, proposed Zoning and associated Development Agreement for the Restoration Bay Project.

We further reinforce this action by the attaching the past Staff Recommendation of



Denial for the Prior Taylor Morrison Application for review of a 103 less units project then the Subject Application. Post Recommendation application was withdrawn but there is significant additional information especially a closing presentation of the precedent impact of any such action by **presenting the Golf Course Open Space statistics of Pinellas County.**

We stand ready to respond to any issues and wish you to review your recordation of the thousands of community signature the TIDES neighborhood has in petition form of the subject protection of Recreation Open Space.

Thank You for your attention,

**Richard E. Gehring**

Strategic Planning and Development.

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727-480-7684

**ATTACHMENTS**

if files are too large, will send in separate documents to follow??

1. Existing Estate Zoning per 1985 Rezoning has .5 DU / Acre requiring 2 Acre Lots

2. Larry Arrington Memo on 2014 Application- Presented because we inserted as policy support the Principles of the “Planning to Stay’ plan theme

3. Staff 2014 Denial of Taylor Morrison – 170 DU Application with 18 Acres of Open Space and Private Drainage improvements, asking **Note** how a 103 less Development Units Denied.

4. Staff April 20, 2020 Denial recommendation of Restoration Bay to LPA – 273 DU Application with 10 acres of Open Space and Brownfield program for Drainage

Improvements.



## LOCAL PLANNING AGENCY (LPA) STAFF REPORT

**Case Number:** Z/LU-14-09-19

**LPA Public Hearing:** To Be Determined

**Applicant:** TTGC, LLC

**Representative:** Joel R. Tew, Tew & Associates

**Subject Property:** Approximately 95.96 acres located at 11832 66<sup>th</sup> Avenue North in unincorporated Seminole.

**PARCEL ID(S):** 33/30/15/00000/240/0100



### REQUEST:

- Future Land Use Map amendment from Recreation/Open Space (R/OS) and Preservation (P) to Residential Low (RL) and Preservation (P);
- Zoning Atlas amendment from R-A, Residential Agriculture to RPD, Residential Planned Development;
- Development Agreement limiting the use of the property to a maximum of 273 single-family detached residential dwelling units and typical residential supporting uses, stormwater retention/detention/treatment, environmental mitigation and/or floodplain compensation areas, and a linear greenway/trail system. All development is restricted to a maximum height of 35 feet and subject to other development requirements as conceptually set forth on the associated Development Master Plan; and
- Establishment of a Development Master Plan

### LOCAL PLANNING AGENCY (LPA) RECOMMENDATION:

## **SUMMARY RECOMMENDATION**

Staff's recommendation, based upon evidence and findings further outlined in this staff report, is to deny the current application, when viewed in its entirety as a cohesive project that must rely upon the proposed Future Land Use Map change, Zoning Map amendment, Development Master Plan and Development Agreement under consideration. The primary consideration for this recommendation is based upon Comprehensive Plan inconsistencies created by the following:

- The layout of the proposed Development Master Plan substantially encroaches into and is reliant upon development within the 100-year flood plain, VE zones, and all levels of expected storm surge inundation from a CAT 1 through a CAT 5 hurricane. This expressly conflicts with Comprehensive Plan policies restricting development within the Coastal Storm Area and directing population concentrations out of the Coastal Storm Area.
- While the proposed Future Land Use map designation of Residential Low is generally consistent with the surrounding area, the locational characteristics of the category recognize that the more appropriate designation for areas within the 100-year flood plain is Preservation or Recreation/Open Space and that the Residential Low category is only appropriate if Preservation and/or Recreation/Open Space are not feasible, which has not been demonstrated by the applicant.
- The RPD zoning district requires that the district be master planned as a creative, walkable and context-sensitive community that responds to the surrounding land use pattern and preserves unique natural features. Therefore, the Development Master Plan should seek to set aside the more vulnerable areas of the site for preservation/open space uses. The current design does not achieve this, nor does it evaluate and compensate for the impacts of future sea level rise.
- While projected roadway intersection levels of service are satisfactory, the proposed density of the project may alter the roadway classification of 66<sup>th</sup> Avenue North and creates traffic management conflicts that have not been mitigated by the applicant. The application does not consider unmet area needs of other multimodal improvements in the area (incomplete sidewalk gaps, trail connections) as required by the Transportation Element of the Comprehensive Plan when considering decisions on Future Land Use Map amendments.
- While the overall planned density of 3.1 units per acre for the entire site is consistent with existing surrounding densities, the proposed plan results in internal and external impacts that conflict with the County's Comprehensive Plan policies and established Land Development Regulations.
- When viewed in its totality, the proposed external stormwater treatment (while clearly beneficial to the area) comes at the expense of not setting aside the most vulnerable areas of the property for preservation/open space, and places residential development in these areas instead. On balance, the public benefit does not outweigh the overall impacts of the development and the loss of recreation/open space and preservation uses on the property.

### **Recommendation:**

- **Staff recommends** that the LPA find the proposed amendments to the Pinellas County Future Land Use Map (FLUM) and Zoning Atlas, Development Agreement, and Development Master Plan **inconsistent** with the Pinellas County Comprehensive Plan, based on this report.
- **Staff further recommends** that the LPA recommend **denial** of the proposed FLUM and Zoning Atlas amendments, Development Agreement, and Development Master Plan to the Pinellas County Board of County Commissioners.

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### **FULL REVIEW & FINDINGS**

The Development Review Committee (DRC) reviewed this application on March 9, 2020. The DRC Staff summary discussion and analysis follows:

#### **Introduction**

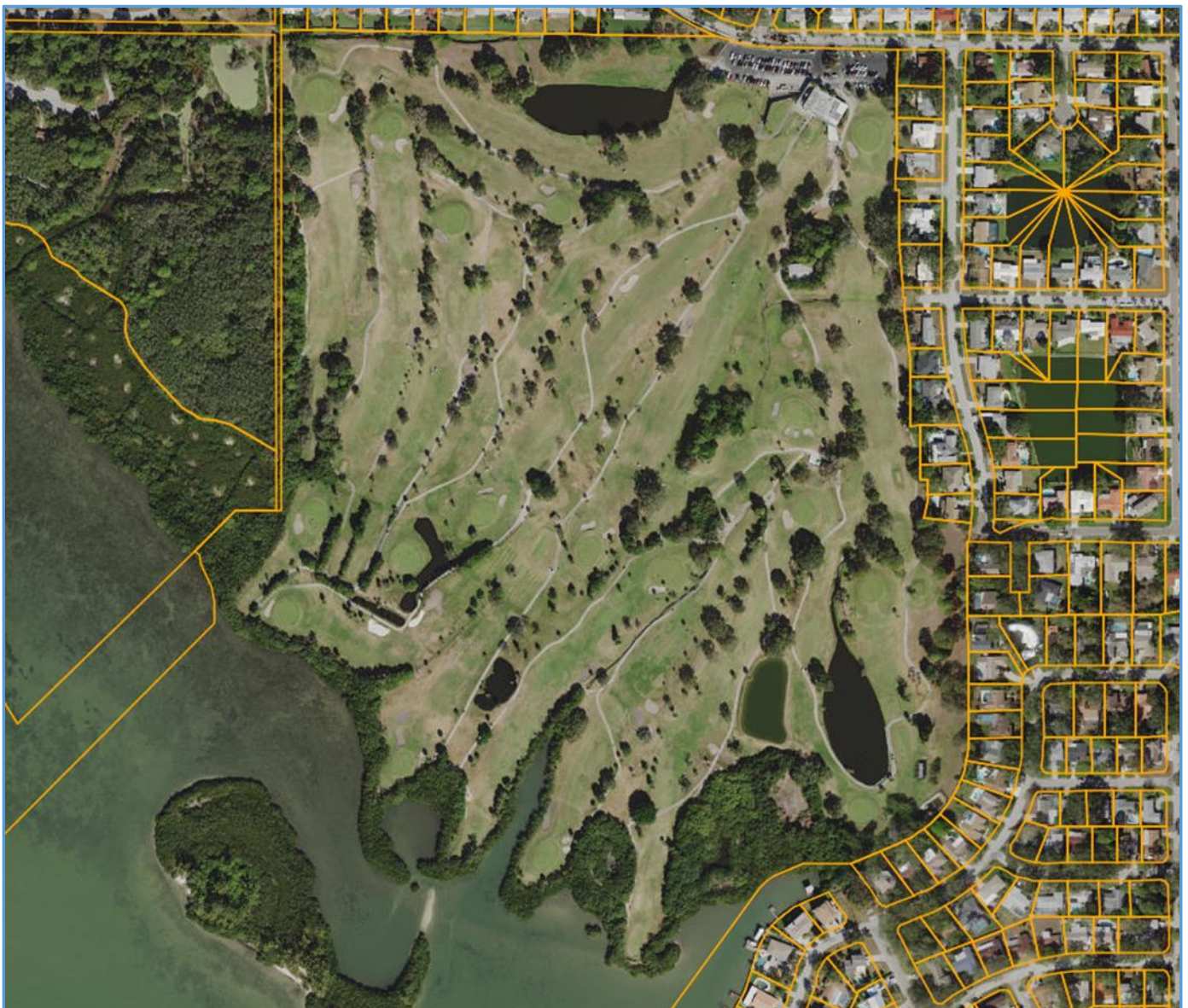
The subject property consists of approximately 95.96 acres located at 11832 66<sup>th</sup> Avenue North in unincorporated Seminole, which is the location of the former Tides Golf Club. This staff report and recommendation addresses land use and zoning changes requested by the applicant based upon the information submitted to Pinellas County. A Development Agreement and a Development Master Plan are also proposed. To summarize, this case includes the following components:

- A Future Land Use Map (FLUM) amendment from Recreation/Open Space (R/OS) and Preservation to Residential Low (RL) and Preservation;
- A Zoning Atlas amendment from R-A, Residential Agriculture to RPD, Residential Planned Development;
- A Development Agreement that sets the allowable uses on the subject property, including density and intensity, and addresses a number of other development-related requirements;
- The establishment of a Development Master Plan (DMP) as required per the Pinellas County Land Development Code for new RDP zoning districts.

The proposed use is a 273-unit single-family residential detached subdivision. A FLUM amendment is required to facilitate this because the existing R/OS land use category does not permit residential uses, and a zoning change is needed because the existing R-A district has a density of 0.5 units per acre based on a two-acre minimum lot size. The subject property is situated in an environmentally-sensitive coastal waterfront location. Site access is via a two-lane local street (66<sup>th</sup> Avenue North) that transverses a long-established residential subdivision to reach the nearest arterial roadway (113<sup>th</sup> Street). Because of these realities, among others, site development is complicated and involves a wide range of issues. The proposed Development Agreement and DMP attempt to address these various complexities and challenges. Importantly, the offshore islands and submerged lands associated with the subject parcel are not included in the request. **Figure 1** depicts an aerial view of the subject property.

The RL land use is proposed for the upland portions of the subject property. It allows up to 5.0 residential units per acre, however the associated Development Agreement limits the number of units to 273, which equates to approximately 3.1 units per acre. The requested RPD zoning district is inherently flexible and has the potential to provide for the possibility of a wide variety of housing types and some complementing non-residential, neighborhood-oriented uses where appropriate. Its flexibility also extends to other development parameters such as lot size and building setbacks. Such enhanced flexibility is why the Land Development Code requires the establishment of a DMP for new RPD districts. The specifics of the DMP and the associated Development Agreement will be discussed later on in this report. The Preservation land use category is proposed for the wetland and tidal marsh portions of the property.

**Figure 1: Aerial view of subject property**



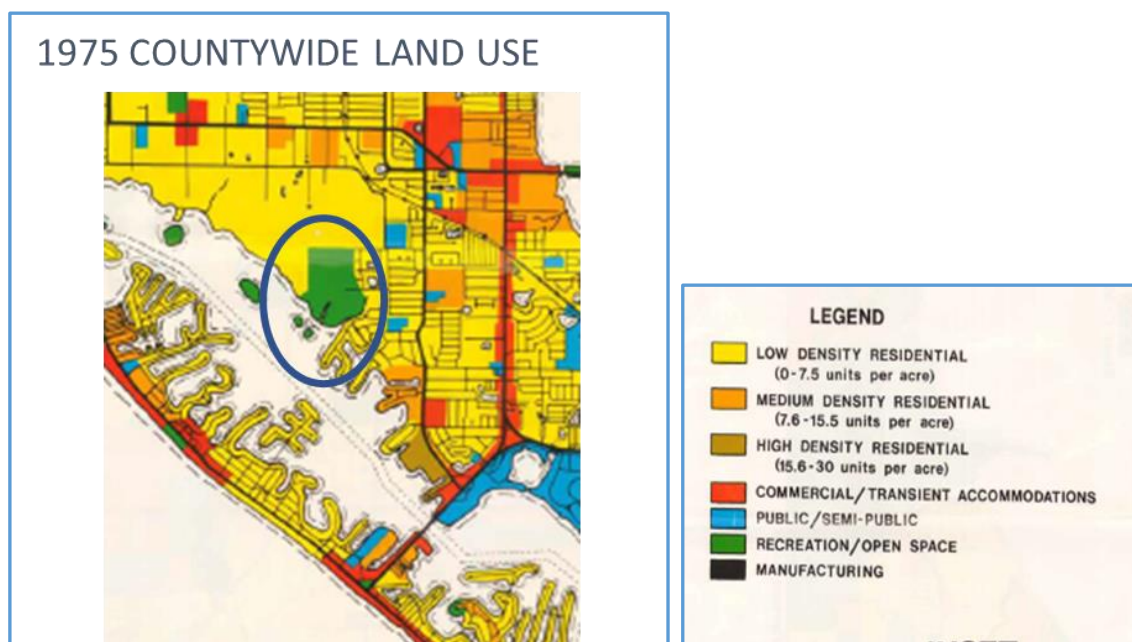
## Staff Analysis

This is a highly complex application involving land use, zoning, a development master plan, and a development agreement that includes a number of proposals – including the treatment of stormwater from surrounding external areas and a publicly-accessible perimeter trail – intended to provide community benefit to help offset the loss of open space. That complexity and the subject property's sensitive location have necessitated a broad review of multiple technical and non-technical areas. The non-technical areas include site history, previous and current development rights, location and surroundings (community character). The technical areas include the Development Master Plan, Development Agreement, transportation, stormwater, flood plain/coastal high hazard area/sea level rise, evacuation/shelter impacts, environmental, archeological, and land use. The staff analysis will begin with the non-technical review areas then move on to the technical ones.

## Site History

As previously mentioned, the subject property is the location of the former Tides Golf Club, a publicly-accessible 18-hole, par 72 golf course that was in operation from the early 1970s until the summer of 2018. The 1975 Pinellas County Future Land Use Map first portrays the property with the Recreation/Open Space land use category, reflecting its use as a golf course at that time (see **Figure 2**). The prior designation was Low Density Residential. The underlying zoning designations on the property in the 1970s were R-1 and R-2, which were designations typically associated with single-family residential uses. In 1985, a zoning amendment (case # Z-3468) initiated by the County amended the zoning on the upland portion of the golf course property to A-E, Agricultural Estate (since renamed R-A, Residential Agriculture), and to AL, Aquatic Lands on the islands and the submerged portion of the property located in Boca Ciega Bay. The application for that amendment identifies the property as a golf course and states the purpose of the amendment was to make the zoning consistent with the Future Land Use Map. The staff recommendation associated with the 1985 case notes that *'approval of the amendment does not result in a loss of reasonable use of the property, as the golf course operation may be continued'*.

**Figure 2: 1975 Countywide Land Use Map**



Additionally, the property was subject to a Special Exception granted by the Board of Adjustment in 1969 allowing use of the property as a golf course within the residential zoning designations. With completion of the golf course, the necessary amendments to the Future Land Use Map followed, reflecting the final recreation/open space purpose of the golf course. Notably, the Special Exception allowing the use of the golf course expired following the first 180 days of inactivity after the golf course closed in 2018. The former golf course clubhouse has also been demolished. The subject property was vacant prior to the establishment of the golf course. A 273-unit residential plat (**Figure 3**) was approved in 1926 but the subdivision was never constructed. That plat is part of the basis for the current request and is where the 273 requested units originates. Importantly, the former property owners voluntarily vacated the plat in 1992, so it is no longer in place or material to the subject application. Additionally, the subject property was never part of a master planned community and no density transfers have ever taken place.

**Figure 3**  
1926 PLAT, 273 LOTS



Historically, Pinellas County did not have a zoning district specific to recreational uses, using instead the “overlying” Future Land Use Map designation to control uses on recreational properties, along with a low-density residential zoning district. This is why the A-E zoning district was applied to the property in 1985. This method of applying low density residential zoning districts under the Recreation/Open Space land use designation was not unusual (note that the adjacent Boca Ciega Millennium Park carries the same zoning). In 2009, Pinellas County developed and adopted new zoning districts for specific use on recreation and open space properties, intending to gradually process amendments to County-owned parks and open space as time allowed.

It is important to note that a separate land use and zoning change request to allow for 170 residential units was submitted to the County in 2013. That case was withdrawn before the



scheduled LPA public hearing date, following a staff recommendation of denial. For ease of review, the history of the subject property is summarized below:

- 1926 – platted for 273 lots as part of Seminole Estates
- 1969 – Special Exception granted for a golf course in residential zones (case # BA-10-4-69)
- 1973 – clubhouse built according to Property Appraiser records and the golf course opens
- 1975 – depicted as Recreation/Open Space on the Future Land Use Map
- 1985 – rezoned to A-E (uplands) and AL (submerged land and islands) (case # Z-3468)
- 1992 – underlying residential plat vacated (OR Book 7945 Page 1943)
- 2013 – application submitted to allow a 170-unit residential development – case was withdrawn following a staff recommendation of denial
- 2018 – golf course closed, and the Special Exception subsequently expired

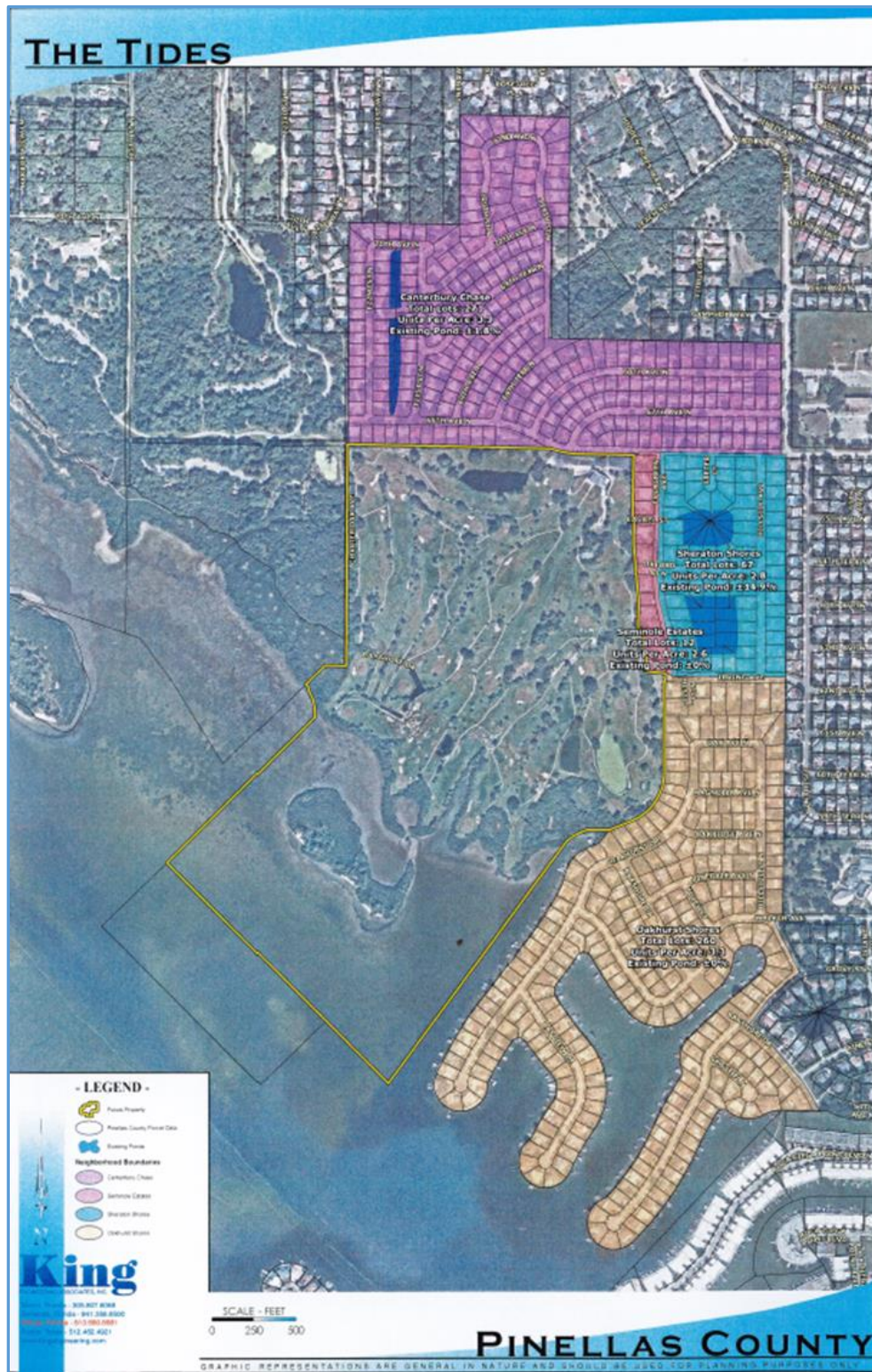
#### Location and Surroundings/Community Character

The subject property is adjacent to (east of) the County's 187-acre Boca Ciega Millennium Park. This regional park, comprised of pine flatwoods, coastal oak hammock, mangrove swamp, salt marsh, bay head and wetlands, is recognized by the Florida Fish and Wildlife Conservation Commission as a "Great Florida Birding Trail" and also is recognized by the Florida Native Plant Society for its use of all-native landscaping. The Park is also the location of several important archeological deposits.

To the north and east of the subject property are single family residential subdivisions, including several homes that immediately back up to it. Laurel Street, Oxford Street and Irving Avenue dead end on the east side of the subject property and provide some visual access to the former golf course, which served as an open space vista for the neighboring properties. Please see **Figure 4** for a depiction of the existing nearby subdivisions, which have existing built densities ranging from 2.6 to 3.9 units per acre.

The southern edge of the Golf Course is a coastal fringe characterized by mangroves, wetlands and salt marsh leading in to Boca Ciega Bay. Elevations increase significantly from the south to the north and generally to the east, making the northeast corner the highest point on the subject property. The existing residential development north of the subject property overlooks the former golf course below.

Figure 4: Surrounding Area



### Development Rights

According to the Pinellas County Comprehensive Plan, the Recreation/Open Space (R/OS) Future Land Use Map (FLUM) category currently in place on the subject property (see **Figure 5**) has allowable primary uses listed as public/private open space, public/private park, public recreation facilities, public beach/water access, and golf course/clubhouse. Importantly, there is no associated residential density. The site's R-A (Residential-Agriculture) zoning allows a theoretical density of 0.5 units per acre based on its two-acre minimum lot size, however there is no underlying land use density available. Also, as mentioned previously, the Special Exception approved in 1969 that allowed the golf course within the residential zoned area has expired and the historical 1926 platted subdivision was vacated in 1992. In short, there are currently no residential development rights on the subject property. The only development rights currently in place are those allowed under the R/OS FLUM category, which has been there for 45 years (see **Figure 2**).

**Figure 5: Future Land Use & Zoning**



### Development Master Plan

Due to the inherent flexibility of the requested RPD zoning district, a Development Master Plan (DMP) is required to set use types, building heights, lot sizes, setbacks, and various other development parameters. A DMP for a project this size is required to have a number of integrated framework plans regarding land use, transportation, open space, utilities and stormwater. The proposed DMP is shown in **Figure 6**. The DMP confirms the proposed 273 residential units and places them along an internal private loop road. The lot layout depiction (see **Figure 7**) sets a minimum lot size of 4,400 square feet (40 feet wide x 110 feet deep). This is smaller than single family lots in neighboring subdivisions, which are typically 70 to 80 feet wide and over 6,000 square feet in size. The maximum height of 35 feet and the proposed setbacks are similar to that found in traditional residential zoning districts. There is also a central amenity area proposed for the benefit of onsite residents.

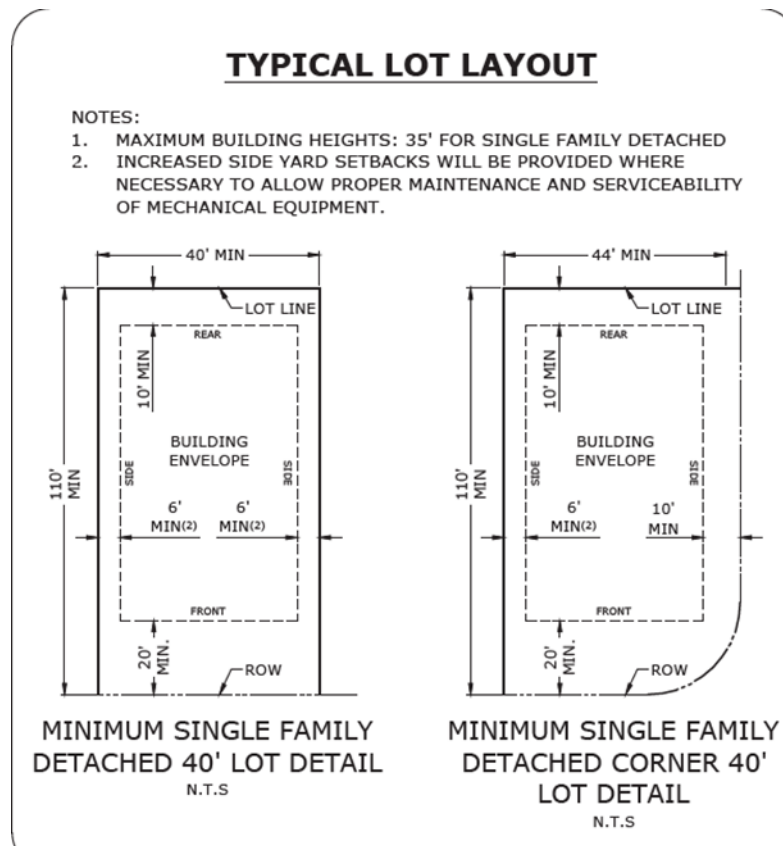
The transportation framework shows the internal private loop road with primary site access utilizing the historic entrance to the golf course off 66<sup>th</sup> Avenue North. A secondary access point, which is required by the land development code for a project of this size, is proposed to connect to Irving Avenue on the east side of the subject property.

The open space framework shows buffer areas along the perimeter of the development where it abuts existing single-family homes on its north and east sides. These buffers appear to range between 128 and 319 feet wide. Within the buffer area is a publicly-accessible trail that connects to Boca Ciega Millennium Park, Boca Ciega Bay and to the surrounding neighborhoods at various points. There are buffers shown on the west side of the project adjacent to Boca Ciega Millennium Park and on the south side fronting Boca Ciega Bay.

The stormwater framework shows two large stormwater ponds near the center of the subject property in the proposed residential development area. These ponds will serve to treat stormwater that is internal to the development itself. There are also a number of ponds proposed within the buffer areas along the perimeter of the project. These are envisioned to treat stormwater that is external to the development in an effort to provide a community benefit to offset the loss of open space caused by the development project. Regarding utilities, the project would connect to existing utility facilities and lines in the area.



Figure 7: Lot Layout



### Development Agreement

Development agreements are often utilized to set specific parameters on a development project in order to offset certain concerns that arise. Examples include limiting the types of uses allowed, setting maximum building height and intensity, requiring enhanced buffering, and so on. In this case, all of these are addressed in the DMP. The proposed Development Agreement serves to reiterate and complement the DMP regarding these issues. It also makes commitments intended to provide certain public benefit enhancements in an effort to offset the loss of open space caused by the development. Those commitments include:

- Treatment of off-site stormwater, on-site habitat enhancement, publicly-accessible recreational elements (primarily the linear park and trail located within the buffer areas along the perimeter of the project)
- Additional Phase II archeological testing
- A donation of \$250 per home as hurricane shelter mitigation
- Disclosure to all home buyers of applicable flood zones, flood elevations, and hurricane evacuation requirements.

Notably, most development agreements have an expiration timeframe of five years. In this case, the applicants are seeking a 15-year agreement, however they are willing to stipulate that they will meet all current code requirements.

### Transportation

**Figure 8** depicts the area's roadway configuration. The applicants provided a transportation analysis as part of the submittal package. Based on that analysis, it is estimated that the proposed 273-unit subdivision would generate approximately 2,619 daily trips (staff's internal traffic analysis shows similar numbers), with 199 at AM peak hour and 266 at PM peak hour. About 40 percent of trips are projected to be from the north via 113<sup>th</sup> and 116<sup>th</sup> Streets and 60 percent to the south via 113<sup>th</sup> Street. The Primary access point into the project would be off 66<sup>th</sup> Avenue North utilizing the historic entrance to the golf course. Because the project would generate more than 555 daily trips, the land development code requires a second vehicular access point to a nearby paved roadway. The DMP identifies that access point at Irving Avenue. As a point of reiteration, projects that generate fewer than 555 daily trips do not require a second access location. This requirement is based solely on the project scale proposed by the applicants.

Importantly, the overall impacts to areawide roadway level of service standards are satisfactory, however there are potential issues. The 66<sup>th</sup> Avenue North and 113<sup>th</sup> Street intersection is signalized. The increase in daily trips could double the delay time at that intersection during AM peak hour and will cause a longer vehicle stack line on eastbound 66<sup>th</sup> Avenue North that will block driveways. In addition, the traffic analysis indicates the need to double the northbound left turn lane stacking length on 113<sup>th</sup> Street, which will create a potential conflict with drivers exiting 65<sup>th</sup> Avenue North onto 113<sup>th</sup> Street. These issues are depicted on **Figure 9**. Also, the increased trip generation may trigger a roadway classification change to 66<sup>th</sup> Avenue North, from a local road to a collector which may also change required design parameters of the road where there is limited right-of-way available. Unmet bike and pedestrian needs in the area include sidewalk gaps and a multiuse trail connection from 66<sup>th</sup> Avenue North to 116<sup>th</sup> Street (Pinellas Trail connection).

Figure 8: Area Roadway Configuration

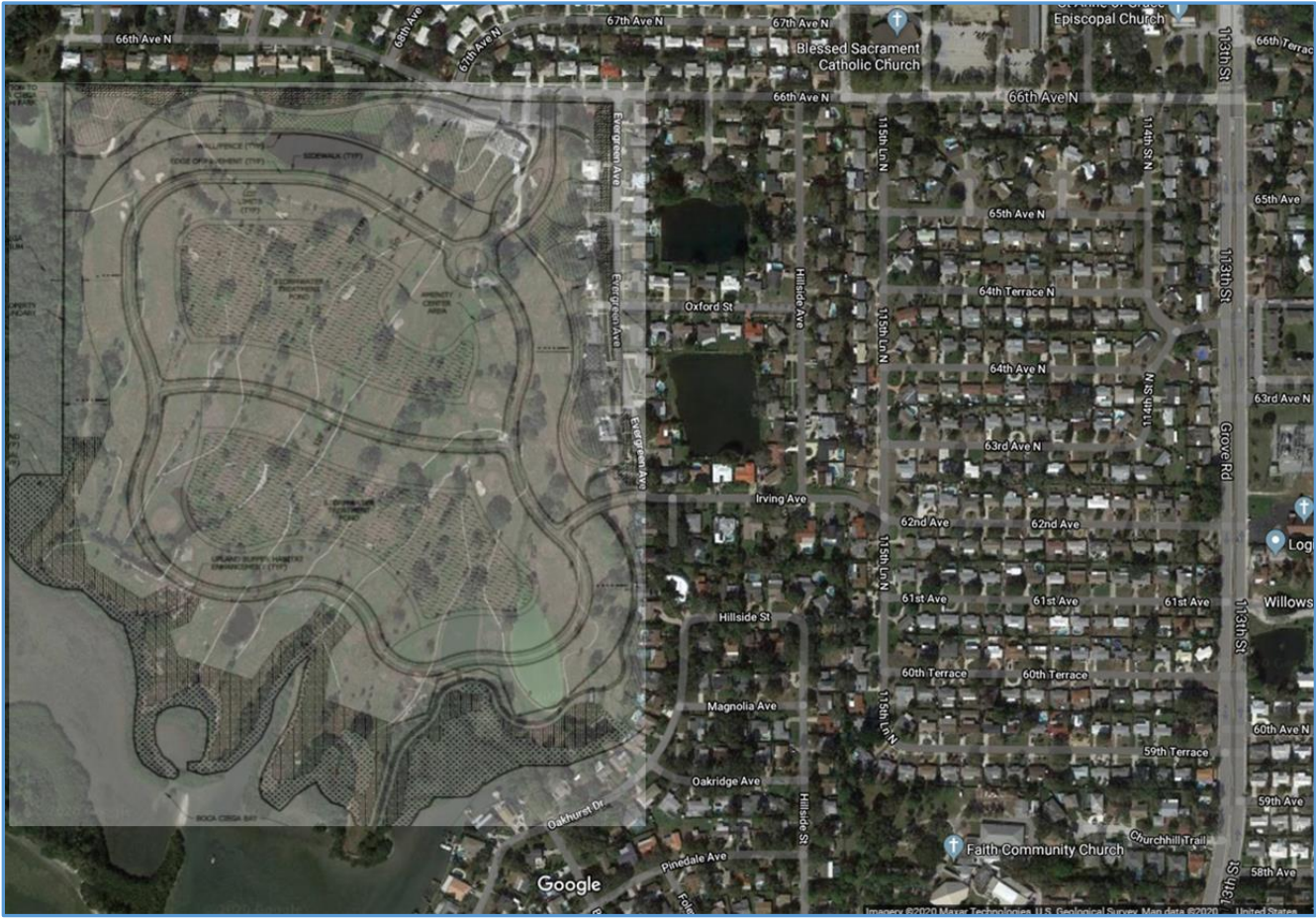
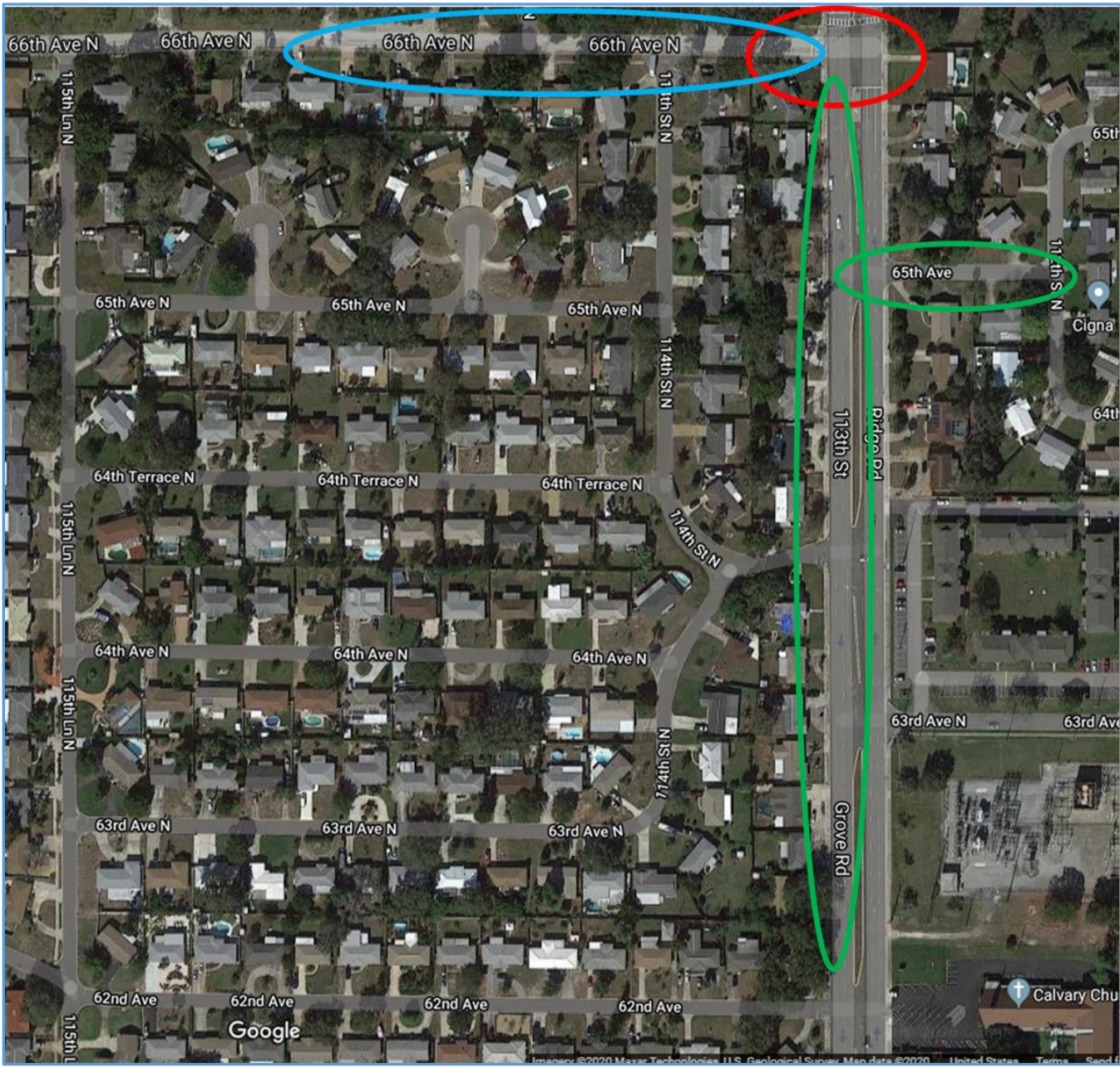




Figure 9: Roadway Functionality Concerns



Potable Water/Wastewater/Solid Waste

The subject area is located within Pinellas County’s Potable Water and Sewer Demand Service Area. Amending the subject area from Recreation/Open Space to Residential Low to allow 273 single-family detached residences as proposed could increase potable water and wastewater demand by approximately 70,618 and 49,188 gallons per day, respectively when compared to the vacant land in place today. This increase is not expected to significantly impact level of

service conditions. With respect to solid waste disposal, approval of the amendment could increase the amount of solid waste generated by approximately 360.62 tons per year.

### Stormwater

Per the Land Development Code, development projects are required to treat onsite stormwater runoff. As part of the public benefit enhancements mentioned in the Development Agreement, the applicants are proposing to go beyond just what is required and is offering to treat stormwater from offsite sources as well. This involves approximately 180 acres of surrounding residential areas. The offsite stormwater would be treated in the retention ponds located within the buffer areas on the perimeter of the development. The proposal indicates that the full requirements of the stormwater manual regulations could be met for these offsite sources, however it did not include actual numbers or an analysis.

### Flood Plain, Coastal Storm Area, Sea Level Rise

The subject property's sensitive coastal location means that the flood plain, coastal storm area and sea level rise are important factors regarding its future development in general and this current application in particular. Approximately 67 percent of the project is located in the 100-year flood plain and 27 percent is located in the velocity zone (see **Figure 10**). This creates conflicts with the Pinellas County Comprehensive Plan, the Countywide Plan Rules and Florida Statutes, most notably:

- Future Land Use Element Policy 4.3.1: In order to limit the exposure of residents and property to coastal hazards and not increase existing and planned demands on hurricane evacuation corridors and public shelters, the population density and development intensity within the coastal planning area shall be consistent with Objective 1.3 of the Coastal Management Element and the supporting policies
- Coastal Management Element Objective 1.3: Pinellas County shall restrict development within the Coastal Storm Area and shall direct population concentrations out of the Coastal Storm Area.
- Natural Resource Conservation & Management Element GOAL 6: Pinellas County will preserve, protect, restore and manage the natural resources of its floodplains to maintain or enhance water quality, plant and animal diversity, and aquatic productivity, to protect the flood storage value and purpose, and to protect the public and minimize property damage.
- Natural Resource Conservation & Management Element Objective 6.1: Pinellas County shall continue to protect floodplains, flood ways, and all other natural areas having functional hydrological characteristics in order to minimize adverse impacts on the natural system, public safety and investment, and floodplain function and purpose.

The entire subject property is located within the Coastal Storm Area (CSA) (see **Figure 11**). It meets the criteria of being within the CSA because over 20 percent of the parcel is within the Coastal High Hazard Area. Per Policy 1.6.1. of the Future Land Use Element of the Pinellas County Comprehensive Plan, *'Development or redevelopment in storm impact areas shall be restricted based upon the Natural Disaster Planning objectives and policies in the Coastal Management Element. The policies associated with those objectives shall be consistent with the criteria in the National Flood Insurance Program, and the County's Flood Damage Prevention and Flood Plain Management provisions of the Land Development Code'*. Sea level rise is also a concern. Projections show much of the southern portion of the subject property being affected in the coming decades (see **Figure 12**). An objective of the Comprehensive Plan is to ensure

the long-term viability and sustainability of its coastal resources and land uses through planning for sea level rise.

As noted above, approximately 67% of the property is located within the 100-year flood plain and the proposed plan relies substantially on locating residential units within these areas. The locational characteristics of the proposed Residential Low Future Land Use Category cites that low density residential is appropriate in areas within the 100 year-flood plain *where preservation, open space/restricted, or recreation/open spaces are not feasible (italics added)*. The land is currently designated as Recreation/Open Space and nothing has been submitted to demonstrate that retaining that designation on those areas within the 100-year flood plain is not feasible.

Figure 10: Flood Plain

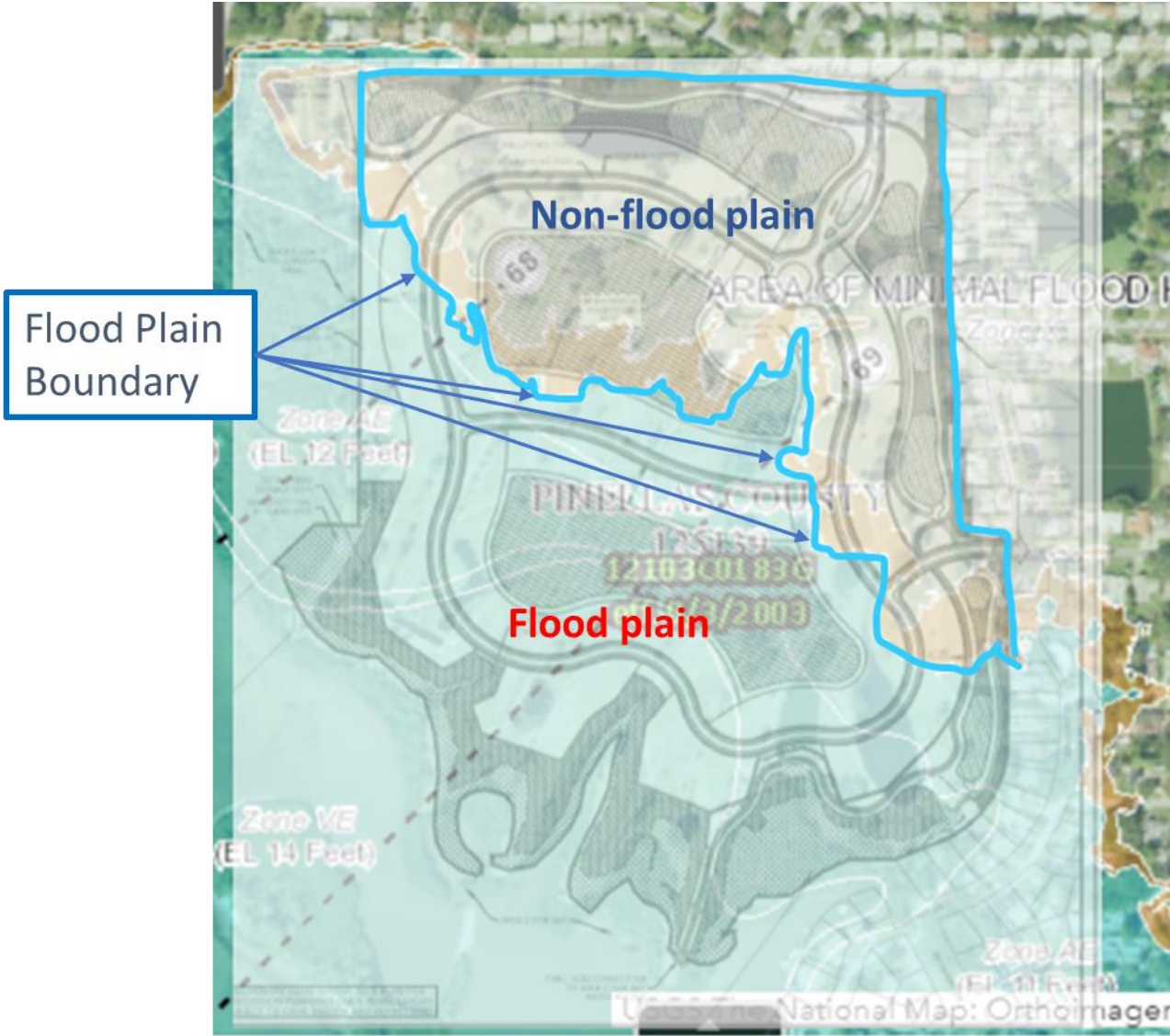


Figure 11: Coastal Storm Area

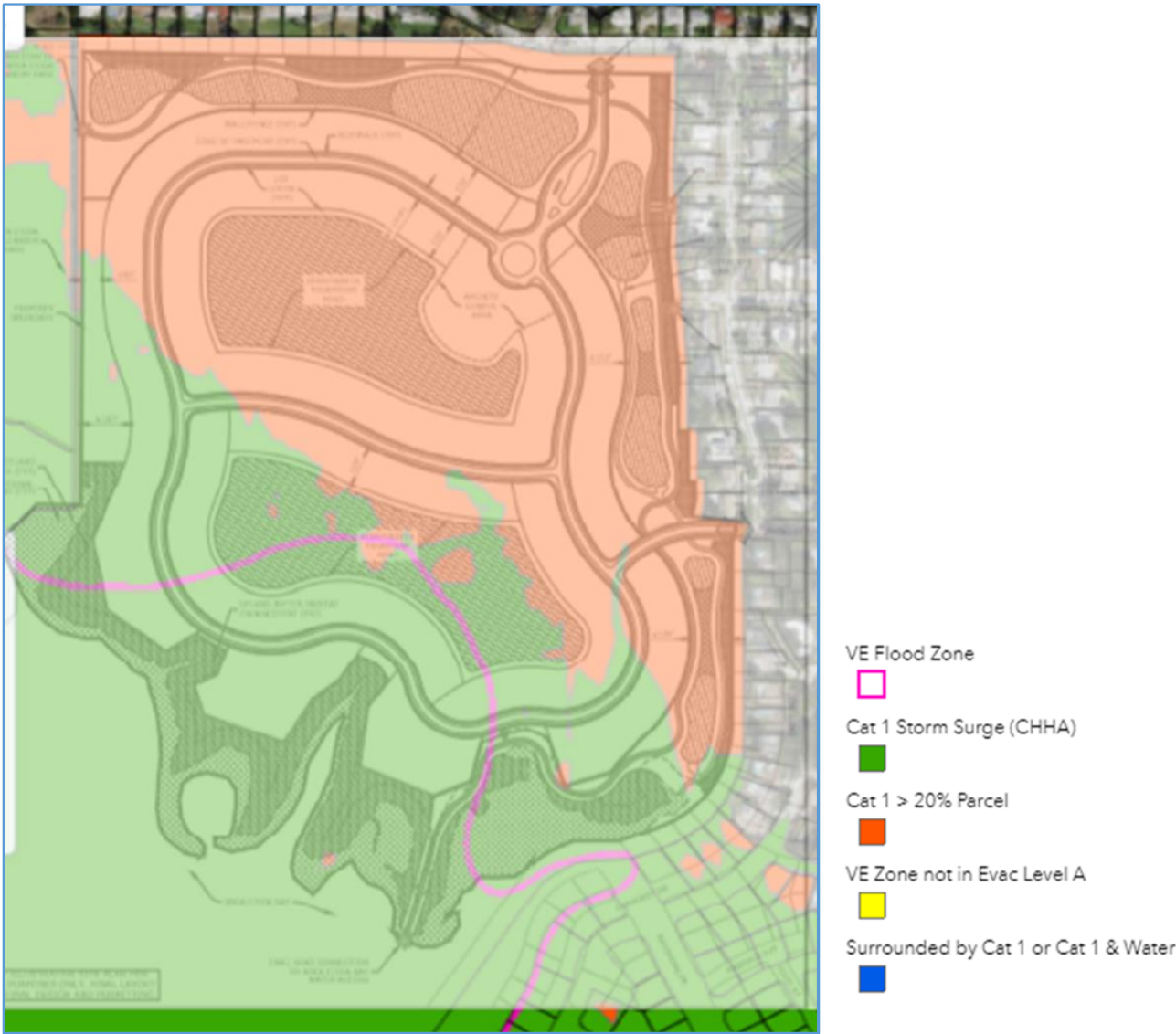
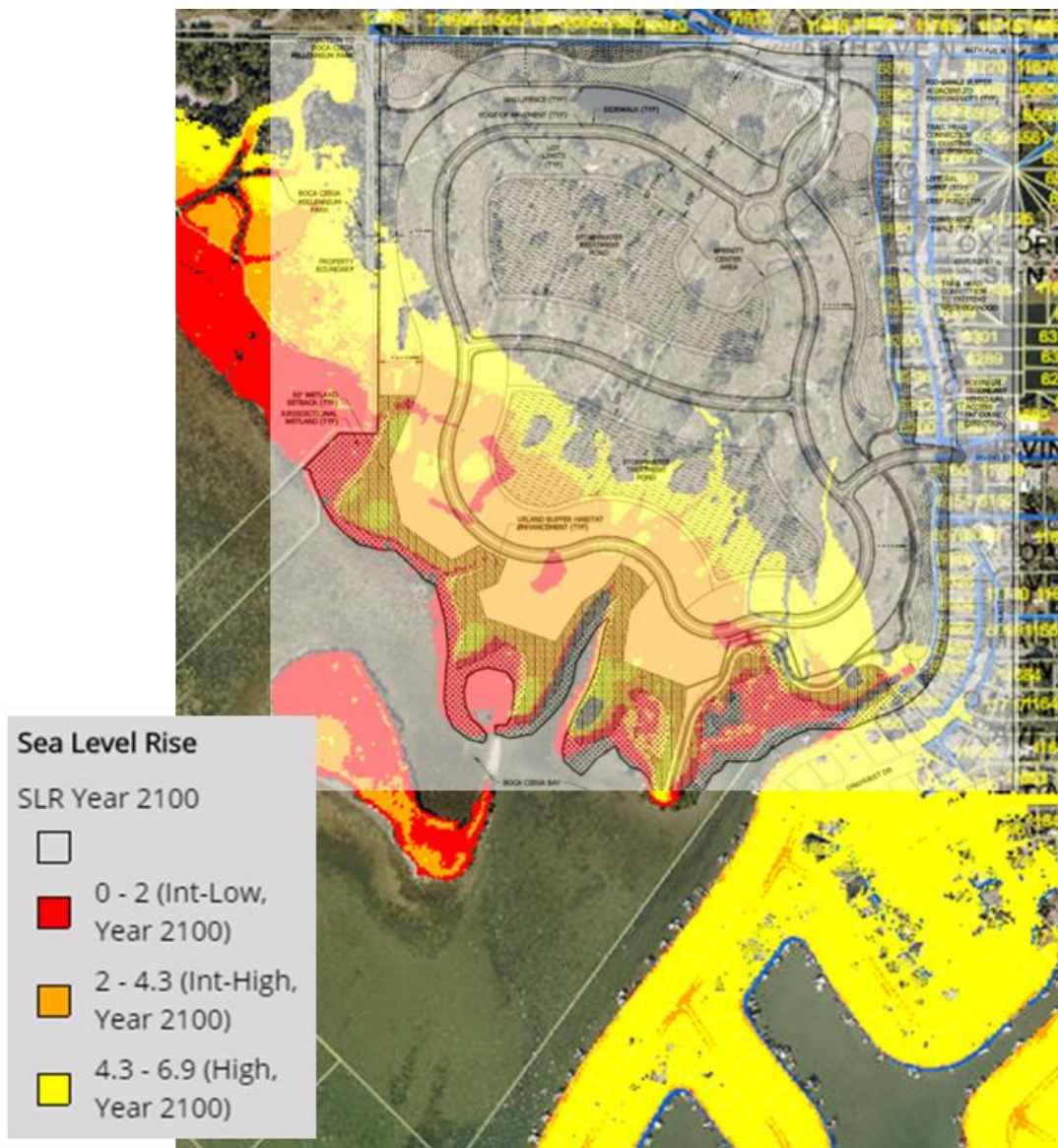


Figure 12: Sea Level Rise



### Hurricane Evacuation and Shelter Impacts

Similar to the previous section, the subject property's coastal location means that hurricane evacuation and shelter impact considerations are very important. The parcel elevation ranges from 4 feet to 27 feet per the Digital Elevation Model, rising from south to north with the highest elevation on the northeast corner. The Sea, Lake and Overland Surges from Hurricanes (SLOSH) model indicates that the parcel is impacted by storm surge in all categories of storm (see **Figures 13, 14 & 15**). Development on the property would increase storm shelter demand, especially for Category 3 through 5 storms on the Saffir-Simpson scale. A Category 3 storm would impact over two-thirds of the property. Florida Statutes require mitigation for shelter and evacuation impacts. Importantly, the current SLOSH model does not factor in sea level rise, so any future storm impacts will likely be exacerbated.

In terms of hurricane evacuation, the subject property spans multiple evacuation zones, from Non-Evacuation in the northeast to Level A evacuation in the south. Approximately 20 acres of the parcel are within either Non-Evacuation, Level E and Level D evacuation zones (see **Figure 16**). That area grows to approximately 40 acres when including the area covered by evacuation Level C (see **Figure 17**).

After the March 9, 2020 Development Review Committee meeting, the applicant/developer made additional commitments via the Development Agreement including a donation of \$250 per home as hurricane shelter mitigation and disclosure to all home buyers of applicable flood zones, flood elevations, and hurricane evacuation requirements. Initial evaluation by the Emergency Management Department indicate that this amount is insufficient to offset impacts to area shelters.

**Figure 13: Category 1 Storm Surge**

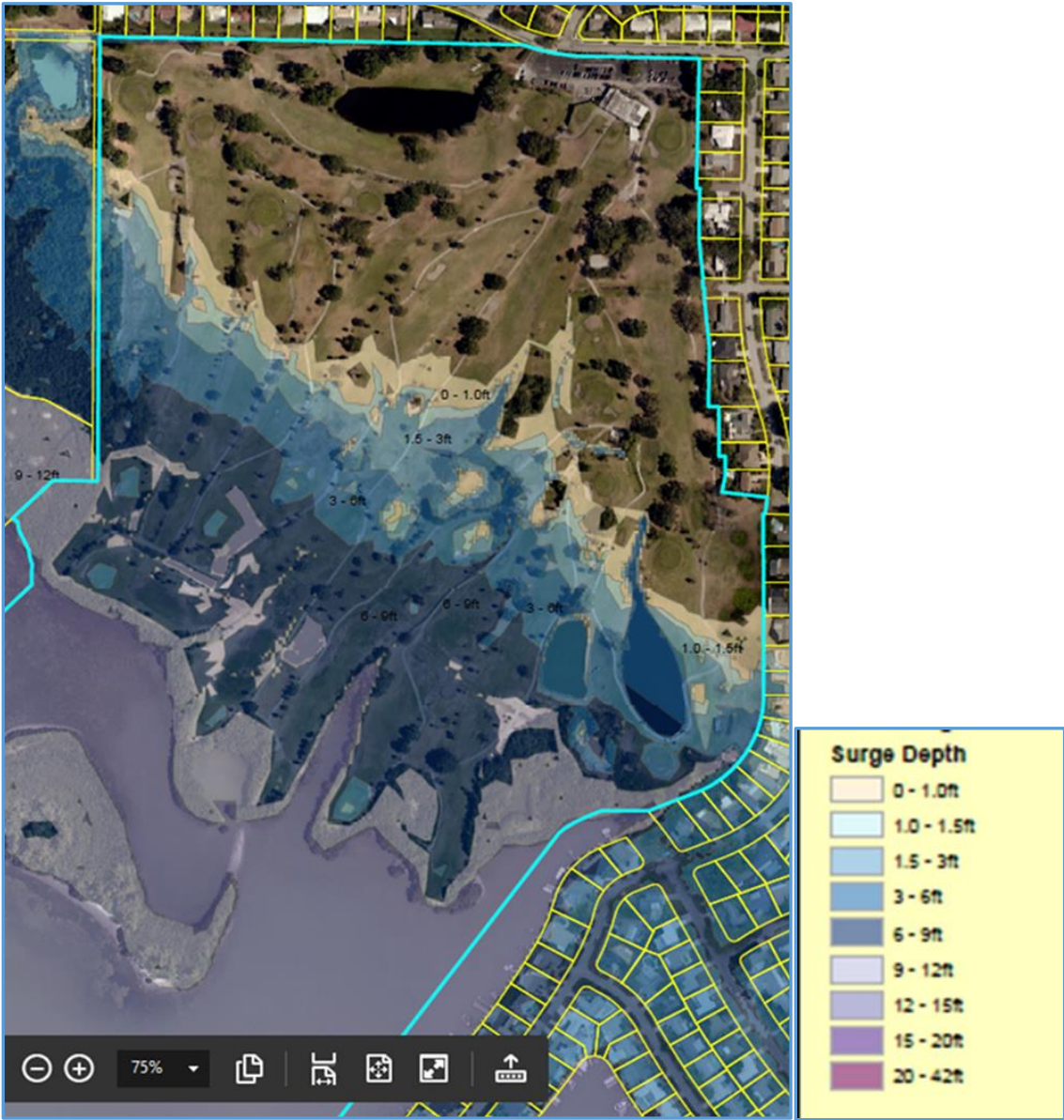


Figure 14: Category 3 Storm Surge

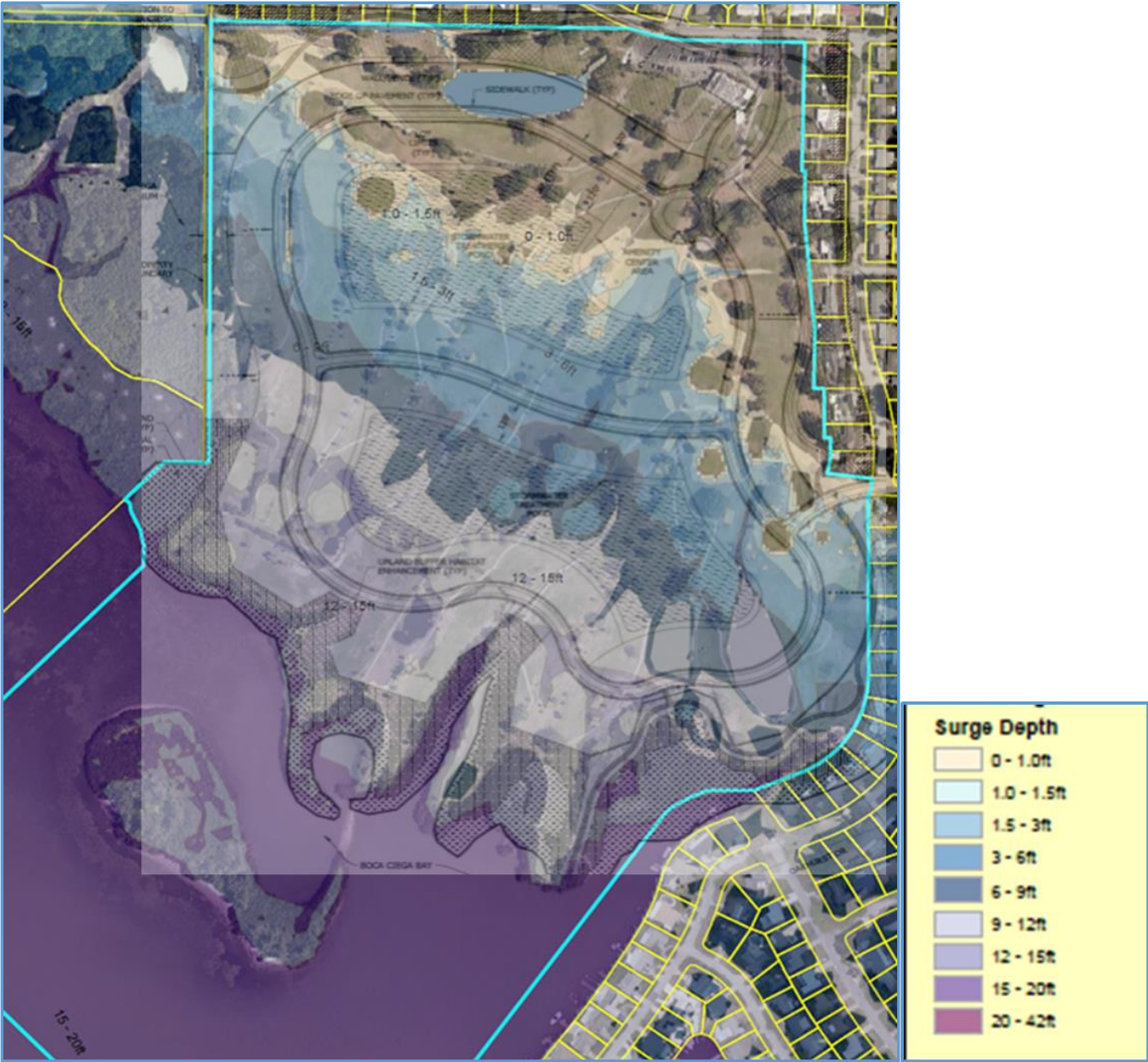
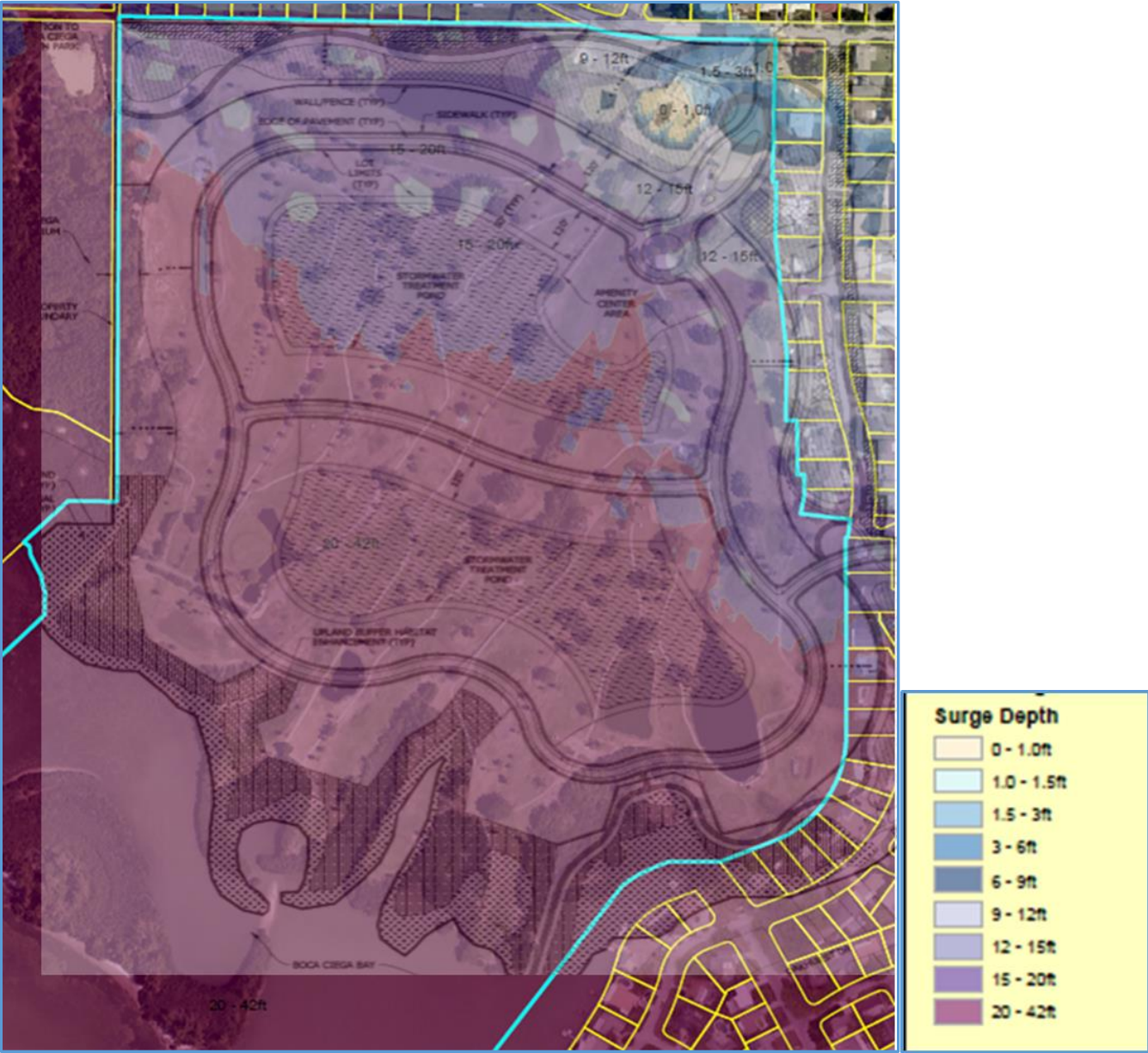
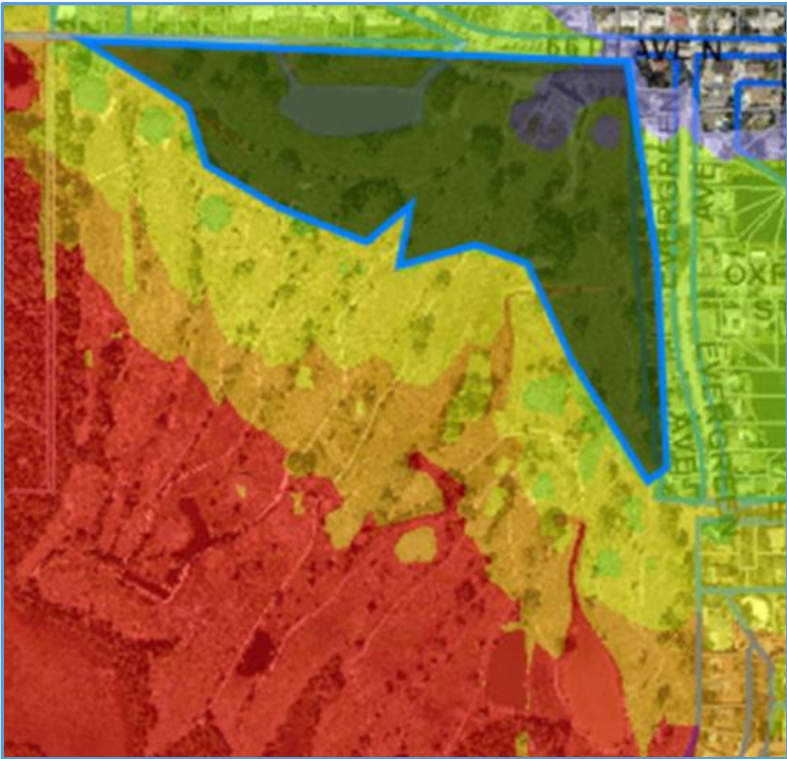


Figure 15: Category 5 Storm Surge

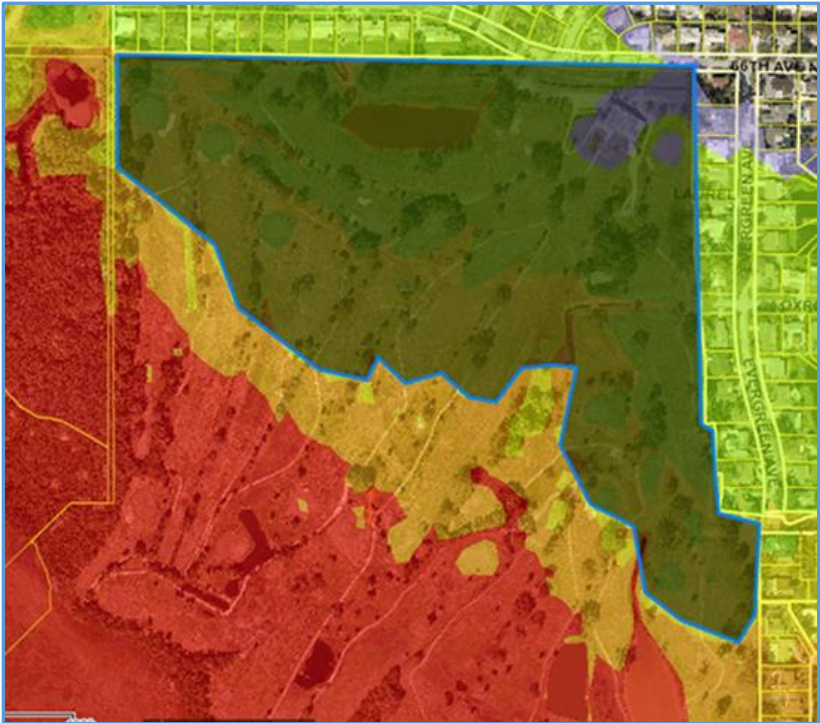




**Figure 16: Non-Evacuation, Level E and Level D Evacuation Zones**



**Figure 17: Non-Evacuation, Level E, Level D, & Level C Evacuation Zones**



## Environmental

The applicants have included what they term 'natural resource elements' into their public benefits enhancement package that is part of the Development Agreement. These include on-site habitat enhancement, exotic/nuisance vegetation removal, mangrove and tidal habitat enhancement, upland buffer adjacent to wetlands, landscaping, buffer from Boca Ciega Millennium Park, and anticipated wildlife utilization. It should be noted that many of these are land development code requirements and must be done as part of site development regardless of their inclusion into the Development Agreement. Staff has some concerns and suggestions regarding some of these environmental-related aspects:

- The west 50-foot landscape buffer should include a 25-foot enhanced wetland buffer. The remaining 25 feet can accommodate things like a trail, trees, berms, etc.
- The kayak launch areas are questionable as there is no apparent parking available.
- Access to the water should include an elevated walkway to provide protection to pedestrians and allow for the natural regrowth of low-lying areas.
- Consideration is needed for 'migration' areas as sea levels continue to rise.

## Archeological

There is a strong potential for the existence of archeological deposits on the subject property. Local archeologists have observed significant deposits in eroding areas around the southeast area of the property. More recent Master Site File data was not considered or included as part of the submission by Archeological Consultants, Inc. A 2017 visit by a professional archeologist found fossilized bone fragments similar to those found during extensive excavations of nearby Boca Ciega Millennium park. There is the possibility that intact paleontological deposits associated with Paleoindian (earliest humans in Florida) artifacts may be on the property. Additional testing is warranted prior to the initiation of any ground disturbing activities. The Applicant has acknowledged that additional testing is required prior to any ground disturbing activities and will commit to this in the Development Agreement. Via the Development Agreement the applicant has agreed to Phase II and III archeological testing as necessary.

## Land Use

The Pinellas County Comprehensive Plan clearly encourages the retention of non-dedicated (privately-owned) recreation/open space land. Objective 1.5 of the Recreation, Open Space & Culture (ROSC) Element states '*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*'. The loss of open space is the impetus behind the public benefits enhancements package that the applicants have included in the Development Agreement. There should be a comparable level of public benefit derived from the project to offset the loss of open space. The Comprehensive Plan is also protective of scenic vistas. Objective 1.4 of the ROSC Element states that '*Pinellas County will protect its open spaces and scenic vistas for their contributions to quality of life*' and Policy 1.4.3. says that '*Pinellas County will encourage and incentive the retention and reestablishment of open vistas, where appropriate, with particular emphasis on coastal areas and lands surrounding parks and environmental lands*'. It is important to note that as a privately-owned recreation/open space property, the subject property is not a part of the County's recreational level of service calculation. However, it does not diminish the importance the property serves as open space.

The Comprehensive Plan describes locational characteristics that are appropriate for each of the future land use categories. The locational characteristics of the proposed Residential Low (RL) category indicate that it is appropriate for areas within the 100-year flood plain '*where preservation, open space/restricted, or recreation/open space are not feasible*'. As stated earlier in this report, a large portion of the subject property is within the 100-year floodplain, and it has a 45-year history of being utilized for recreation/open space purposes.

As with all proposed land use amendments, the Countywide Plan Rules governing land use must also be considered. The following Rules will be considered by the Pinellas Planning Council, and must be also be addressed by County Staff:

- LU 8.1 The scale of proposed land development should be compatible with the capacity of existing or planned transportation facilities and infrastructure.
- LU 8.3 Where possible, land development should highlight and maximize scenic amenities and provide for public access
- LU 8.4 Land use planning should emphasize the preservation of important natural resources, such as wetlands and beaches.
- LU 8.5 Land development should be appropriately limited or regulated in coastal high hazard areas and floodplains.
- LU 8.7 Land use planning should weigh heavily the established character of predominantly developed areas when changes of use or intensity of development are contemplated.
- LU 12.1 In recognition of the limited amount of available open space remaining within the County, strongly discourage the conversion of Recreation/Open Space and Preservation land to other designations.
- LU 12.4 Discourage the conversion of golf courses to other land uses without addressing how the loss of open space and recreational opportunities for the community will be mitigated.

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### **SURROUNDING ZONING AND LAND USE FACTS:**

	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Existing Use</b>
<b>Subject Property:</b>	Recreation/Open Space Preservation	R-A	Closed golf course
<b>Adjacent Properties:</b>			
<b>North</b>	Residential Low	R-3	Single-family Residential
<b>East</b>	Residential Low	R-2	Single-family Residential
<b>South</b>	Water	AL	Boca Ciega Bay
<b>West</b>	Recreation/Open Space Preservation	R-A & AL	County Park

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## **IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN**

The relevant adopted goals, objectives and policies of the Pinellas County Comprehensive Plan are included below.

The proposal is felt to be **inconsistent** with the following:

### **FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT**

GOAL 1: 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 1.2.3: 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.

Policy 1.6.1: Development or redevelopment in storm impact areas shall be restricted based upon the Natural Disaster Planning objectives and policies listed in the Coastal Management Element. The policies associated with those objectives shall be consistent with the criteria in the National Flood Insurance Program, and the County's Flood Damage Prevention and Flood Plain Management provisions of the Land Development Code.

Policy 1.17.2: Consistent with the purpose and intent of the Comprehensive Plan and Section 134-82 of the Land Development Code, Pinellas County shall make decisions, both unincorporated and countywide, that do not detract from the established community identity and social support structure but, instead, serve to preserve and enhance that identity and structure.

GOAL 3: Pinellas County's Plan shall promote a balanced relationship between the natural environment and development.

Objective 3.1: The Pinellas County Land Development Code shall be applied in a manner that ensures compatibility between the Future Land Use Map, existing environmental conditions and constraints, as well as environmental management goals.

Objective 3.2: Pinellas County shall continue its proactive program for managing the impacts of development upon the County's natural resources (including wetlands, uplands, and the marine environment), and shall continue to ensure that these resources are successfully integrated into the urban environment such that the overall function and viability of these areas is maintained, or where practical, enhanced or restored.

Policy 4.3.1: In order to limit the exposure of residents and property to coastal hazards and not increase existing and planned demands on hurricane evacuation corridors and public shelters, the population density and development intensity within the coastal planning area shall be consistent with Objective 1.3 of the Coastal Management Element and the supporting policies.

## **NATURAL RESOURCE CONSERVATION AND MANAGEMENT ELEMENT**

GOAL 2: Pinellas County will conserve, protect, restore and appropriately manage its natural systems and living resources to ensure the highest environmental quality possible.

Objective 2.1: Pinellas County shall continue to implement management programs for the conservation of natural ecosystems and species of conservation concern (inclusive of native vegetative communities, terrestrial, marine, estuarine and aquatic ecosystems, and native wildlife species).

Policy 2.1.2: Pinellas County shall continue to enforce existing ordinances that protect and conserve native ecosystems and wildlife habitat, including habitat for species of conservation concern, from destruction by development activities.

Policy 2.1.3: Pinellas County shall continue to require that the type, intensity and location of development be correlated inversely with important ecosystems and native wildlife species existing on each site.

Policy 3.1.2: Pinellas County will consider the impact of land use and zoning decisions, and site plan decisions, on environmental lands and resource-based parks, so that decisions do not inadvertently conflict with approved management plans or best management practices.

GOAL 6: Pinellas County will preserve, protect, restore and manage the natural resources of its floodplains to maintain or enhance water quality, plant and animal diversity, and aquatic productivity, to protect the flood storage value and purpose, and to protect the public and minimize property damage.

Objective 6.1: Pinellas County shall continue to protect floodplains, flood ways, and all other natural areas having functional hydrological characteristics in order to minimize adverse impacts on the natural system, public safety and investment, and floodplain function and purpose.

Policy 6.1.11: A reduction in floodplain storage as a result of development or redevelopment activity will require comparable compensation.

Policy 6.1.12: As a part of the site plan review, for any project located within the floodplain, the development applicant will be required to provide adequate information to the County that demonstrates that floodplain functions will not be adversely impacted by the development, that adjacent properties will not be adversely affected, that the project is not inconsistent with an approved watershed plan, and that the offsite stormwater conveyance system will be able to accommodate flows from the project site.

Objective 6.2: Pinellas County shall continue to maintain, and enhance where possible, the current balance of living resources in the floodplains of the County.

Policy 6.2.1: The County shall continue to prohibit dredging and filling or other development activities having significant long-term impacts on the ecological or hydrological function of the floodplains, except in cases clearly in the public interest.

Policy 6.2.6: Wetlands and floodplains shall continue to be preserved through such means as a Preservation designation on the Future Land Use Map, and shall be protected as flood storage and conveyance systems, as well as wildlife and vegetative habitat.

Policy 7.2.7: Redevelopment activities within the unincorporated County will contribute to the overall environmental improvement of the local and regional watershed.

## **COASTAL MANAGEMENT ELEMENT**

Objective 1.2: Pinellas County shall cooperate with state and regional agencies, and with other local governments to maintain or reduce hurricane clearance times as a component of the evacuation times for Pinellas County.

Objective 1.3: Pinellas County shall restrict development within the coastal storm area, and shall direct population concentrations out of the coastal storm area.

GOAL 4: Land use designations and decisions in the coastal planning area shall be consistent with the Future Land Use and Quality Communities Element of this Comprehensive Plan and compatible with protection of the County's natural and historic resources, reflecting the need for long-term sustainability, continued economic vitality and consideration of the vulnerability of the County's coastal location.

Objective 4.1: The County shall give priority to water-dependent and water-related land uses in the coastal planning area, in a manner consistent with its goals of long-term sustainability, continued economic vitality, the preservation of recreational and commercial working waterfronts, and the protection of coastal and marine habitats and species.

## **RECREATION, OPEN SPACE AND CULTURE ELEMENT**

Objective 1.4: Pinellas County will protect its open spaces and scenic vistas for their contributions to quality of life.

Policy 1.4.1: Pinellas County shall continue to pursue incentives, enforce existing ordinances, and consider new regulations that require the provision of open space areas and retention of open vistas, where appropriate.

Policy 1.4.3: Pinellas County will encourage and incentivize the retention and re-establishment of open vistas, where appropriate, with particular emphasis on coastal areas and lands surrounding parks and environmental lands.

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 5.3.9: Pinellas County shall recognize historic and archaeological resources that could potentially be affected by land use and zoning changes.

GOAL 6: To practice and promote a sustainability ethic, ensuring that ecological limits and environmental impacts are considered in all decisions and designed affecting cultural, recreation and open space planning, and that all decisions and projects contribute incrementally to achieving and sustaining social equity, economic prosperity and a quality community for current and future residents.

## **TRANSPORTATION ELEMENT**

Policy 1.2.1: Pinellas County shall coordinate decisions on Future Land Use Map (FLUM) amendments with the mobility and safety needs of the principal modes of travel including bicycling, walking, transit and motor vehicles.

The proposal is felt to be **consistent** with the following:

## **FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT**

Policy 3.1.2: Designated preservation areas shall be retained as undeveloped land suitable for passive recreation, conservation, or aesthetic uses to provide opportunities to appreciate the natural environment.

Policy 3.2.5: Shorelines shall be protected by preservation land use designations, aquatic preserves, development setbacks, public acquisition, or other measures as deemed necessary.

## **SURFACE WATER MANAGEMENT ELEMENT**

Policy 1.1.1: The implementation of projects to correct existing stormwater deficiencies shall be given primary importance.

Objective 1.3: Where feasible, the Board of County Commissioners shall continue to pursue a system of regional surface water management which is both economically and environmentally sound.

Policy 1.6.12: In association with the update to the Land Development Code, Pinellas County will develop incentives and requirements for the utilization of Low Impact Development (LID) and other sustainable site development practices, for new development and redevelopment, with emphasis on watersheds that have been designated impaired through the Total Maximum Daily Load (TMDL) Program.

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## **COUNTY DEVELOPMENT REGULATIONS**

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

**PROPOSED BCC HEARING DATE:** TBD

**CORRESPONDENCE RECEIVED TO DATE:** (Type in correspondence)

**PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:** (Meeting has not yet occurred)

**ATTACHMENTS:** Maps, Impact Assessments



**Impact Assessment and Background Data for Staff Report**  
**Amendment to the Pinellas County Future Land Use Map**

Z/LU-14-09-19

Site Location: 11832 66th Avenue North

Street Address: 11832 66th Avenue North

Parcel Number: 33-30-15-00000-240-0100

Prepared by: MDS

Date: 04/16/2020

**Proposed Amendment From:**

Future Land Use Designation(s): R/OS & P                      acres: 86.82 & 9.14

Zoning Designation(s):                      R-A                      acres: 95.96

**Proposed Amendment To:**

Future Land Use Designation(s): RL & P                      acres: 88.88 & 7.08

Zoning Designation(s):                      RPD                      acres: 95.96

Development Agreement?                      No                       Yes                       New                       Amended

Affordable Housing Density Bonus? No                       Yes                       How many units:

**INFRASTRUCTURE IMPACTS**  
**SOLID WASTE IMPACT ASSESSMENT**

LAND USE DESIGNATIONS	SOLID WASTE Total Tons/Year *
<b>EXISTING</b>	
Recreation/Open Space	(15,688 x 11.8)/2,000 (Clubhouse factor) = 92.56 tons/year
<b>PROPOSED</b>	
Residential Low (Development Agreement)	273 units x 1.66 (Residential Factor) = 453.18 tons/year
<b>NET DIFFERENCE</b>	<b>+360.62 tons/year</b>

\* (Non Residential) Gross Floor Area x Solid Waste Disposal Rate / 2,000 lbs = Total Tons per Year

\* (Residential) Units x Annual Per Capita Rate = Total Tons per Year

Note: Based upon Solid Waste Disposal Rate determined by DUS Consultants for the Solid Waste Authority of Palm Beach County.

**POTABLE WATER AND SANITARY SEWER IMPACT ASSESSMENT**

LAND USE DESIGNATIONS	POTABLE WATER GPD *	WASTEWATER GPD*
<b>EXISTING</b>		
Recreation/Open Space	<b>Note: Water usage amounts were obtained from Pinellas County's Utility Billing Department</b>  <b>Total Existing Potable Water Impact: 2,000 GPD</b>	<b>Note: Water usage amounts were obtained from Pinellas County's Utility Billing Department</b>  <b>Total Existing Potable Water Impact: 2,000 GPD</b>
<b>PROPOSED</b>		
Residential Low (Development Agreement)	273 units x 266 (Single-Family Home rate) = 72,618 GPD	273 units x 187.5 (Single-Family Home rate) = 51,188 GPD
<b>NET DIFFERENCE</b>	<b>+70,618 GPD</b>	<b>+49,188 GPD</b>

\* (Non Residential) Gross Floor Area x Consumption Rate = GPD

\* (Residential) Number of Units x Consumption Rate = GPD

NOTE: GPD = Gallons per Day

## TRANSPORTATION AND ROADWAY IMPACTS

	YES or NO	COMMENTS
Is the proposed amendment located within one half mile of a deficient facility (i.e., a road operating at peak hour level of service E or F, and/or a volume-to-capacity (v/c) ratio of 0.9 or higher with no mitigating improvements scheduled within three years)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the amendment located along a Scenic/noncommercial corridor?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## ENVIRONMENTAL AND SITE CONDITIONS

	YES or NO	COMMENTS
Identify any onsite soils. Are any classified as "very limited" or "subject to subsidence?"	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The site contains Matlacha, St. Augustine, Immokalee, Myakka, Kesson, and Urban Land soils. Matlacha soils are classified as not limited. St. Augustine soils are classified as somewhat limited and Urban Land is not rated. Kesson, Myakka and Immokalee soils are subject to subsidence.
Are there any threatened, endangered or listed habitats or species onsite (including species of special concern)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The applicant's report mentions the following: Raccoon, Grey Squirrel, Muscovy Duck, Great Blue Heron, Great Egret, Wood Stork, Common Crow, Mockingbird, Black-headed Gull, Florida Duck, Tricolored Heron, Crested Cormorant, Blue Jay, Boat-tailed Grackle, Mourning Dove, White Ibis, Little Blue Heron, Florida Cooter, Softshell Turtle, Red-eared Slider, Green Sailfin Molly and Mosquitofish.
Identify onsite vegetation; does the site contain any significant native vegetative communities (e.g., sandhill).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The applicant's report mentions the following: Native tree species that occur onsite include live oak, slash pine, longleaf pine, cabbage palm, sweet gum, mangrove and southern magnolia. Several non-native exotic tree species also occur onsite, including Brazilian Pepper, Carrotwood, Bottlebrush and Australian Pine, among others.
Is the site located within the wellhead protection zone and/or aquifer recharge area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Identify the watershed in which the site is located.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The site is in Coastal Zone 5 watershed basin.
Is the site located within the 25 year floodplain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the site located within the 100 year floodplain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The majority of site is located within the 100-year floodplain

Does the site contain, or is it adjacent to any wetlands, rivers, creeks, lakes, marshes, Tampa Bay or the Gulf of Mexico, etc.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The site is adjacent to Boca Ciega Bay.
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\*The standard categories of soil classifications (i.e., severe, very severe etc.) have been replaced by Building Site Development Limitations (i.e., somewhat limited, very limited etc.)

### **PUBLIC SAFETY**

	YES or NO	COMMENTS
Is the site located with the coastal storm area?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is the site located within a hurricane evacuation zone. If so, identify the zone.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The site is located within the hurricane evacuation zone A.
Identify the Fire District serving the proposed development.		The subject site is located within the Seminole Fire District.

### **COMMUNITY IMPACTS**

	YES or NO	COMMENTS
Will approval of this amendment affect the provision of affordable housing; if so, explain the positive/negative impacts.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has the applicant sought/been issued an affordable housing finding by Community Development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Will the approval of the amendment result in the displacement of mobile home residents?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Will the approval of the amendment result in the elimination of a water-dependent land use such as a marina or boat ramp? If so, identify how many ramps/lanes or slips will be eliminated.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Would the amendment affect beach/waterfront accessibility?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The current situation provides unobstructed scenic visual access for a considerable distance, primarily to those who live adjacent to the golf course. There are visual access points to the golf course at the street ends for those not living adjacent to the golf course.
Is the amendment located within a County redevelopment/revitalization area; if so, is the amendment consistent with the community revitalization plan, vision, etc.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Would the amendment have a significant impact on an adjacent local government?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the amendment located within a designated brownfield area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Will the proposed amendment affect public school facilities?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The proposed residential use could increase the number of students in the Pinellas County School system.

***Has the property been the subject of a previous amendment proposal within the last 12 months?***

Yes  No

***Is the property within 200 feet of a property under same owner that has been amended within the past 12 months?***

Yes  No

**ATTACH THE FOLLOWING:**

- \_\_\_ Location Map
- \_\_\_ Future Land Use Map with zoning designations
- \_\_\_ Aerial

PINELLAS COUNTY PLANNING DEPARTMENT							
TRAFFIC ANALYSIS FOR A PROPOSED LAND USE CHANGE							
LU#: Z/LU-14-09-19				Jurisdiction: Pinellas County			
Revised:		Received: 4/16/2020		Signoff: MDS			
SITE DATA							
Parcel Size:		95.96					
Proposed for Amendment: 95.96 (RL 88.88 acres proposed)							
Current Land Use Designation:		Recreation/Open Space					
Potential Use	acre(s)	FAR	Units	sf/1,000	x(tgr)	cap.	Proj. trips
(1) Golf Course	86.82		18 Holes	N/A	40	1.00	720
Total							720
Proposed Land Use Designation:		*Residential Low w/Development Agreement					
Potential Use	acre(s)	UPA	Units		x(tgr)	cap.	Proj. trips
(1) Single-Family	88.88	5.00	273*		9.60	1.00	2,621
Total							2,621
Potential Decrease in Daily Trips:		1,901					
ROADWAY IMPACT DATA - Trip Distribution							
Road(s)		% Distribution		Traffic Vol. (AADT)			
		2019	2040	2019		2040	
(1) 113th St (Duhme Rd)		1,901	1,901	existing		16,564	19,613
Welch Cswy to Park Blvd		100.00	100.00	proposed		18,465	21,514
Road(s)		LOS	V/CR	extg.	w/ chg.	extg.	w/ chg.
(1) 113th St (Duhme Rd)		C	0.266		C	C	B
Welch Cswy to Park Blvd							
Road(s)		Extg	Planned	Const.	Future		
		Ln Cfg	Improv.	Year	Ln Cfg		
(1) 113th St (Duhme R)	Welch Cswy to Park Blvd	6D	No		6D		
ABBREVIATIONS/NOTES							
AADT = Average Annual Daily Trips				Ln. = Lanes			
AC = Acres				LOS = Level of Service			
CAP = Capture Rate (i.e., % new trips)				LTCM = Long Term Concurrency Management Corridor			
CCC = Congestion Containment Corridor				MPO = Metropolitan Planning Organization			
CFG = Configuration				N/A = Not applicable			
CON = Constrained County Corridor				PC = Partially controlled access			
Const. = Construction				PH = Peak Hour			
D/U = Divided/undivided				SF = Square Feet			
E = Enhanced				TGR = Trip Generation Rate			
FAR = Floor Area Ratio				UPA = Units Per Acre			
FDOT = Florida Department of Transportation				UTS = Units (dwelling)			
DEF= Deficient Road				V/CR = Volume-to-Capacity Ratio			
MMS = Mobility Management System				MIS= Mitigating Improvement Scheduled			
2040 traffic volumes from MPO, adjusted FDOT Regional Transportation Analysis model output							
Average daily level of service based on LOS Volume Tables from MPO 2019 LOS Manual							

## MEMORANDUM

**TO:** Larry Arrington, Planning Director, Pinellas County Planning Department

**FROM:** Bill Kimpton and Richard Gehring, TIDES Neighbors Legal/Planning Resource

**DATE:** January 3, 2014

**SUBJECT:** *Planning Department Recommendation Format for the Estuary Project and Staff Analysis and Recommendations for Estuary Land Use Plan Change from Open Space Recreation and Zoning Change to Planned Residential 2.5 Du/Ac.*

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Larry this is a modification of a format we discussed with Gordon in November, but it is representative of our expectation that this is a precedent setting policy action and requires a comprehensive staffing review. ***The key question is are you supporting the Neighborhood or are you supporting the Developer as the contract purchaser?***

The subject applications are now heading from three rounds of PRC review and discussion. Also you received an amended application on December 12<sup>th</sup> which we are still reviewing. The proposal to make the 18-acre area of Storm Water Management Lakes and a trail be a Park designation reduces the R/OS loss but produces generally the same development plan.

This leads us, and the Tides Neighborhood Community, to be concerned about the format and content of the Staff Review and Recommendation for the subject request.

The BCC application process is very generic demanding only that an applicant describe what and why they feel the requested plan or zoning modification is requested and or justified.

We are extremely concerned that the Planning Staff and Director address the following:

1. Expand the burden on the applicant to **prove the case** for the need to modify long established land use designations, zoning and the context of actual use.
2. **What is the justification** for community disruption by introducing a major development where no allowed density has existed. *Review 1985 rezoning*
3. The Estuary application is strong on glowing sales perception of questionable **“benefits” with a failure to present impacts** to the neighborhood.
4. The staffing must present the **balanced reality of the magnitude of the change in character, compatibility and impact of the requested Estuary project** on this unincorporated Pinellas neighborhood. Traffic, Land Use, Land Values
5. The major precedent setting discretionary land use modification to remove **Open Space/Recreation** designation and introduce hundreds of development units is of a magnitude to impact on all of Pinellas County in its policy implications.

6. Market may be Location...Location to the developer but to the neighborhood Its also Location Location as you look to **introduce into an area known to be a 100 year flood plain and located next to Millennium Park**, a major environmental preservation area, large amounts of fill, water storage and removal of public access open space and recreation.
7. Many issues raised in the PRC meetings have been discussed as related to the Site Plan decisions post Land Use and Zoning amendment and we demand that the land use amendment discussion include the **extreme impacts of Site Disruption, enormous FILL impacts to a coastal floodplain and on Parks and Neighborhoods.**
8. There is an aberration of policy discussion to claim the Chapter 158 Flood Plain Management only relates to Upland stream systems and Tidal systems are not regulated, and we find this offensive when **tide surges will clearly impact the park and neighborhoods due to displacement of vegetation and introduction of fill dirt and structures.**
9. Present how policy for avoiding additional coastal high hazard development can be ignored because the request is not greater then 5 Du/Ac., **especially when the land use now allows “0” Du/Ac that’s “NO DENSITY”**. Also any development requires the creation of an on site hurricane evacuation shelter.

**HOW WILL YOU PRESENT THE LAND USE AMENDMENT ANALYSIS DATA  
(Are you Supporting the Neighborhood???)**

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**GOVERNING PRINCIPLES**

All the above should be not just be held up to specific plan elements but also to the intro document “Planning to Stay Element ” which has 9 major GOVERNING PRINCIPLES which are a GUIDE to public policy and program decisions of the BCC.

*The introduction states “During that workshop, the individual members of the Board were united in agreement that Pinellas County should be the kind of place where families and businesses will want to stay and where children will want to remain or return once they become adults. This idea of people and businesses planning to stay in Pinellas County because they desire to live and work nowhere else is foundational to an overall vision for the future of Pinellas County.”*

**Particular note should be given to the following principles:**

**Sustainability**

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1. Our Actions today should not compromise our future
2. Meet existing needs without compromising the ability of future generations to meet theirs
3. Do not compromise a sustainable future.

**Work Together**

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3. Open Channels of communication ....that community concerns and interests are heard and taken into consideraton when decisions are made and impact residents...



6. Protect Pinellas competitive position...Redevelopment and Infill development associated with build out conditions provide opportunities to enhance Pinellas county Image as a tourist destination.....

### **Fiscal Responsibility**

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2. Require priorities, projects, programs and policies be reviewed regularly....that the best possible investments in the future are being made.

### **Quality of Urban Community, Promote strong Neighborhoods...**

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1. No neighborhood should be allowed to deteriorate..
2. Retaining and enhancing....distinctive **community characteristics will ensure that they remain vital and successful communities.**
5. Pinellas ..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.**
6. Neighborhood enhancement and rejuvenation will be accomplished in a manner **compatible with community character**, local traditions and heritage, infrastructure capacities, the natural environment, and the overall vision for the community.
7. To minimize the potential for conflicts, Pinellas County should ensure that its revitalization and redevelopment plans, codes and **public participation procedures provide effective guidance for change** in a highly urbanized county.
8. Pinellas **County will work with communities to create, reestablish, or expand public spaces in neighborhoods – whether they be linear recreational trails, parks, public open spaces, shoreline access.....** These shared public spaces can link neighborhoods together and provide a common area ...

### **Protect and Enhance our Natural and Cultural Heritage**

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1. Pinellas County will continue its program, in cooperation with other local governments, agencies, and interested citizens, to establish an interconnected system of greenways and blueways throughout the County that includes public parks, natural systems, waterways, river and creek corridors, waterfront and shoreline properties, pedestrian/bicycle trails, and **other open space areas.** Making these **open space and natural areas accessible to the public** enables residents and visitors **to experience nature within the urban environment.**
2. The natural surroundings are important in defining a community's character. **Development and redevelopment should respect these natural surroundings, and when at all possible, enhance and restore the area's natural resources.** The Pinellas County Board of County Commissioners will continue to take a lead role in managing the larger natural areas in the County..... **Public access to natural areas will be managed so that it does not adversely impact the environmental integrity of these natural systems.**
4. Pinellas County's rich natural heritage is part of **the foundation for the quality of life enjoyed by residents and visitors, while the area's natural amenities and peninsular location have played a central role in defining the County's image.** Pinellas County will therefore continue to naturalize the urban environment through **programs to acquire and manage open space and environmental lands, to restore degraded natural habitats, to landscape road corridors, to establish new parkland, to protect natural areas from inappropriate development activity, and to provide greenways that tie together natural systems and neighborhoods.**
5. Historically, **Pinellas County has largely developed on the strength of its**

**attractive natural amenities.** An awareness of these features and their protection, restoration, and management should remain at the forefront of all planning efforts aimed at enhancing the County's quality of life. **Toward this end, Pinellas County will continue its commitment to wise stewardship of the peninsula's natural amenities** through the development of environmental education centers and programs that will further the public's understanding of, and appreciation for, the area's natural environment.

### **Maintain a Competitive Edge by Promoting a Sustainable Economy**

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A healthy environment supports healthy citizens and is integral to the long-term sustainability of the local economy.

### **Prepare for Disasters and Plan for Change**

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1. Planning for development must respect the restrictions imposed by the County's **susceptibility to natural disasters**, and should anticipate potential alterations to the urban and natural environment induced by long-term changes in the climate.

2. Plans for redevelopment and infill development **should be cognizant of, and compatible with, the limitations imposed by urban infrastructure systems, the County's susceptibility to natural disasters, and the region's natural resources**, such as potable water supplies.

3. **Development on a site should be compatible with restrictions imposed by the natural environment and the characteristics of the local community.**

### **TRANSPORTATION:**

Such an extensive introduction of population and trips in the existing neighborhood should require the application or the analysis to demonstrate the impact on quality of life not just LOS.

**NOTE that there is little traffic in the neighborhood so the question is not just capacity but change in conditions from the low key travel character of the area.**

Most of the Tindal Oliver analysis shows that the arterial system can take the trips and maintain LOS but that is not the issue. The issue is the change internal to the neighborhood where between 7 and 9 times the current trip traffic will potentially be generated. this is a significant change in character to the neighborhood.

Look at simple Pre and Post traffic conditions

Golf course trips 269 daily trips

Pinellas land use designation generates 2,381

almost 9 times the trips county model

Increase of 2,112 trips

Applicant argues really only increasing 1,600 trips

almost 7 times the current trip load

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We look for the items discussed to be addressed with quality analysis in the Pinellas Staffing and recommendation to the LPA , BCC and PPC.

We look for the County to protect the neighborhood through the comp plan and zoning.

**The Planning to Stay Principles demand the staff defend the PLAN, the**

**Neighborhood and the Greater Seminole area Community from a precedent setting loss of open space and recreation amenity to provide a development that can go to any number of sites with considerably less environmental and neighborhood negative impact.**

If this Land Use amendment is approved then begin to tick off the loss of Golf Course Open Space which is 16% of the Countywide open space resource base.



# BOARD OF COUNTY COMMISSIONERS

PINELLAS COUNTY, FLORIDA

315 COURT STREET

CLEARWATER, FLORIDA 33516

## COMMISSIONERS

BRUCE TYNDALL, CHAIRMAN  
CHARLES E. RAINEY, VICE-CHAIRMAN  
JOHN CHESNUT, JR.  
GEORGE GREER  
BARBARA SHEEN TODD

October 24, 1985

Sheraton Shores, Inc.  
Tide Country Club  
11532 66th Avenue North  
Seminole, Fl 33542

Re: Zoning Case Z-3468

Dear Property Owner:

Please be advised that the Planning Director's request for a change of zoning from R-1, Residential, Single Family and R-2, Residential, Single Family to A-E, Agricultural Estate Residential (on the uplands) and AL, Aquatic Land, (on submerged lands) on:

Seminole Estates Section B, Block 24, Lots 9-12; Block 25, 26, 27;  
Block 28, Lots 1-6 and 9-19; Block 36, Lots 1-7 and 12-18; Block 35  
Lots 1-6; Block 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48; along  
with all those lands and submerged areas lying to the south and west to  
the centerline of the intercoastal waterway lying in Section 33,  
Township 30, Range 15, in Pinellas County, Florida

was approved by action of the Board of County Commissioners on  
October 22, 1985.

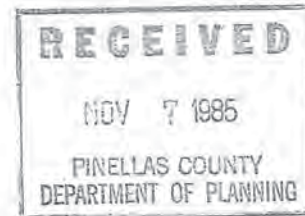
If you have any questions, please don't hesitate to contact this office at  
462-3403.

Sincerely,

Paul T. Cassel  
Interim Zoning Administrator

PTC/dsm

No. 76  
BCC 10/22/85  
6:37 P.M. Mitchell



#60k APPLICATION OF PINELLAS COUNTY PLANNING DIRECTOR (OWNER: SHERATON SHORES, INC.) FOR CHANGE OF ZONING FROM R-1 AND R-2 TO A-E AND AL ON THE TIDE COUNTRY CLUB GOLF COURSE SOUTH OF EXETER STREET AND EAST OF CHARTER OAK AVENUE (Z-3468) - APPROVED; RESOLUTION NO. 85-668 ADOPTED

Pursuant to legal notice published in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of the Pinellas County Planning Director (Owner: Sheraton Shores, Inc.) for a change of zoning from R-1 and R-2 to A-E and AL on the Tide Country Club Golf Course located south of Exeter Street and east of Charter Oak Avenue (Z-3468). Deputy Clerk C. R. Short reported that fifteen letters, including one with 5 signatures, and four petitions containing a total of 912 signatures in favor of the application have been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis stated that staff recommends approval of the application; that it is basically the same situation as the prior case; that the requested change to A-E is for the uplands; and that the rezoning to AL is for the submerged or wetlands.

With the aid of illuminated slides, Interim Zoning Administrator Paul Cassel identified the location of the property and described the zoning and usage of the surrounding tracts.

The Planning Department Findings of Fact and Recommendation for approval of the requested change in zoning from R-1 and R-2 to A-E and AL were filed and made a part of the record.

Upon the Chairman's call for persons wishing to be heard in favor of the application, Mr. Argel Jordan appeared and said that he is President of the Canterbury Chase Homeowners Association; and that the residents would rather have one home on 2 1/2 acres than to have 5 or 6 homes on an acre. He referred to a letter sent to the residents by management which has "approximately 8 falsehoods in it" and questioned why management is protesting the proposed rezoning if it intends that the property remain as a golf course. In conclusion, Mr. Jordan indicated that he had purchased his property because he viewed the golf course as a buffer against having a high density area.

No. \_\_\_\_\_  
BCC 10/22/85  
6:37 P.M. Mitchell

Mr. Michael Reynolds appeared and related that he lives on the golf course; that one of the reasons he had purchased his home is because of the open space, for which he paid a premium; and that he would like to see it maintained as open space now and in the future.

Mr. Bill Culper appeared and indicated that he concurs with the statements made by the previous two speakers.

Attorney Adrian Bacon appeared in response to the Chairman's call for persons wishing to speak in opposition to the application and said that he represents the owners of the subject property; that the golf course had been built for the benefit of the Tides Hotel; that his client had not developed the land and therefore, had not benefited from any price paid by the residents for their properties; that there had not been any implication given to the residents at the time the golf course had been built that it would remain as such because it had been built for the Country Club; and that the subject application is a totally different situation from the previous case. In conclusion, Mr. Bacon referred to the proposed AL zoning and indicated that "there is an island or two in there" that are uplands; and that if staff proceeds with the rezoning it "would be very carefully done" so that the owner is not further jeopardized by zoning.

Replying to Commissioner Greer's question, Mr. Marquis advised that the referenced islands are included in the area proposed for rezoning to AL. He added that if the property owner wants to utilize it for some other purpose, he always has the right to request a zone change for the appropriate purpose.

Following discussion concerning the areas considered as aquatic lands, Commissioner Greer questioned whether the published notice was legally sufficient to identify the uplands, to which County Attorney Van B. Cook answered in the affirmative.

Thereupon, Commissioner Rainey moved, seconded by Commissioner Todd, that Resolution No. 85-668 approving zoning application Z-3468 be adopted. Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

11-1-85 BC at Karen, Planning ✓

PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS  
COURTHOUSE, CLEARWATER, FLORIDA

NOTICE OF FILING EXAMINER'S REPORT ON APPLICATION FOR REZONING  
AND/OR LAND USE

October 11, 1985

Dear Sir or Madam:

YOU ARE HEREBY NOTIFIED THAT HEARING ON THE FOLLOWING APPLICATION (S)  
WAS HEARD BY THE EXAMINER (ZONING ADMINISTRATOR ON September 9, 1985)  
(Z-3468)  
PINELLAS COUNTY PLANNING DIRECTOR (OWNER: SHERATON SHORES, INC.)  
Location - The Tide Country Club Golf Course south of Exeter Street  
and east of Charter Oak Avenue. Zone Change from R-1 and R-2 to  
A-E and AL.

The Findings of Fact and Recommendation as submitted by the Examiner  
are as follows:

FINDINGS OF FACT:

A zone change request from R-1, Residential, Single Family and R-2, Residential, Single Family to A-E, Agricultural Estate Residential (on the uplands) and AL, Aquatic Land (on the submerged land) on the Tide Country Club Golf Course located south of Exeter Street and east of Charter Oak Avenue.  
Subject property is occupied by a golf course. Property to the North is designated Low Density Residential, zoned R-3 and is occupied by single family dwellings. Property to the East is designated Low Density Residential, zoned R-2 and is occupied by single family dwellings. Property to the South is occupied by the Boca Ciega Bay. Property to the West is designated Low Density Residential and Preservation, zoned RPD-5 and is vacant.

The Comprehensive Land Use Plan designates this parcel as Open Space.

The Engineering Department indicates no right of way requirements if continued use is to remain as a golf course. There is a major drainageway along the north boundary. Easement requirements must be coordinated with the Engineering Department. Local drainage will be addressed during site plan review process.

RECOMMENDATION:

Recommend approval of the requested change in zoning from R-1, Residential, Single Family and R-2, Residential, Single Family to A-E, Agricultural Estate Residential and AL, Aquatic Land, based on the following:

1. The property is currently occupied by a golf course and is designated as Open Space by the Land Use Plan. This designation properly reflects the use of the land as a golf course.
2. Since the current R-1 and R-2 zoning conflicts with the Land Use Plan, staff recommends approval of this zoning change in order to bring the property's zoning into compliance with the Open Space designation of the Land Use Plan. Certain portions of the site immediately adjacent to and submerged within Boca Ciega Bay meet the definitions of aquatic lands. These areas should be offered maximum protection from development due to their environmental sensitivity, therefore, staff recommends AL zoning for these wetland areas.
3. Approval of this request will not deprive the applicant of reasonable use since the golf course use may be continued.

THE FOREGOING RECOMMENDATION DOES NOT CONSTITUTE FINAL DISPOSITION  
OF THE APPLICATION.

The foregoing recommendation, together with the Examiner's Report,  
will be reviewed and considered by the Board of County Commissioners  
at a public hearing beginning at 6:45 P.M. on Tuesday, October 22, 1985  
at the County Courthouse, 315 Court Street, Clearwater, Florida.

Very truly yours,

KARLEEN F. De BLAKER, CLERK

By

B. K. West  
Deputy Clerk

RESOLUTION CHANGING THE ZONE CLASSIFICATION OF The Tide Country Club Golf Course located south of Exeter Street and east of Charter Oak Avenue; Page 291 & 292 of the Zoning Atlas, and being in Section 33, Township 30, Range 15; From: R-1, Residential, Single Family and R-2, Residential, Single Family To: A-E, Agricultural Estate Residential (on the uplands) and AL, Aquatic Land (On submerged land); upon application of The Pinellas County Planning Director (Owner: Sheraton Shores, Inc.)(Z-3468).

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WHEREAS, The Pinellas County Planning Director, has petitioned the Board of County Commissioners of Pinellas County to change the zone classification of the real property hereinafter described From: R-1, Residential, Single Family and R-2, Residential, Single Family To: A-E, Agricultural Estate Residential (on the uplands) and AL, Aquatic Land (on submerged lands), and

WHEREAS, legal notice of public hearing on such proposed change of zone classification was duly published as required by law, as evidenced by publisher's affidavit filed with the Clerk; and

WHEREAS, said public hearing has been held on the date and at the time specified in said published notice at which citizens and interested persons have been given opportunity to be heard, and all requirements of law and of rules promulgated by this Board have been complied with; and

WHEREAS, this Board has determined that the zone classification of said property should be changed;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County in Regular Session duly assembled this 22nd day of October 1985, that the zone classification of the following described real property in Pinellas County, Florida, to wit:

Seminole Estates Section B, Block 24, Lots 9-12; Block 25, 26, 27; Block 28, Lots 1-6 and 9-19; Block 36, Lots 1-7 and 12-18; Block 35 Lots 1-6; Block 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48; along with all those lands and submerged areas lying to the south and west to the centerline of the intercoastal waterway lying in Section 33, Township 30, Range 15, in Pinellas County, Florida

be, and the same is hereby changed From: R-1, Residential, Single Family and R-2, Residential, Single Family To: A-E, Agricultural Estate Residential (on the uplands) and AL, Aquatic Land (on submerged lands).

Commissioner \_\_\_\_\_ offered the foregoing resolution and moved its adoption, which was seconded by

Commissioner \_\_\_\_\_ upon the roll call the vote was:

Ayes:

Nayes:

Absent and not voting:



ZONING AND LAND USE CHANGE

TO: Board of County Commissioners  
FROM: Fred E. Marquis, County Administrator  
SUBJECT: Zoning Case Z-3468  
DATE: October 22, 1985  
REQUESTED BY: Pinellas County Planning Director  
Owner: Sheraton Shores, Inc.  
Tide Country Club, 11532 66th Ave N., Seminole, FL 33542

REQUEST FOR REZONING FROM: R-1, Residential, Single Family and  
R-2, Residential, Single Family  
TO: A-E, Agricultural Estate Res (on the uplands) and  
AL, Aquatic Land, (On the submerged land)

GENERAL LOCATION: The Tide Country Club Golf Course located south of Exeter Street and east of Charter Oak Avenue.

<u>CURRENT ZONING AND LAND USE:</u>	<u>LAND USE</u>	<u>ZONING</u>	<u>EXISTING</u>
SUBJECT PROPERTY:	Open Space	R-1 & R-2	Golf Course
ADJACENT PROPERTIES:			
NORTH-	Low Den Residential	R-2	Sing Fam Dwlg
EAST-	Low Den Residential	R-2	Sing Fam Dwlg
SOUTH-			Boca Ciega Bay
WEST-	Low Den Res & Presvn	RPD-5	Vacant

LIST PERSONS APPEARING IN SUPPORT OR IN OPPOSITION:

Seven letters were received in favor. One person appeared in favor and two persons appeared in opposition.

The Pinellas County Department of Planning has investigated and held Examiner's Hearing on September 9, 1985, and recommends approval.

STATEMENT OF RIGHT-OF-WAY AND RECOMMENDATION:

The Engineering Department indicates no right of way requirements if continued use is to remain as a golf course. There is a major drainageway along the north boundary. Easement requirements must be coordinated with the Engineering Department. Local drainage will be addressed during site plan review process.

RECOMMENDATION:

Recommend approval of the requested change in zoning from R-1, Residential, Single Family and R-2, Residential, Single Family to A-E, Agricultural Estate Residential and AL, Aquatic Land, based on the following:

1. The property is currently occupied by a golf course and is designated as Open Space by the Land Use Plan. This designation properly reflects the use of the land as a golf course.
2. Since the current R-1 and R-2 zoning conflicts with the Land Use Plan, staff recommends approval of this zoning change in order to bring the property's zoning into compliance with the Open Space designation of the Land Use Plan. Certain portions of the site immediately adjacent to and submerged within Boca Ciega Bay meet the definitions of aquatic lands. These areas should be offered maximum protection from development due to their environmental sensitivity, therefore, staff recommends AL zoning for these wetland areas.
3. Approval of this request will not deprive the applicant of reasonable use since the golf course use may be continued.

FINDINGS OF FACT:

A zone change request from R-1, Residential, Single Family and R-2, Residential, Single Family to A-E, Agricultural Estate Residential (on the uplands) and AL, Aquatic Land (on the submerged land) on the Tide Country Club Golf Course located south of Exeter Street and east of Charter Oak Avenue. Subject property is occupied by a golf course. Property to the North is designated Low Density Residential, zoned R-3 and is occupied by single family dwellings. Property to the East is designated Low Density Residential, zoned R-2 and is occupied by single family dwellings. Property to the South is occupied by the Boca Ciega Bay. Property to the West is designated Low Density Residential and Preservation, zoned RPD-5 and is vacant.

The Comprehensive Land Use Plan designates this parcel as Open Space.

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# BOARD OF COUNTY COMMISSIONERS

PINELLAS COUNTY, FLORIDA

315 COURT STREET

CLEARWATER, FLORIDA 33516

REVISED COPY

IMPORTANT

## NOTICE OF PUBLIC HEARING

**COMMISSIONERS**

BRUCE TYNDALL, CHAIRMAN  
CHARLES E. RAINEY, VICE-CHAIRMAN  
JOHN CHESNUT, JR.  
GEORGE GREER  
BARBARA SHEEN TODD

You are being sent this notice if you are the applicant or if you own property within approximately 200 feet of the applicant's property.

This is to advise that public hearings will be held regarding the use of property owned by:

Pinellas County Planning Director (Sheraton Shores, Inc.)

### General Description:

The Tide Country Club Golf Course located south of Exeter Street and east of Charter Oak Avenue

The purpose of this hearing is to consider Zoning Case No. Z-3468

From: R-1, Residential, Single Family and R-2, Residential, Single Family

To: A-E, Agricultural Estate Residential (on the uplands) and  
AL, Aquatic Land (On submerged land)

or such other classification as may be deemed proper.

EXAMINER'S HEARING will be held on September 9, 1985 at 9:00 a.m.

BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING will be held on October 22, 1985 at 6:45 p.m.

HEARINGS are held at: Pinellas County Courthouse, 315 Court Street, Clearwater, FL 33516  
5th Floor, Board of County Commissioners Assembly Room.

For information on this case, contact: Pinellas County Department of Planning, Division of Zoning, 440 Court Street, Clearwater, FL 33516, Phone: (813) 462-3403.

You are invited to attend these hearings to present facts or express your views on the case(s). If you wish to respond by correspondence, PLEASE REFERENCE THE CASE NUMBER ABOVE.

NOTE TO APPLICANT: Attendance by the applicant or authorized representative is mandatory at BOTH hearings.

Persons are advised that if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

PLEASE ADDRESS REPLY TO:  
DEPARTMENT OF PLANNING

PINELLAS COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER



# BOARD OF COUNTY COMMISSIONERS

REVISED COPY

PINELLAS COUNTY, FLORIDA

315 COURT STREET

CLEARWATER, FLORIDA 33516

IMPORTANT

**COMMISSIONERS**

BRUCE TYNDALL, CHAIRMAN  
CHARLES E. RAINEY, VICE-CHAIRMAN  
JOHN CHESNUT, JR.  
GEORGE GREER  
BARBARA SHEEN TODD

NOTICE OF PUBLIC HEARING

The Pinellas County Director of Planning is proposing to amend the zoning and/or land use classification on property indicated on the Pinellas County Tax Roll as being under your ownership.

This is to advise that a public hearing will be held regarding this matter. Details on the proposal are specified below.

General Description:

The Tide Country Club Golf Course located south of Exeter Street and east of Charter Oak Avenue

The purpose of this hearing is to consider Zoning Case No. Z-3468

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PLEASE ADDRESS REPLY TO:  
DEPARTMENT OF PLANNING

PINELLAS COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

Z-3468 - Application of Pinellas County Planning Director (Owner: Sheraton Shores, Inc., Tide Country Club) for a change of zoning from R-1 and R-2 to A-E and Aquatic Lands on the Tides Country Club Golf Course south of Exeter Street, east of Charter Oak Avenue.

McCABE: This is similar to the previous request. The Board has asked the staff to bring the zoning into conformance with the Comprehensive Land Use Plan which designated this property for open space uses. The current zoning is R-1 and R-2. Staff is submitting this application to rezone the property to A-E on the uplands portion of this property and Aquatic Lands on those submerged areas of the subject property.

CASSEL: The proposal for the aquatic lands, do those areas meet the definition of aquatic lands zoning?

McCABE: Yes

CASSEL: Okay, and this is part of a study requested by the BCC

McCABE: That's correct.

CASSEL: Okay, thank you. Is there anyone here in favor of this request, anyone in favor? (No one appeared). Is there any one in opposition?

SWORN: Adrian S. Bacon

BACON: May it please the Examiner, my name is Adrian S. Bacon of Bacon and Bacon, PA, attorneys at law, 2959 1st Avenue North, St. Petersburg 33713. We represent the owners of this golf course, which is the Tide Country Club Golf Course. And on behalf of the owners we object to this proposed rezoning on the basis again as stated in the previous case, that there is no evidence or facts to justify such rezoning, that the present zoning of the property has been on the property for a number of years, that it is consistent with the zoning of the area and the land use in the area, that the property surrounding the property is zoned single family residential and with that preliminary statement I would like to introduce to the Examiner Mr. George Johnson who is the manager of the Tide Country Club.

SWORN: George Johnson, 11532 - 66th Avenue N., Seminole 33542.

JOHNSON: I am the manager representing the owner.

BACON: Mr. Johnson, you heard the questions that I asked Mr. Cunningham and them in the previous case, with reference to this golf course has there been any change of conditions in this land area at the golf course or surrounding the golf course in the recent year

BACON ( cont'd) that would justify changing zoning in your opinion?

JOHNSON: No there hasn't been no changes.

BACON: Will you tell the Examiner what development there is immediately adjacent to the and surrounding the golf course, is it single family residential development?

JOHNSON: It is all single family residential.

BACON: And that is consistent with the single family residential zoning which is presently on the property, is that correct?

JOHNSON: Yes sir.

BACON: Does the Examiner have any questions?

CASSEL: I have no questions.

AHLSTROM: Paul, I've got one. Mr. Bacon, on the AL portion of this, do you have any objection to that portion of it?

BACON: You are talking about the aquatic

AHLSTROM: The aquatic lands portion, that property that is either submerged lands or is that mangrove forest that

BACON: The difficulty, legally that I have with that is that, and I apologize to the Examiner and to you because I didn't have time to get into the history of this case as well as I'd like to, but I do recall, years ago I've worked on this land problem with Mr. Alberdeen and he acquired that submerged land and some of that land I think there is still a little island out there, and at one time they wanted to put a hole in the golf course on there and try to put a walkway across there where they could drive over to that and make a, you know, a very fine challenging hole at that. I can't remember whether they abandoned that or not, but they still own that land and they have certain vested rights in it, Mr. Ahlstrom, and I couldn't agree to putting that kind of a restriction on that absent discussing that with my client and going into it thoroughly. I am placed in a position where I can't agree to that. I don't know, because I am simply not knowledgeable enough of the facts of the land area at this moment to say whether or not we would. I think certainly in the development of the golf course, and if I could into with Mr. Johnson and Mr. Alberdeen, and you know, if you all in Planning had some thoughts on what would go into the aquatic zone and that type of thing we could probably work it out and put it permanently in there.

BACON ( cont'd) But not knowing any more than do at the moment, I  
couldn't agree to that.

AHLSTROM: Thank you sir.

BACON: I'd like to state the same position as to the propose  
rezoning in this case. That the rezoning proposed is not supported  
by testimony or evidence before this Examiner. The proposed rezoning  
is contrary to the facts, the proposed rezoning is contrary to the  
law, the proposed rezoning under the circumstances is contrary to the  
constitution. It would be discriminatory, it would be unreasonable,  
it would be arbitrary. And as we have said, there is no evidence to  
support the rezoning in this case. And based upon on all the  
foregoing, my client respectfully request that the petition of the  
County in this case be denied as being totally unsupported by the  
facts and by the law and that the zoning existing on the property  
remain the same as it has been for many years.

CASSEL: Thank you Mr. Bacon.

BACON: I want to apologize Mr. Cassel for limping around, but I had  
an accident and I fell off of a dock and tore up the front of my leg,  
so I am not up to my normal speed.

CASSEL: I am sorry about that. Yes sir:

MAN IN AUDIENCE: I would like to rebuttal ah, a question that Mr.  
Johnson answered and the honorable attorney here asked him regarding  
the changes on the golf course property in many, many years he said.

SWORN: Leroy Schindler, 6243 Evergreen Street, Seminole

SCHINDLER: Within the last five years they sold three lots off on  
Evergreen right across the street from me, now does that, is that  
consistent with what he testified?

BACON: The use is the single family use.

SCHINDLER: But you asked him if there has been any change in the golf  
course property and he said no sir. And you didn't mention them.

BACON: No sir, that has to do with change of use and conditions  
that would justify rezoning. The sale of that property for single  
family construction such as you have is consistent with the use and  
the conditions there.

SCHINDLER: Then what would prevent you to continuously chip off and  
chip off and chip off of that property? And the men here wants

SCHINDLER (cont'd) to change to open air, or open space. They want to stop you from selling these lots or change it over to ah,

CASSEL: Can we find out where those lots are, where are those lots you are talking about?

BACON: Sir (several people talking at the same time and cannot understand what he is saying)

SCHINDLER: On Evergreen between the 6200 and 6300 on the west side of Evergreen. From Irving North on 6200 Evergreen

CASSEL: Fronting directly on Evergreen?

SCHINDLER: Running directly on Evergreen.

CASSEL: Okay, those lots are not a part of this request, those apparently are not a part of the golf course. The lots that front directly on Evergreen are not a part of this request.

BACON: I am not specifically familiar with that,

SCHINDLER: Well ah, they were golf course property. The golf course sold it.

CASSEL: They don't appear

AHLSTROM: Could you locate them on an aerial sir, come up here please. Will you show them to us on this aerial? (All looking at the aerial).

CASSEL: Here is Evergreen and 66th Avenue, this is Irving right here.

SCHINDLER: They sold three lots there that don't even show in there. It shows the golf course and

CASSEL: Okay, our records show that this is not a part of the golf course, it is not a part of this request today.

BACON: These houses have just been built. Stevenson built this house

SCHINDLER: Well they bought them from you.

AHLSTROM: You all can move back to the microphone for testimony please.

SCHINDLER: Then how do you say that they are not golf course lots, if they bought them from you, you said there was no change in the golf course property.

BACON: They are fronting the street, they are the only ones that were on the street, they are all gone and that's all there is to sell in that area.



- -

CASSEL: Were those a part of the golf course?

SCHINDLER: But you admit they were golf course property.

BACON: They undoubtedly were owned by the company, but they weren't part of the golf course, they didn't sell part of the golf course.

SCHINDLER: That's what I am saying, but you said there was no change.

JOHNSON: There hasn't been in the golf course itself, that was not a part of the golf course.

SCHINDLER: Oh well

AHLSTROM: These lots in questions were existing platted lots is that correct?

JOHNSON: Pardon?

AHLSTROM: These were existing platted lots that fronted on Evergreen Avenue ?

JOHNSON: Yes, that is all there is.

AHLSTROM: And they were adjacent to the rough of that one hole down through there.

JOHNSON: Yes.

CASSEL: Sir, are you in favor or in opposition of this request?

SCHINDLER: I am in favor of changing it to open space. I don't think that the streets leading to that parcel of property is wide enough to accommodate any development down there like it is originally or as now platted off for R-1 property.

CASSEL: Thank you.

BACON: Sir, is it my understanding of your opposition that you want a change that would require that the golf course would remain as a golf course, is that what you are saying?

SCHINDLER: Yes, or open space, A-1 or A-2 whatever it is designation there.

CASSEL: Thank you sir. Is there anyone else here that wants to speak on this case in favor or in opposition? (No one appeared). Okay, thank you. For the record, we have no letters. This case will be heard October 22, 1985 at 6:45 P.M.