

TO: Mark Woodard, Pinellas County Administrator

RE: Appeal of SP# 1858.11 September 30, 2015 Revision to Approved Plan

Dear Mr. Woodard:

For the past half year, I have been working with an ever-growing group of residents of Crystal Beach, known collectively as Crystal Beach Watch, to attempt to understand the proposal of Turtle Beach Land Company for their development of the property formerly known as Sutherland Crossing. The community was galvanized into action by an unfortunate request from the developer to create a gated community in our midst that would not only be antithetical to the Crystal Beach way of life, but would also effectively remove the most frequently used access to Lake Chautauqua, a public lake. Collecting information from the County staff and doing research of our own into county codes and procedures, we learned that the developer was asserting to staff that they were submitting a "plan revision" which would avoid many of the environmental controls that would be typical of a project of this magnitude in such an environmentally sensitive area. They also had plans to remove a park that had been designated as a park for over thirty years and used by the community for access to the lake and to the walking trail in the adjacent Clearwater Marine Aquarium preservation lands.

Initially, we supported the staff desire to have the developer go through full site plan review, rather than bypass this step claiming it was not necessary for a land condominium. We prevailed on this front, only to find that the staff was willing to expedite the site plan review, in large part by agreeing with the questionable assertion that this was simply a revision of the previously-approved 1982 site plan for a group of 62 small time-sharing cabins in a naturally-landscaped setting. This view of the site plan as a revised plan resulted in the development being exempted from up-to-date environmental regulations and wetland boundaries and not requiring many parts of a full site plan review.

Our argument is not really with the developer; we assume they always want to maximize profit on each project. Our argument is with the County staff who supported this intensity of development with little regard to community input or appropriate environmental practices, and with apparent lack of concern for critical safety issues like setbacks, sidewalks, and traffic analysis. We believe that county government should be the gatekeeper for ensuring prudent development that recognizes and attempts to accommodate community concerns, satisfies current environmental protections, and is consistent with County development goals and the comprehensive plan.

The developer has responded in part to community pressure by signing a settlement agreement with another appellant and some of her neighbors which protects the above-mentioned community park in return for these individuals agreeing to no longer participate in the community opposition to his plan. Because of this action, the list of items being appealed below does not include the issues about the community park. Naturally, if this agreement is rescinded the prior issues of privatizing a public park blocking access to a public lake should be reinstated in this appeal.

This appeal of the approval of this plan rests on several complaints:

1. Evaluating this project as simply a revision of the 1982-approved plan for Sutherland Crossing and therefore exempt from certain key environmental regulations as well as the need for a full and up-to-date evaluation in key areas like traffic, safety, and water quality. This simply flies in the face of reality...the project is a different use with a different layout.
2. Granting setbacks on the public road, relying on an incorrectly processed BOA variance request in 2013. The attached correspondence, including our complaint letter of 8/13/15 and subsequent correspondence with the assistant county administrator, is attached. In summary, the issue is that the applicant requested "A", the staff recommended "A" with conditions, the BOA approved "A", then the staff issued a decision letter granting "B" which included more than was requested. If the Board wants to extend the variance beyond the subject of the application made by developer on 9/24/2013 or beyond the staff recommendation made at the hearing on 11/7/2013, then a revised application should be filed, appropriate public notice given and a vote taken in a regularly calendared session of the Board. To handle a variance that dramatically affects many acres of development in what seems almost a casual way without any of the normally required paperwork, staff review or public notice violates the letter and spirit of the regulations and, if uncorrected, raises questions about the integrity of those involved.
3. Vague and/or erroneous statements by staff over the period of our discussions with them requesting information. Discretionary decisions by staff have resulted in unprecedented use of lower wetland buffers, possibly endangering the public lake, and the waiver of the requirements for sidewalks resulting in public safety issues.
4. Electing to not involve the State Department of Environmental Protection, including requiring the applicant to apply for a DEP Environmental Resource Permit, and other state agencies involved in protecting the Pinellas Aquatic Preserve.

The handling of this entire project flies in the face of stated Pinellas County objectives to support community characteristics, preserve the environment and operate with transparency. There is a continuing concern for the safety and well-being of the citizens of Crystal Beach and the protection of our environment.

Please advise as to next steps in this process.

Very truly yours,

June Barwick

20 October 2015