

DRAFT

Ms. Renea Vincent  
Pinellas County  
440 Court Street, 3<sup>rd</sup> Floor  
Clearwater, FL 33756

**Re: Restoration Bay  
Parcel 33-30-15-00000-240-0100  
Resubmittal to Comment/Response #1**

Dear Renea:

In response to your letter dated September 13, 2019, your comments and/or questions are listed below in bold and the Applicant's responses follow:

**Application Form**

1. **Question 4 - please add Development Agreement.**  
Response: This has been added.
2. **Question 4 - please add Development Master Plan if you are pursuing one at this time.**  
Response: This has been added.
3. **Question 9 - other components of the submittal materials reference a small portion of the subject property being currently covered by the Residential Low (RL) land use category. If this is the case, please include RL here.**  
Response: Any references to RL as an existing land use category have been removed.
4. **Item 16 e) - please provide a recent survey of the subject property.**  
Response: A copy of the Applicant's existing boundary survey for the subject property is included with this resubmittal package.
5. **Item 16 b) - please provide certification of ownership from a duly licensed title or abstract company, or a licensed attorney-at-law, showing that the applicant is the current title holder of record.**  
Response: A certification of ownership from Robert L. Barnes, Jr., attorney at law in good standing with The Florida Bar, is included with this re-submittal to confirm fee ownership of the subject property by the Applicant.



6. Item 16 g) - please provide Floodplain information such as, but not limited to, the current flood elevation and flood zone designation on the attached Development Master Plan. For those lots located within the flood zone please indicate anticipated method of construction, such as stilt homes, import of fill to elevate slabs, stem walls, etc. Please note that if the minimum detached lot of sixty feet in width is to be used with a six (6) foot side yard setback in a flood zone, the home will not be able to accommodate any mechanical equipment or electric meters on the side of the proposed homes due to the fact that the required elevated platforms would violate the setback requirements.

Response: The requested information has been added to the Development Master Plan.

#### Justification Statement & Support Documents

7. 1.0 *Introduction*, pages 1-3 - this section describes various public benefit components of the project (e.g. improving stormwater management /water quality for the area watershed, a publicly-accessible open space linear greenway and trail system) and pledges a commitment to them, but there are insufficient details in the submitted Development Agreement to memorialize this.

Attached as Attachment A to this re-submittal is a summary of the public benefit components as requested. In addition, these details have been added to the draft of the proposed Development Agreement which also is re-submitted herewith.

8. 2.1 *Future Land Use Map*, page 4 - this section mentions 0.3 acre of the subject property being covered by the RL land use. This does not match the County's records. If there is RL currently on the property, please clearly depict it on all relevant maps and exhibits and amend the first paragraph in subsection 2.1 to reference RL as a current zoning category on the subject property.

Response: All references to such 0.3 acre RL have been removed.

9. 2.2 *Zoning District Map Amendment; Concurrent Land Use, Zoning, Development Agreement and Brownfield Applications*, page 4 - this section indicates a desire to process various components of the request concurrently, with final approval of all items occurring simultaneously. Please be advised that per Section 138-395.3 of the Pinellas County Land Development Code (LDC), the requested RPD zoning district requires a Development Master Plan (DMP) pursuant to Chapter 138, Article II, Division 11. If the desire is to process every required component of the request concurrently and approve them simultaneously, a complete DMP must be included. It is noted that a DMP is included in the submittal package. This item as submitted, however, is incomplete. Section 138-263(a) of the LDC requires a DMP to have a series of framework plans that include 1) a transportation framework plan, 2) a land use framework plan, 3) an open space framework plan, and 4) a utilities and stormwater framework plan. As a 95+ acre project, the request does



**not qualify for the small district option, where the required elements of a DMP may be displayed on a single plan sheet. Please note that a DMP must be approved by the Board of County Commissioners at a public hearing prior to site plan approval.**

Response: The required information has been added to the Development Master Plan

10. **2.2 Zoning District Map Amendment; Concurrent Land Use, Zoning, Development Agreement and Brownfield Applications, page 4** -As stated the desire is to pursue all items occurring simultaneously, as such, please submit a written waiver for the associated processing timelines associated with the Zoning application and the Brownfield application, which have strict processing timelines unless waived by the applicant.

Response: Please see the attached waiver confirming extended processing timelines in recognition of the concurrent review of all applications.

11. **3.0 Brownfield Consideration and Public Benefits, page 5** - An evaluation of the Brownfield application and completeness review will be provided under separate cover by the County staff evaluating that portion of the application.

Response: Acknowledged.

12. **4.1 Historical Perspective; Surrounding Communities, page 6** - the first paragraph includes information that is sequentially out of order. The statement about a 1926 plat should come before the reference of clearing the land in 1940.

Response: The narrative has been revised.

13. **4.1 Historical Perspective; Surrounding Communities, page 6** - the last paragraph makes reference to the property being "approved to be developed for residential use", which is not accurate. The property was platted for residential use, but no approvals were obtained for residential uses on the subject property.

Response: The Applicant's land use counsel disagrees with the foregoing interpretation of the historical facts related to the property, and Applicant believes its characterization in the Application was and remains correct. In addition, this is the Applicant's application so it has the right to present its position on this historical fact. Clearly, the acceptance and recordation of a residential plat lawfully authorized residential use for such property at that time, as a matter of law.

14. **5.0 Consistency with County Plan Standards and Policies, page 9** - the paragraph at the bottom of this page describes the portions of the property that will remain Preservation. Please note that the areas reflected as Preservation should follow recently established wetland jurisdictional (JD) lines. The Preservation areas as currently depicted on the Future Land Use Map do not necessarily follow the wetland lines as they exist today. Exhibit E, Proposed Future Land Use, should be



updated to reflect recently established JD lines and acreages should be amended as applicable.

Response: The preservation areas have been updated to reflect the latest linework depicted on the attached boundary/wetland survey.

15. **5.2 Consistency with fulfillment of Comprehensive Plan Policies, page 12** - the first paragraph under Transportation Element states that a traffic analysis will be conducted to support the application. This traffic analysis was not provided to the County by the agreed upon date of September 6. The Traffic Mitigation Plan submitted on September 12 is inadequate as it is not a full traffic study.

Response: As requested, the Applicant's transportation consultant, Lincks & Associates, has met with County transportation staff, agreed on the methodology for, and has conducted the required analysis and prepared the traffic impact study attached as Attachment B to this re-submittal.

16. **5.2 Consistency with fulfillment of Comprehensive Plan Policies, page 14** - the last paragraph under Natural Resource Conservation and Management Element states that the applicant has committed to providing native vegetation throughout the redevelopment. This commitment is not currently memorialized in the Development Agreement or the DMP? Please specify how it will be memorialized.

Response: As requested, attached as Attachment C to this re-submittal is a more detailed summary of the environmental and vegetative management commitments. In addition, these details have been added to the draft Development Agreement which is also provided incident to this re-submittal.

17. **5.2 Consistency with fulfillment of Comprehensive Plan Policies, page 14** - the last paragraph under Housing Element describes a split of the project into north and south components, with the northern portion having smaller lots. These north and south areas should be depicted on the DMP and the different lots sizes for both areas should be shown on the DMP, including dimensions, setbacks, etc.

Response: Please see the revised Development Management Plan.

18. **5.2 Consistency with fulfillment of Comprehensive Plan Policies, page 16**, the last paragraph under Surface Water Management Element mentions a public-private partnership. How will this be memorialized and what are the specific elements to this partnership?

Response: References to the public-private partnership assumed the County might desire to participate in certain external, area-wide enhancements which could be implemented as part of the Applicant's project. However, if the County does not wish to participate to help achieve a more broad, area-wide benefit to the historic storm water issues in the surrounding areas, the Applicant nevertheless will implement such reasonable measures as can be accomplished within the subject property, only, and which measures still will have material external benefit upon surrounding areas. Please



see Attachment A to this re-submittal for a summary of such benefits. In addition, the proposed on-site measures have now been included in the proposed Development Agreement which is included with this re-submittal.

19. **6.0 Environmental Considerations, page 20 - the last paragraph under Environmental Benefits and Recreational Amenities mentions the enhancement of onsite wetlands. Where is this memorialized?**

Response: Please see the revised Development Management Plan. In addition, these measures have been included in the proposed Development Agreement included in this re-submittal.

20. **7.1 Traffic, page 22 - details on traffic impacts are not complete.**

Response: Please see the response to # 15, above.

21. **7.1 Traffic, page 22 - note that two primary access points are required for developments that exceed 555 daily trips, per LDC section 154-198. The DMP should reflect the two entrances.**

Response: As requested, the Applicant's transportation consultant has identified and analyzed two (2) potential locations for a second primary access to the subject property (in addition to the primary access from 66<sup>th</sup> Street (the pre-existing primary access location). The traffic impact study included with this re-submittal provides the data and analysis for the County to identify and designate which of the two (2) potential, additional primary access points would be most practical and effective. The Applicant is willing to utilize whichever of the additional access points is/are deemed most appropriate by the County.

22. **7.2 Stormwater Management System, page 22 - the first paragraphs states 'See Support Document No 2'. Where is this? Is it Appendix A?**

Response: The nomenclature has been revised.

23. **7.2 Stormwater Management System, page 22 - the third paragraph mentions that these improvements will be constructed and maintained by the applicant. Maintenance will most likely be the responsibility of the Homeowners Association, not the applicant. Where are the public stormwater benefits mentioned in this section memorialized?**

Response: See response to # 7 and # 18, above, Attachment A, and the revised Development Agreement.

24. **Exhibit D, Existing Future Land Use - please clearly show where the existing RL category is located on the subject property.**

Response: The RL category reference has been removed.



**25. Exhibit E, *Proposed Future Land Use* - the Preservation land use needs to coincide with existing wetland JD lines. Why not leave the trails and buffer areas as Recreation/Open Space?**

Response: The exact location of the proposed trails and buffers will be determined incident to the detailed design and engineering process with the County staff; therefore, it would be premature to designate the specific areas with that level of specificity at the zoning stage of the approval process. However, the Applicant has no objection to creation of a conservation/recreation/drainage easement for such trail and buffer areas, once specifically designed by the Applicant and approved by County staff, in the subsequent development approval process. The Applicant would propose that such agreed areas be designated at the time of platting (i.e., when they are final), with the appropriate conservation/recreation/drainage easement then to be recorded consistent with such platted areas, to ensure the perpetual use of these areas only for such stated easement purposes (i.e., not for other development purposes). This procedural commitment has been added to the proposed Development Agreement included with this re-submittal.

**26. Exhibit F, *Concept Plan* - the concept plan does not match the development master plan. Consistency is necessary. The DMP should show all of these components through its various framework plans. Furthermore, in the DMP framework for either transportation or land use there should be a reference to the maximum 600 foot block length as stated in Section 154. 126.**

Response: Please see the revised DMP.

**27. Exhibit G, *Roadway Connections & Utilities Stub-Out Area* - the figure does not seem be depict this, rather it appears to be a copy of the vacated plat superimposed on the project area.**

Response: Exhibit G has been removed and depicted on the DMP.

#### **Development Agreement**

**28. The Development Agreement needs to include the concept plan and/or the DMP as an exhibit and it/they need to be referenced in the wording, perhaps in sections 5.1and/or6.1.3.4.**

See revised Development Agreement included with this re-submittal.

**29. Recital E lists current land use designations as including Residential Low (RL). Our records do not show this. Please indicate where on the property this designation occurs on the applicable exhibits.**

The reference to RL designation has been removed.

**30. Recital E (ii) - the land use designation was changed in 1975, not 1985.**



The Applicant's source for the 1985 date was the actual meeting minutes from the 1985 BCC meeting. If the staff has other evidence of the correct date, which supersedes the BCC minutes, please provide such documents to the Applicant. At any rate, the date is whatever date the land use designation in fact was legally adopted. The date has been left blank in the revised Development Agreement, pending such confirmation.

31. Please add 'detached' to single family in Recital Hand in Section 6.1.3.1.  
See revised Development Agreement included in this re-submittal.
32. Section 5.2 - if the duration is proposed to be 10 years, rather than 5 years, Sections 6.1.2. and 6.2.2 need to be changed to state that development shall comply with the County's Code applicable at the time of development. If this is not acceptable, Section 5.2 needs to be changed to 5 years.  
See revised Development Agreement included in this re-submittal.
33. Section 6.1.3.2. - this is not specific enough. Need more detail on the specific parameters of these many items, and how these things will be accomplished. The public benefit items need to be better memorialized. This should include stormwater obligations, habitat restoration and monitoring obligations, operations and maintenance obligations, trail maintenance obligations, etc.  
See revised Development Agreement included with this re-submittal.
34. Section 6.1.3.4. - the height, intensity, etc. is based on the DMP. The DMP needs to be referenced.  
See revised Development Agreement included with this re-submittal.
35. Section 6.1.6. - the traffic mitigation improvements were not provided by the agreed upon deadline date of September 6. The document provided on the afternoon of September 12 lists proposed sidewalks and crosswalks on 1161 H Street and 661 H Avenue. No traffic study, with trip distribution, discussion of secondary entrances into the project, etc. has been submitted. The traffic analysis is therefore incomplete.  
See response to # 15, # 21, and Attachment B. The Applicant also agrees to further revise the Development Agreement to incorporate the access points as determined by the County, and the other off-site mitigation measures agreed to by the County and the Applicant, after the County's review of Attachment B.
36. Please refer to LDC section 134-294 regarding Development Agreement requirements. In particular, a legal description needs to be attached, a description of any reservations or dedications of land for public purposes needs to be included, and certification of title is required.



**See revised Development Agreement included with this re-submittal. Also see the response to # 5, above.**

**37. Please add page numbers to this document.**

**See revised Development Agreement included with this re-submittal.**

Please review the information provided and call me at (813) 880-8881 if you have any questions.

Sincerely,

Clark C. Lohmiller, PLA  
Planning and Landscape Architecture  
Group Leader

CCL/lag

cc:     Joel Tew, Tew & Associates  
          Ron Carpenter, Carpenter Companies  
          Steven Henry, Lincks & Associates, Inc.  
          Cynthia D. Spidell, Ardurra  
          Brian K. Skidmore, Ardurra  
          File No. 00121/2019-0195