

Pinellas County Planning & Department
Board of Commissioners
Zoning Division
Development Review Services Department
440 Court Street, 4th Floor
Clearwater, FL 337546

Re Case No Z-10-06-17
Geatano and Grace Critelli, Applicant
Jake Seaton, Representative
Hi Neighbors,

July 11, 2017

Opposition to the proposed Zoning Change for the Property on Park Blvd, Case No Case No Z-10-06-17

This document is in addition to the attached already provided document to you on June 01, 2017 regarding the proposed zoning change.

In the Meeting from June 08, 2017 the representative of the developer continued to make false and misleading statements about the proposed development about the subject property on Park Blvd.

The commission did not provide the neighbors with an opportunity to respond to the misleading and false closing statements from the applicant's representatives ("applicant") and went forward supporting the zoning change.

During the meeting, it was very obvious that the members did not read the document we provided 8 days in advance. We hope that the meeting on July 18th will be better prepared. This is about negatively changing the future of our neighborhood and we request this to be taken very seriously.

We hope that in the Meeting on July 18th the neighbors will have an opportunity to respond to the applicant misleading statements. This would save time and money. We, the residents will initiate a civil lawsuit if again the information provided by the applicant is not correct.

Current State:

All contacted neighbors, except Mr. Critelli who is one of the applicants, are in strong opposition to the proposed development, because of the negative impact this will have on the neighborhood.

In summary the applicant made in the justification of the project based on the following statements that were incorrect:

1. Home Banc has a drive thru teller; therefore, Dunkin Donuts can have a drive thru.
2. Other businesses in this neighborhood are C-2 so this sets the precedence for a C-2 Drive Thru restaurant.
3. 28 feet buffer is ample for the development.

These statements without context appear correct but are very misleading without looking at the complete information.

1. **HomeBanc Teller Drive Thru:** The Teller Drive Thru at home HomeBanc is open Monday to Friday from 9:00 am to 5:00 pm, **totaling 40 hours per week.**

The Branch Manager of Home informed us that HomeBanc has on average 10 to 12, sometime 15 customers going through the Teller Drive Thru per day during business hours from 9-6 Mo to FR.

Comparing this to the Dunkin' Donuts Drive Thru that will have hundreds of customers per day, 17 hour daily operation, 7 days per week.

How does this compare? Actually this comparison make as little sense than asking Dunkin Donuts to only operate their drive thru from 9 am to 5 pm, 5 days per week closed on weekends, and limit their drive thru customers to an average of 10-12 customers per day.

2. **Other Businesses that are C-2:** Oakhurst Animal Hospital across 137th Street from Homebanc, so north of proposed development and iStorage (across Park Boulevard) from proposed development) The area is zoned General Commercial with sub classification C1-, C-2 etc.

Comparing the current C-2 Businesses with the proposed Dunkin Donut Drive Thru again is very misleading and invalid.

First, the current businesses open after 7am (residential ours). Both business are very quiet and have limited traffic. iStorage is a storage facility where people store personal belongings and periodically access their rental units. Oakhurst Animal Hospital is open from is also very quiet and people bring their animals from the cars into the office without a drive thru operation.

How does this compare to a Dunkin Donuts with operating 17 hours per day (from 5:00 am to 10pm), 7 days per week? Noise, light and Air pollution is a proven by product of a drive thru restaurant. Sadly, none of these proven facts were accepted by the Local Planning Agency on June 08, 2017.

Again, using the current operating C-2 businesses as a comparison is misrepresentative. While the Dunkin' Donuts would have a major negative impact on the residential neighborhood with no quiet time for our families, as well as heavy traffic during critical school and work morning hours. In addition, this Dunking Donuts is designed for 8 cars in the Drive Thru. This is the highest amount of drive thru spaces of any currently working Dunking Donuts. This shows that this Dunkin Donuts focuses on Drive Thru traffic incoming from Indian Shores (Gulf Blvd). In as much, this is completely inconsistent with the current C-2 businesses and the character of the neighborhood.

3. Set Back and 28" Storm Water Buffer

The applicant made the point that the 28 ft between the property line and the drive thru is sufficient and consistent with the other businesses. In addition, both iStorage and the Oakhurst Animal Hospital have a building set back from about 80 to 100 ft to their property line, unlike Dunking Donuts proposed 28 ft setback. Again this is an incorrect statement by the applicant.

4. Pinellas County Noise Ordinance - Issue Ignored by the Applicant and Local Planning Agency

Pinellas County noise Ordinance stated abbreviated: does not allow noise levels above 55 dBA between 11:00 pm and 7:00 am.

The typical Drive Thru has a noise level way above 55 dbA and when we measured the noise level at several Dunkin Donuts about 30ft away from the Drive Thru lane we still measured noise level above 60+ dbA. Based on this any Drive Thru would not be allowed to open under any conditions before 7:00 am anyways.

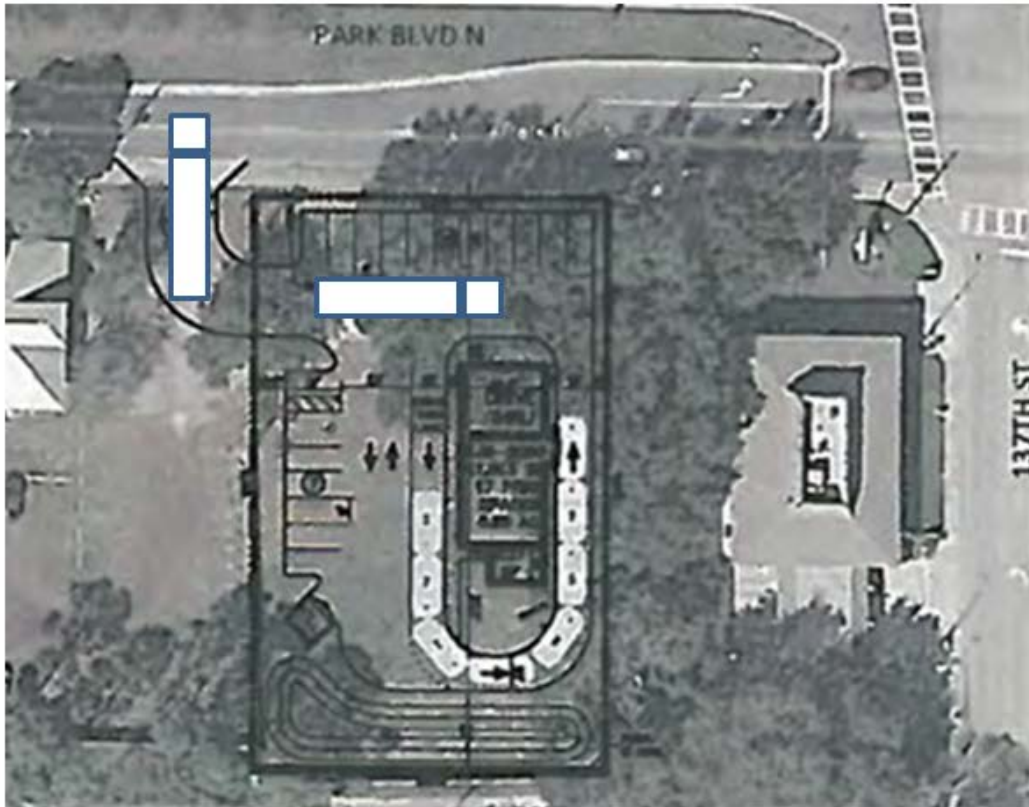
5. **False Statements made under Oath.**

The developer representative, Jake Seaton, made the false statement under Oath that the Dunkin Donuts supplies would be delivered with a small size truck. This statement was false. We were not allowed to speak, but hold up a photo with the 60+ feet semi truck that is being used to supply Dunkin Donuts stores. After Mr. Seaton saw the picture that showed that he was lying about the size of the trucks, he then corrected his statement and stated that a big semi truck is being used to deliver and supply the goods to the Drive Thru Dunkin' Donuts.



6. **Traffic Concerns:** If Mr. Seaton was initially lying about the size of the delivery trucks this could mean that there is an issue with the property having safe and secure access for these extra large vehicles.

How will an about 60+ foot Semi truck actually get in and out of the proposed development without causing major traffic interruption, is a logistical challenge. The width of the property is only 119 ft and there is almost no option for the truck to turn. In addition, returning back on Park Blvd the truck would need to block all lanes of Park Blvd several times a week.



Major traffic impact due to Dunkin Donuts 60+ foot delivery trucks

And more concerning is that the developer tried to minimize this public traffic and safety issue on Park Blvd and the proposed development would block ongoing with large 60ft long and extra wide semi trucks. **As far as we found out, Dunkin Donuts restaurants can get deliveries multiple times per day**, blocking Park Boulevard multiple times and interrupting the only access to Park Blvd for our families as well as for Indian Shores residents.

7. **Continue threat of Gas Station** as bigger impact to neighborhood

The Applicant again brought up the possibility that there could be a Gas Station on the property. First Mr. Critelli made up the story that WaWa has interest buying the entire Lot including the HomeBanc Location. This was made up as the Regional WaWa Real Estate Manager denied any attempt to purchase Mr. Critelli's small property. Also, the Branch Manager from HomeBanc stated that HomeBanc would not sell this location. Next, Mr. Seaton stated in a meeting and in E-Mail stated that the Dunkin Donuts is much better than a Gas Station. Next, the Applicant in the Meeting on June 08, 2017, again stated the possibility of a Gas Station.

This approach is extortion like tactic to try to scare us neighbors into accepting a Dunkin Donuts instead of a Gas Station. Again, this is the applicant trying to use fear with the neighbors and force them to accept the sale to Dunking Donuts as the noblest choice, while knowing about the negative impact for our families and residential life style.

8. Fence height of 8 ft long.

Before the meeting Mr. Hoppe met the developer, Mr. Seaton, to initially discuss the development. In both the phone conversation and in the meeting with Mr. Seaton an 8 ft high fence was discussed. This fence would match the height of the current HomeBanc fence. After the Review Meeting on May 08, 2017 Mr. Critelli called Mr. Hoppe informing him that there is no issue with an 8 ft height fence or wall. At the same time, in the Meeting on Jun 08, 2017 the applicant never mentioned an 8 ft fence, only a 6ft fence. What happened?

9. Traffic Impact Study:

The neighbors' fear that based on Dunking Donuts expected traffic flow, we will see increase traffic in the residential streets near the proposed development. An expected traffic flow map was presented by the neighbors. This showed the negative impact in the neighboring community. The board did not accept the information provided due to its speculative nature. It was mention that the neighbors can have a traffic impact study prepared and submit. This thought was very disappointing to us. We, the neighbors need to do a traffic study showing a proposed impact on a Dunkin Donuts? This when most critical information given by the developer is wrong, are lies or misleading or cherry picking facts?

In 2016, Dunking Donuts intended to build a Drive Thru Restaurant at 14 Dedham Street, Dover, Massachusetts. That county required from the developer to prepare a traffic impact and access study. We request a similar approach. The County would hire an independent specialist that will prepare the traffic impact and access study and that the cost will be covered by the developer, similar to the Study in MA. (Link: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjMtby1vf_UAhVFziYKHcjQBA8QFggoMAA&url=http%3A%2F%2Fwww.doverma.org%2FPDFs%2FTraffic-Evaluation.pdf&usg=AFQjCNG9ofFw8zbcOXFIY-lo4VoL23oMzQ)

10. Property Value Decline

The property directly adjoining the proposed location is for sale. Several potential and very interested buyers immediately stopped viewing the home after they found out about the proposed land use of the proposed development. This happened on several open houses. This fact was provided to the Local Planning Agency, but completely ignored. To paraphrase the board: "The neighbors cannot prove a value loss in property". But if a property is not being considered by potential buyers because of the proposed development, this is proof that the property values are negatively impacted. What else do we need to prove?

Conclusion:

Changing the Zoning from C-1 to C-2 and allowing a Dunkin Donuts Restaurant with Drive Thru is unacceptable.

The developer demonstrated in every step of communicating with the affected neighbors and the county zoning department, that the justification for the proposed development is based on lies, misleading interpretations, and extortion like tactics. In addition the developer ignored attempts by the neighbors to address issues.

Mr. and Mrs. Hoppe tried to set up meetings with Mr. Seaton to discuss several issues. The requests for face to face meetings were ignored by Mr. Seaton.

In the Meeting on June 08, 2017 the Mr. Seaton lied initially about the size about the delivery trucks and then he got caught he corrected himself. Then Applicants attorney cherry picked her entire case. But putting all facts together, it is very hard for the developer, applicant actually to make a case. The developer knows all too well about the negative impact for our families, the neighborhood. Plus our property values will be negatively affected.

We felt that in the meeting on June 08, 2017 the local Planning Agency did not take seriously the concerns of the 12 neighbors that were present and voiced their opposition. But every word, even false, given by the developer was taken as solid facts. To top everything the proof of potential property loss and negative traffic impact, increased crime was provided, but ignored by the LPA.

The same happened in the discussion of the property values. That potential buyers are not interested anymore in the currently offered properties due to the zoning change was not considered as fact. It was seen by the LPA as speculative and cannot be proven. If a property is not being considered due to a proposed development is a fact that shows that the property values are already negatively impacted. In addition who will compensate the neighbors for the financial losses? Will the developer set up an escrow fund and then if homes do not sell at comparable value, the home owners be compensated for value loss plus the too high tax rates?

In conclusion, we the affected neighbors request that the Board of Commissioners will finally deny the Application for Zoning Change and return peace of mind to this neighborhood. There are so many great uses for the property that are allowed within C-1 Zoning and would not negatively our precious neighborhood.