

Comprehensive Plan Amendment Application
Justification Statement and Support Documents



RESTORATION BAY
Pinellas County, Florida

July 24, 2019

Comprehensive Plan Amendment Application Justification Statement and Support Documents

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Restoration Bay

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1.0 INTRODUCTION

The proposed amendment to the Future Land Use category for Restoration Bay is designed to result in a unique, environmentally responsible, residential redevelopment which is compatible with existing, surrounding uses and provides the opportunity to remediate pre-existing storm water and environmental issues arising from historical brownfield activities within and outside the subject property.

1.1 Project Overview

The proposed land use amendment for this property will allow for the development of residential, recreational and conservation uses in accordance with the original plat approved for the property prior to the development of the former golf course. Redevelopment of the Property is complicated by environmental issues associated with the historic use and operation of the Property as a golf course, as well as adverse impacts from external, untreated stormwater from adjacent properties flowing into Boca Ciega Bay. The Applicant is interested in redeveloping the Property under the Florida Brownfields Redevelopment Program to facilitate the cleanup of any environmental issues. The previous Tides Golf Course operation has been closed since summer of 2018, and the facilities have been (are being) demolished pursuant to County permits.

Low Density Residential Redevelopment; Prior Platted Density; No Prior Transfer of Density; Plan Consistency

The current Future Land Use Classifications are R/OS, Recreation/Open Space and P, Preservation. The current Zoning Classification is R-A, Residential Agriculture. However, the land previously was approved by the County and platted for a residential subdivision consistent with the other surrounding subdivisions, including the stub-out of the required interconnecting subdivision streets to the property boundary to facilitate such residential plat.

Significantly, there was never any “transfer of density” or use of density from the golf course land in order to support approved density for any other land area, either within or outside the boundaries of the subject property (as was the case for most other golf course projects in Pinellas County). In other words, the underlying residential density for this property, which was approved in the prior plat, was never “stripped” from the property; instead, the R/OS land use designation simply was overlaid on the property to recognize its then-existing, actual use for a golf course. Consequently, the original, underlying density that was allocated for this property was never utilized and remains available for redevelopment of this brownfield site as a residential project with environmentally beneficial improvements to the ecosystem of Boca Ciega Bay. Hence the project name: Restoration Bay.

This application therefore seeks to restore the property use to the type of residential development for which density was allocated, approved, platted, and intended for it prior to the golf course use. The residential plat approved for the property prior to the golf course use was for 273 lots (**Attachment 1**). The Applicant simply requests that this same, pre-existing density level be re-established for the property.

Based upon the acreage within the property, the County’s land use category which would apply for such density is the Residential Low (RL) land use category, and the corresponding zoning amendment category will be Residential Planned Development District (RPD). The RPD zoning district is compatible with the RL land use category per the Pinellas County Comprehensive Plan FLUM Category Descriptions and Rules. Furthermore, the proposed

density is entirely consistent with the surrounding residential development pattern (**Exhibit D & E**).

Technically, the RL land use and RPD zoning category could result in a greater allowable number of dwelling units for the property; however, as set forth below, the Applicant will voluntarily limit its maximum density rights to 273 lots, to exactly match the prior, platted approval for the property, via a Development Agreement, conditional use overlay, or other regulatory mechanism acceptable to the County, as it is the property owner's desire only to restore the prior, approved density for the property, nothing more and nothing less.

Environmentally Responsible Development; Brownfield Designation

The applicant is also seeking to have the property designated as a Brownfield Area in accordance with Section 376.80, Florida Statutes to help facilitate the assessment and cleanup of any environmental issues due to historic golf course operations. A Brownfield Area generally refers to property that is difficult to redevelop due to actual or perceived environmental issues. As more particularly discussed herein, designating the property as a Brownfield Area will allow the redeveloper to enter into a Brownfield Site Rehabilitation Agreement with the Florida Department of Environmental Protection. As a part of the redevelopment and the implementation of the Brownfield Site Rehabilitation Agreement, environmental impacts resulting from the former golf course operation will be assessed and remediated to the standards required by the Florida Department of Environmental Protection.

Another key public benefit of the proposal is that storm water runoff will be retained and treated to improve the quality of water discharged to Boca Ciega Bay -- both from the subject site and from existing residential development in the adjacent neighborhoods which all are part of the contributing Tides watershed. Thus the redevelopment of the property will produce substantial, area-wide public benefits from an environmental perspective. Further environmental enhancement (i.e., public benefit) will be achieved through the removal of invasive vegetation in favor of native species; creation and preservation of upland coastal habitat and the establishment of a wetland buffer adjacent to the bay, where none exists today.

Publicly Accessible Open Space; Millenium Park Connection; Trail System

The proposed concept plan that will govern the redevelopment of this site provides for a significant portion of the site to be set aside for a linear greenway and trail system accessible to the public; hence another public benefit which can be achieved from the redevelopment of the property.

In addition to preserving some ten (10) acres of the site in open space that can be used by the public, the open space also is designed to serve as a buffer to the adjoining residential areas. Importantly, this public open space also will provide pedestrian access connectivity from the County's Millenium Park to the fringe of Boca Ciega Bay. Again, the park, trail and open space connectivity for the existing Millenium Park and for the adjacent neighborhoods to the waterfront area are additional public benefits which can be achieved from the redevelopment of the property.

Public Interest Served; Commitment to Plan Concepts

In summary, the proposed concept plan for the property has been designed to address the larger public interest in a number of ways, including the allocation of a significant portion of the site: 1) to improving storm water management/water quality for the area watershed (the land area that drains to and/or through it); 2) for an open space linear greenway and trail system that provides public access and serves as a buffer to the adjoining residential neighborhoods;

and 3) maximizing the beneficial reuse of vacant and abandoned properties in a manner that contributes to economic vitality, community revitalization, community health, and environmental improvement.

The proposed redevelopment will yield a quality project that is consistent with the prior density that was platted and approved for this property and which also is consistent with the surrounding neighborhoods, while addressing environmental impacts caused by its historic operation as a golf course and thus benefiting public safety and welfare. Each unique aspect is described more completely in the accompanying application materials.

Finally, the property owner is prepared to commit to these public benefits by memorializing them in a Development Agreement, conditional use overlay, or other appropriate regulatory document as determined by the County, and by a concurrent Brownfield Area designation for the property.

See Accompanying Concept Plan (**Exhibit F**).

2.0 THE AMENDMENT REQUEST

This application is for amendment of the County Future Land Use Map as noted on the accompanying application form and as set forth herein.

2.1 Future Land Use Map

The Future Land Use Map of the Comprehensive Plan is proposed to be amended from Recreation/Open Space (R/OS) and Preservation (P) to Residential Low (RL) and Preservation (P) land use categories.

The current County Plan Map identifies approximately 86.17 acres of the 95.96 acre site in Recreation/Open Space (R/OS) and 9.79 acres in Preservation (P).

The FLU amendment would result in 88.27 acres classified as Residential Low (RL) and 11.94 acres of Preservation (P).

See Accompanying **Exhibits D & E**.

2.2 Zoning District Map Amendment; Concurrent Land Use, Zoning, Development Agreement and Brownfield Applications

A zoning district amendment to RPD Residential Planned Development is being filed concurrent with this comprehensive plan amendment. The Applicant proposes to process the plan amendment, zoning amendment, development agreement, and brownfield designation concurrently, with the final approval hearing on all items to occur simultaneously. In this manner, the Applicant, the County and the public can be assured that the global proposal, with all commitments, entitlements, and obligations, is in force and effect at the same time for the full protection of all parties.

3.0 BROWNFIELD CONSIDERATIONS AND PUBLIC BENEFITS

A plan has been prepared based on a careful environmental and engineering assessment of existing conditions that has guided the proposed layout in a manner best-suited to the site and its surrounding built and natural environment.

Particular attention has been given to the site's relationship to Boca Ciega Bay, enhancing stormwater quality treatment, addressing environmental impacts (such as soil and/or groundwater issues), removing invasive vegetative species, and identifying and preserving the wetland edge adjacent to the bay.

The resultant development plan provides for a clustered development pattern around a series of stormwater management ponds, generous separation distances and open space buffers in relationship to existing residential use, and provision for public access to a linear greenbelt connecting Millennium Park to Boca Ciega Bay.

In brief, the plan for this property will (i) add an inter-generational, quality residential community to the County's housing stock, (ii) provide on-site recreational amenities for both the new project residents and the surrounding, pre-existing community-at-large, (iii) remediate environmental impacts associated with the property's former golf course operations, (iv) improve water quality discharge to Boca Ciega Bay, (iv) eliminate the continued contamination of the bay by the subject property and the surrounding communities, and (v) provide publicly-accessible open space.

The overall development or concept plan is illustrated in the accompanying **Exhibit F**.

4.0 PROPERTY BACKGROUND

It is important to understand the history of prior authorizations for use, previous zoning, plan, and plat approvals for the property, and the basis therefore, and their chronology in relationship to surrounding properties, to fully demonstrate (i) the consistency of this application with the Comprehensive Plan and (ii) its compatibility with the surrounding communities.

4.1 Historical Perspective; Surrounding Communities

The subject property was classified on the earliest County Future Land Use Plan maps as Low Density Residential and zoned R-1 and R-2. The property subsequently was platted on September 11, 1926 for 273 residential subdivision lots. The current site was cleared in the 1940's for ranching purposes.

A brief outline of the subsequent actions affecting the use and categorization of the property is set forth as follows:

- The golf course was approved by the County as a Special Exception in 1969 under the R-1 and R-2 zoning districts (See Sheraton Shores, Inc. J.J. Wilson, Representative/BA 10/9/69). Significantly, the underlying land use designation and zoning category for the property was not changed to accommodate the golf course alternative use, and no residential density was transferred from the land.
- The golf course was developed and opened in the early 1970's.
- Prior to 1975, the County Future Land Use Plan continued to identify the property as Low Density Residential, notwithstanding the golf course special exception use over the underlying residential land use and zoning designations.
- The 1975 Future Land Use Plan showed the property as Recreation/Open Space for the first time, in spite of the fact that it continued to be zoned R-1 and R-2 and remained platted for residential use.
- In 1985, the County (not the property owner) initiated a rezoning action to rezone the property from R-1 and R-2 to A-E and AL (Z3468 – 10/22/85).¹
- In 1992, the subdivision plat for the property was vacated, subject to a reservation for drainage easement rights and provision for release thereof. (Resolution No. 92-154, O.R. Bk. 7945, Pg. 1943-48).

In brief, the property was originally classified by the County and approved to be developed for residential use; it was subsequently approved for golf course use as a special exception while still remaining classified and zoned for residential use; subsequently the County identified the property on the County plan map as R/OS to reflect the actual golf course use; then not until ten years later did the County amend the zoning, purportedly to be consistent with the R/OS plan designation. This application now proposes simply to restore a residential plan and zoning designation on the property in order that it may be used for its original intended purpose, and as the land originally was designated in the County's first Comprehensive Plan and zoned.

¹ **Note:** The County represented that the County-initiated rezoning was pursuant to the Board's direction to rezone existing golf courses and was intended to "bring zoning into conformance with the Comprehensive Land Use Plan" – which had been changed to R/OS some ten years previously. The representative of the property owner objected to the rezoning on the basis that it was no more consistent with the plan than the current zoning, that the only basis for the R/OS plan category was the existing golf course use, and that the R/OS designation inappropriately restricted the owner's legal property rights to consider a change to the use of

the property. The County replied at the public hearing that “if the property owner wants to utilize the golf course for some other use, then an application for a change in zoning and an amendment to the land use plan could be submitted to be heard by the Board”. (Z3468 – Minutes of 10/22/85 Hearing).

4.2 Relationship to Adjoining Property; No Covenants or Restrictions; No Common Plan of Development; No Transfer of Density; No Lawful Reliance on Prior Use

It is fundamentally important to understand that the properties which adjoin the subject site were not planned or developed in concert with, or as part of, the golf course. Simply stated, there never was any common plan of development for the subject property and any of the surrounding residential communities.

The subject property also is not subject to or governed by any deed restrictions, covenants, homeowner’s association, or other title documents which restrict its use to golf course, promise the golf course as a recreational amenity for any adjacent property, or otherwise restrict the use of the property for the benefit of any other person or property owner. Nor was any of the residential density that had been placed on the subject property by its first County Comprehensive Plan designation and zoning category ever transferred or otherwise “stripped” from the subject property for use within any of the surrounding residential communities.

These facts clearly distinguish the subject property and this application from other requests to repurpose other failed golf course properties which either (i) were part of a master-planned community and hence a planned amenity for others, or (ii) had its density stripped from the golf course land to increase the allowable density in surrounding properties. This is a critical and controlling fact.

In addition, platting records and aerial photography clearly establish that the majority of the adjacent subdivisions along Evergreen Avenue to the east and north of 66th Avenue North were platted and largely developed prior to the golf course being placed in operation on the subject property in the early 1970’s.

A listing of the specific plats in close proximity to the subject property, the developers, and their approval dates are as follows:

- Sheraton Shores - Oakhurst Developers, December, 1958
- Canterbury Chase Unit 1 - Gildevco (W.O. Gillenwaters), June, 1970
- Canterbury Chase Unit 2 - Gildevco (W.O. Gillenwaters), March, 1971
- Canterbury Chase Unit 3 - Gildevco (W.O. Gillenwaters), May, 1973
- Sheraton Shores Tract A Partial Replat - Automobile Machine, Inc., Sept, 1979
- Leach Estates - Frank Homes, Inc., Nov. 1984
- Oakhurst Shores - Sabalo Development Co., Inc., March 1957
- Oakhurst Shores, First Add. - Sabalo Development Co., Inc., August, 1963
- Oakhurst Shores, Second Add. - Sabalo Development Co., Inc., June, 1964
- Oakhurst Shores, Fourth Add. - Sabalo Development Co., Inc., January, 1962
- Oakhurst Shores, Seventh Add. – Thomas O. Huff Realty, Inc., May, 1974

Consequently, it is very clear that the residential neighborhoods adjoining the golf course were not developed in reliance upon or as part of the golf course, which did not even exist at the time the majority of these properties were platted and developed. To the contrary, the subject

property had a residential land use, residential zoning, and residential plat that looked exactly like the surrounding residential neighborhoods at the time.

4.3 Consistent and Compatible Adjacent Density; Identical Subdivision Pattern.

The foregoing plat history of the subject property and all of the surrounding communities demonstrates that (i) the subject property, in fact, was originally planned and approved by the County for the same exact type of residential subdivision development as each of the adjacent, surrounding communities; (ii) the density that originally was approved for the subject property (and which is requested to be re-established by this application) was entirely consistent with the platted, and now fully developed, density in each of the surrounding subdivisions; and (iii) the subdivision street pattern was expressly intended to be interconnected between the surrounding communities and the subject property, as simply another platted subdivision community exactly like the others (**Exhibit G**).

Even more importantly, the densities actually platted and developed in the surrounding subdivisions are entirely consistent and compatible with the proposed density for the subject property, which is restoration of the prior 273 platted units (**Exhibit H**).

Finally, the County Commission acknowledged at the public hearing in rezoning the property in 1985 that it was doing so only to reflect the actual golf course use and then-current plan designation, and that in so doing, it did not preclude the right of the property owner to seek approval for a use other than the golf course at a future date. Certainly the re-establishment of the precise residential density which had been approved and platted by the County for the subject property, prior to the interim special exception use for the golf course operation, is a reasonable request by the current property owner now that the gold course operation has ceased, the golf course infrastructure has been demolished, and such special use no longer exists and will not be re-established.

5.0 CONSISTENCY WITH COUNTY PLAN STANDARDS AND POLICIES

One consideration for the FLU amendment is the manner and extent to which the request is consistent with the policies of the County Comprehensive Plan and the land development regulations that have been adopted to implement the Plan.

This section of the application demonstrates that the proposed amendment is consistent with the relevant policies and standards of the plan and regulations, and identifies the specific supporting policies and regulations.

5.1 Consistency with Proposed Plan Categories

First and foremost, the application for the plan map amendment is consistent with the requested Residential Low (RL) and Preservation (P) County Future Land Use Plan categories. ² The application is consistent with the purpose, use characteristics, locational characteristics, standards and zoning compatibility provisions of the Residential Low Future Land Use category as follows:

- Purpose – This application is for an area *“of the County that is now developed, or appropriate to be developed, in a low density residential manner; and to recognize such areas as primarily well suited for residential uses that are consistent with the low density, non-intensive qualities and natural resource characteristics of such areas”*.
- Use Characteristics – The proposed use for residential purposes is consistent with an identified *“Primary”* use of this category, i.e. *“Residential”*.
- Locational Characteristics – The subject site is in an area *“where use and development characteristics are low density residential in nature,”*
- Standards – The proposed density is consistent with, and in fact substantially less than, the maximum *“five (5) dwelling units per acre”* standard for this category.
- Zoning Compatibility – The proposed zoning district, *“RPD Residential Planned Development District”*, is specifically identified as a district *“compatible with the Residential Low (RL) land use category”*.

Significantly, although the RL land use category theoretically would allow up to five (5) units per acre of residential density, the Applicant through the Development Agreement (or other regulatory documents preferred by the County) will voluntarily limit the maximum residential density for the subject property to 273 dwelling units, to match the prior, approved plat for the property, which is a net density yield of only 3.1 units per acre, or approximately 62% of the allowable RL plan category density.

Also note that a very small portion of the Preservation (P) area (approximately 2.1 acres) is proposed to be amended to Residential Low (RL); however, this is to accommodate the proposed changes in open space and buffering as a result of the attached concept plan. It should be noted that there are still many open space and buffer areas, these simply are being relocated and incorporated to achieve a more cohesive and functional concept plan. The remaining portions of the site which presently are classified as Preservation (P) shall remain as such and reflects the purpose of this category to recognize and preserve the natural wetland conditions determined by jurisdictional survey to exist. The Use Characteristics, Locational

Characteristics, Standards and Zoning Compatibility of the Preservation category reflect and are consistent with this portion of the site proposed to remain in its natural condition.

² **Note:** Future Land Use and Quality Communities Element, Appendix C, Future Land Use Map Category Description and Rules, Part I, pp. 4 and 29.

5.2 Consistency with Fulfillment of Comprehensive Plan Policies

In addition to being consistent with the Future Land Use categories proposed for the site as enumerated above, the amendment also is consistent with and furthers key goals, objectives and policies of the County’s Comprehensive Plan. Relevant examples of such consistency from among the County Plan Elements are as follows:

Future Land Use and Quality Communities Element

The proposed Residential Low (RL) land use category and the overall development plan implemented through the RPD Residential Planned Development District is supported by several goals, policies and objectives of the Comprehensive Plan, as follows:

Brownfield Program

1.16. Objective: Pinellas County will implement its Brownfield Program to maximize the beneficial reuse of vacant and abandoned properties in a manner that contributes to economic vitality, community revitalization, community health, and environmental improvement.

1.16.1. Policy: Pinellas County will implement its Brownfield Program in both the unincorporated County and within those municipalities who wish to participate in the County’s program.

1.16.2. Policy: The Pinellas County Brownfield Program will work with public and private entities, landowners and purchasers to assess the impacts of previous site uses and to facilitate cleanup of eligible properties in order to return them to a productive economic purpose and desirable community use.

1.16.3. Policy: The Pinellas County Brownfield Program will utilize, and leverage, private, local, state and federal funding resources and incentives to recycle Brownfield properties for a beneficial economic and community purpose.

1.16.4. Policy: The Pinellas County Brownfield Program will facilitate the clean-up and beneficial reuse of contaminated properties and remove them as a threat to community health and safety.

1.16.5. Policy: The process of designating a Brownfield under the County’s Brownfield Program will include a review for consistency with the principles, goals, objectives and policies of the Pinellas County Comprehensive Plan.

Concurrent with the rezoning and land use amendment for the property, the Applicant has requested that Pinellas County designate the property as a Brownfield Area to facilitate cleanup and redevelopment under the Florida Brownfields Redevelopment Program. Designation of the Property as a Brownfield Area will allow for the Applicant to enter into a voluntary cleanup agreement with the Florida Department of Environmental Protection –

referred to as a Brownfield Site Rehabilitation Agreement - in order to complete site rehabilitation and redevelopment of the brownfield site.

The Brownfield Site Rehabilitation Agreement sets forth the requirements of both the redeveloper and the Florida Department of Environmental Protection for the redevelopment of a Brownfield Site, including, but not limited to the requirement to assess and cleanup any discharges/releases from the property, to contract with qualified environmental professionals to complete the assessment and cleanup activities, and to meet periodically with an advisory board to discuss the progress of the redevelopment and receive feedback.

The proposed Brownfield Area designation will facilitate the redevelopment of a vacant and underutilized property while addressing the complexities associated with redeveloping a golf course. The proposed redevelopment, which includes residential, community, and open space uses achieves the County's desired goal of implementing a Brownfields Program that contributes to economic vitality, community revitalization, community health, and environmental improvement. Finally, designating the property as a Brownfield Area concurrent with the proposed land use amendment, ensures that the consistency requirements of the County's Brownfield Program and the Pinellas County Comprehensive Plan are followed.

Other Supporting Goals, Objectives and Policies of the Comprehensive Plan

“GOAL ONE: THE PATTERN OF LAND USE IN PINELLAS COUNTY SHALL PROVIDE A VARIETY OF URBAN ENVIRONMENTS TO MEET THE NEEDS OF A DIVERSE POPULATION AND 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.”

The proposed Future Land Use amendment, the rezoning application, the concept plan, and the proposed brownfield designation for this property specifically address the unique environmental conditions and issues related to this site and in fact, improve upon them consistent with Goal Three of this Element, Objective 3.1 and the relevant policies thereunder, including Policies 3.1.1, 3.1.2, 3.1.3, which include the following:

“GOAL THREE: PINELLAS COUNTY’S PLAN SHALL PROMOTE A BALANCED RELATIONSHIP BETWEEN THE NATURAL ENVIRONMENT AND DEVELOPMENT.”

“3.1 Objective: 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.”

The plan is also consistent with Objective 3.2 and the relevant policies thereunder, including Policies 3.2.5, 3.2.6, cited below:

“3.2 Objective: 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.”

The careful management and integration of this development with the natural conditions not only protects, but does in fact enhance and restore, these conditions.

The proposed amendments and the accompanying overall development plan and development agreement specifically address and are consistent with Goal Four, Objectives 4.1, 4.2 and 4.3 and the relevant policies thereunder, including Policies 4.1.1, 4.2.2, 4.2.3, 4.2.4, 4.3.1. Goal 4 reads as follows:

“GOAL FOUR: PINELLAS COUNTY SHALL WORK TOWARD A LAND USE PATTERN THAT CAN BE SUPPORTED BY THE AVAILABLE COMMUNITY AND PUBLIC FACILITIES THAT WOULD BE REQUIRED TO SERVE THAT DEVELOPMENT.”

All requisite support facilities will meet the County’s concurrency management standards.

Coastal Management Element

The proposed amendments to the plan proposed zoning categories and the accompanying overall development plan have been prepared to comport with and further the policies of this Element. In particular, they are consistent with Objective 1.3, and the relevant policies thereunder, including Policies 1.3.1, 1.3.2, 1.3.4 and 1.3.5. In particular, Policies 1.3.5, 1.3.10 and 1.3.11 are applicable as follows:

“1.3.5 Policy: Pinellas County shall not approve any request to amend the future Land Use Map (FLUM) to designate parcels of land within the coastal storm area with a FLUM category that permits more than 5.0 dwelling units per gross acre.”

The proposed density for this site is less than 3.0 dwelling units per acre.

Transportation Element

A traffic analysis will be conducted to support the application for the zoning amendment. This analysis will demonstrate that the addition of the project traffic will meet the County’s concurrency management standards for roadways.

Furthermore, the proposed concept development plan demonstrates consistency with Objective 1.6 under Bicycle and Pedestrian Travel noted below, based on the extensive internal and publicly-accessible pedestrian pathway system:

“1.6. Objective: Encourage bicycle use and pedestrian activity throughout Pinellas County for recreational and non-recreational purposes.”

The proposed Master Plan for the RPD Zoning application depicts a Greenway Trail System around the development that could ultimately connect Boca Ciega Bay to the adjacent Boca Ciega Millenium Park, which offers passive recreational opportunities such as kayaking/canoeing, picnicking, bird watching, and a ¼ mile nature trail. The Greenway Trial is a compatible and complementary use to the neighboring passive park. Additionally, by having the Greenway Trail around the development, it serves as part of the 50-foot land use buffer to the adjacent residential development.

Lastly, the traffic analysis will demonstrate consistency with Objective 1.8 and Policy 1.8.1 and 1.8.2 under Safety, Efficiency and Goods Movement which read as follows:

“1.8 Objective: Pinellas County’s transportation system should provide for safety and efficiency in the movement of people and goods.”

“1.8.1. Policy: Pinellas County shall continue to implement access management standards as identified in the Access Management Section of the Land Development Code, through the application of the Pinellas County Site Plan Review Process and Concurrency Management System for development projects adjacent to County roads.”

“1.8.2 Policy: Pinellas County shall continue monitoring signalized intersections to coordinate signal timing along major County and State facilities.”

The main entrance will be off 66th Avenue North. The entrance will be gated. Any other potential egress points out of the community will be emergency access only. Therefore, there will be minimal disruption to the neighboring communities. Additionally, pedestrian safety measures will be included at the entrance to ensure cross access to Boca Ciega Millenium Park.

Natural Resource Conservation & Management Element

While many of the goals, objectives and policies of this Plan Element are directed at initiatives the County will undertake or support, and some are not applicable to the subject property, the project is consistent with policies directed at removing non-native and ecologically undesirable vegetation, and improving water quality follows:

“GOAL TWO: PINELLAS COUNTY WILL CONSERVE, PROTECT, RESTORE AND APPROPRIATELY MANAGE ITS NATURAL SYSTEMS AND LIVING RESOURCES (to sic) ENSURE THE HIGHEST ENVIRONMENTAL QUALITY POSSIBLE.”

“2.1.4. Policy: Pinellas County shall continue to require that development of a site require maintenance or improvement of existing native vegetative communities and shall continue to require the removal of ecologically undesirable non-native vegetation.”

“2.1.5. Policy: The removal of ecologically-undesirable non-native vegetation will be required, to the degree feasible, in conjunction with County projects; native species and intact habitat will be protected or enhanced, and landscaping will, at a minimum, be 80 percent native species selected to suit the individual site and to meet Florida Yards and Neighborhoods standards.”

“GOAL SIX: 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.”

“6.1. Objective: 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 operation of a golf course can have impacts to waterbodies, groundwater, and soil resulting from the application of pesticides and herbicides. As a part of the proposed redevelopment, environmental impacts resulting from the former golf course operation will be assessed and remediated to the standards required by the Florida Department of Environmental Protection. In addition, the proposed layout of the ponds and swales will provide an opportunity for stormwater treatment before the water reaches Boca Ciega Bay, which will further improve water quality in the area.

Further, the landscaping used on the former golf course included non-native vegetation, and the continued growth of these species may result in impacts to local habitat and wildlife. The Applicant has committed to providing native vegetation throughout the redevelopment to ensure a healthy and vibrant natural corridor. The Applicant further proposes to preserve the scenic view corridor of the property through the conservation of land and promotion of such land for public use and enjoyment.

Housing Element

The plan for residential redevelopment is consistent with Objective 1.1 and the relevant policies thereunder, in particular Policies 1.1.2, and 1.1.4 of this Plan Element, which follows:

“1.1. Objective: Support the provision of dwelling units in a variety of types, locations and costs so that housing supply matches the projected housing need in Pinellas County while encouraging development that is consistent with the Future Land Use and Quality Communities Element.”

“1.1.2. Policy: Support a land use pattern and land use decisions that provide for housing opportunities at varying densities and at appropriate locations consistent with the Future Land Use and Quality Communities Element.”

“1.1.4. Policy: Pinellas County shall continue to consider ways to maximize use of permitted densities on vacant residential land, where consistent with Policies 1.2.3 and 1.2.4 of the Future Land Use and Quality Communities Element, in recognition that urban land is becoming too scarce a resource to tolerate significant underutilization.”

The project will essentially be split out into two (2) parts, the north and south. The southern portion will have larger lots and the northern portion will have relatively smaller lots. As such a variety of price points and housing opportunities at varying densities will be provided. The southern portion is intended to provide opportunities for retirement, family, and “move-up” home market. The southern portion will maximize the environmental aspect by reducing the development footprint and will provide options for the high-end luxury market.

Recreation, Open Space & Culture Element

The proposed amendment and accompanying development plan address and are consistent with the relevant policies in this Element. First, the proposal preserves a significant portion of the site in open space and provides for public access to this portion of the site. Second, it

proposes to improve this open space by providing a greenway trail system that will link and provide pedestrian access from Millenium Park to Boca Ciega Bay. Thirdly, it provides on-site recreational amenities including clubhouse, swimming pool and tennis courts for the residents of the new development.

Specifically, it is consistent, under the Provision of Recreation and Open Space section of this Plan Element, with Goal One, Policy 1.1, Objectives 1.2 and 1.6 which read as follows:

“1.1.1 Policy: Pinellas County shall maintain a minimum level of service standard of 14.0 acres of parks and environmental lands, in combination, for every 1,000 residents within the County through the Year 2025.”

“1.2 Objective: Pinellas County shall continue to coordinate efforts with all levels of government and the private sector to increase the availability of public resource-based parklands and open space acreage to meet the adopted level of service standard defined in Policy 1.1.1.”

This project is an excellent example of a public/private partnership in specific furtherance of this objective.

“1.6 Objective: Pinellas County shall continue to improve public access to County parks and other facilities including County beach access parks, multi-use trails and boat ramp facilities.”

The proposed development plan provides for public pedestrian access from the property to the shoreline at Boca Ciega Bay where it does not exist for the general public today, the provision of which is consistent with Goal Three under the section of the plan entitled “Strengthening Connections to the Water” that reads as follows:

“GOAL THREE: TO STRENGTHEN PUBLIC CONNECTIONS TO PINELLAS COUNTY WATERS AND WATERWAYS THROUGH THE MAINTENANCE, PROMOTION AND ENVIRONMENTALLY-SENSITIVE EXPANSION OF RECREATIONAL ACCESS.”

The proposed development plan is further consistent with this Plan Element under the Facility-Based Recreation section, Goal Four, Objective 4.2 and Policy 4.2.1 which read as follows:

“4.2 Objective: Pinellas County shall continue to encourage the provision of facility-based recreation opportunities, where feasible, by public agencies, private enterprise and private developers.”

“4.2.1 Policy: In association with the update to the Land Development Code, Pinellas County will evaluate existing regulations to consider new incentives or requirements for the provision of on-site recreational amenities by developers.”

This project proposes to do exactly what these policies identify as important County initiatives.

Surface Water Management

A significant part of the proposed development plan has been designed to address surface water improvements consistent with the County’s public policy priorities. The plan is specifically designed to (i) provide additional stormwater retention and water quality treatment for existing

off-site deficiencies caused by runoff from adjacent but external properties, (ii) , retain and meet current stormwater level of service standards for the site itself, and (iii) by virtue of the foregoing combination, provide a substantial improvement to the water quality being discharged to Boca Ciega Bay from the surrounding area watershed -- and in turn to improve the water quality of the bay itself.

The surface water management provisions of this proposed project are directly on-point and consistent with this Plan Element as noted below:

“GOAL ONE: SURFACE WATERS SHALL BE MANAGED TO PROVIDE FLOOD PROTECTION FOR THE CITIZENS OF PINELLAS COUNTY, TO PRESERVE AND ENHANCE THE WATER QUALITY OF RECEIVING WATER BODIES, AND FOR THE PURPOSES OF NATURAL RESOURCE PROTECTION, ENHANCEMENT AND RESTORATION, PLANT AND WILDLIFE DIVERSITY, AND ESTUARINE PRODUCTIVITY.”

“1.1 Objective Stormwater deficiencies that are the responsibility of the Board of County Commissioners (BCC) shall be identified through the watershed planning process and a schedule of actions to correct these deficiencies will be developed by 2020.”

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

“1.4 Objective: Stormwater deficiencies and flood control improvements will be identified during the development of individual watershed plans.”

“1.6 Objective: Stormwater management decisions and permits will require consideration of the most current regulations and technical data, models, and plans available, including any approved watershed management plan, as well as other resource management objectives. [10-57]”

“1.8 Objective: The surface waters of Pinellas County will be managed to preserve and enhance the water quality of receiving water bodies, and to protect, enhance and restore natural resources, plant and wildlife diversity and estuarine productivity.”

“1.11 Objective: Pinellas County will continue to coordinate with other federal, state, regional and local agencies in the development of plans and programs that will provide for the protection of natural resources by protecting and improving the quality of the surface waters of the County.”

“1.11.6 Policy: Pinellas County shall participate with the Florida Department of Environmental Protection in the development of the Boca Ciega Bay and Pinellas County Aquatic Preserves Management Plans, as they are scheduled by the State.”

The proposed redevelopment of this site and its provisions for stormwater management and improved water quality is another example of a public-private partnership designed to meet the public policy needs of the County.

5.3 Plan Consistency Summary

The proposed future land use amendment is consistent with the applicable provisions of the County's Comprehensive Plan, and furthers the purpose and standards of the County's Comprehensive Plan, and have been tailored to the unique conditions and attributes of the subject site.

6.0 ENVIRONMENTAL CONSIDERATIONS

This section of the application identifies existing and post-development conditions including site characteristics and use, types of vegetative cover and wildlife species. The examination, mapping and recording of these environmental features was conducted by qualified ecologists as part of the analysis leading to the preparation of the proposed concept plan.

6.1 Existing Site Conditions

General Setting and Existing Land Use

The primary geographic feature in the vicinity of this property is Boca Ciega Bay, which marks the southern landward edge of the property, and influences the on-site topography and drainage patterns. Land elevations on the property range from approximately 25' (NGVD) in the northeast portion of the property (up to nearly 30' at the northeast corner/primary project entrance), to approximately elevation 0.5' along the tidal interface with the bay.

The subject property was developed as a golf course in the early 1970's; however, due to the substantial decline in the golf industry nationwide and locally over the prior decade, the prior golf course operation was closed permanently in 2018, and the clubhouse, maintenance and supporting facilities now have been/are being demolished pursuant to County demolition permit approval.

Prior to closure and permanent discontinuation of the golf course operation, turf grasses dominated the landscape, and the course was managed and maintained (e.g., mowing, fertilizing, etc.) on a regular basis. The golf course turf extended all the way to the mangrove shoreline, with no natural upland buffer present.

Vegetative Description

Patches of vegetation, which include planted ornamentals as well as some native species, exist within interior portions of the property. Native tree species that occur onsite include live oak, slash pine, longleaf pine, cabbage palm, sweet gum and southern magnolia. Several non-native, exotic tree species also occur on-site, including the invasive Brazilian Pepper, Carrotwood, Bottlebrush and Australian Pine, among others.

Drainage from on-site and off-site contributing areas (including the surrounding, development subdivisions) is conveyed through ditches, pipes and constructed ponds directly toward and into Boca Ciega Bay to the south. Some of these ditches and swales are un-vegetated with sandy or silty bottoms, while others are vegetated with grasses, low-growing emergent vegetation or submerged vegetation. The onsite surface water ponds and ditches were constructed with the golf course in the early 1970's; however, one of these open water ponds was constructed later (2005), and serves as a reclaimed water reservoir that receives reclaimed water from off-site sources controlled by Pinellas County. For the most part, the on-site ponds are open-water in nature with little to no emergent vegetation.

A narrow band of Mangrove Swamp habitat occupies the southern shoreline of the property, and serves to define the water-land interface. Mangrove swamps are dominated by white mangrove, black mangrove and red mangrove. Exotic, invasive species such as Brazilian Pepper and Carrotwood also occur in these areas, and in a few cases have crowded out the mangroves to dominate the vegetative cover. Due to the dense canopy coverage exhibited by these low-growing tree species, there is minimal coverage of groundcover vegetation. Some

portions of the mangrove swamp shoreline have apparently been subject to periodic trimming, as evidenced by the pruned condition (e.g., removal of smaller side branches and foliage) of the lower trunk area of these stands which has resulted in a relatively open view corridor between roughly two and eight feet above the substrate. The open water area that occurs beyond the mangrove swamps at the shoreline is part of Boca Ciega Bay.

Listed Species Occurrence – During field reconnaissance of the property by Ardurra Group, Inc. (f/k/a King Engineering Associates, Inc.) Ecologists, the following conspicuous vertebrate fauna were observed on-site: 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.

Wading birds such as the Wood Stork, Tricolored Heron, White Ibis and Little Blue Heron were observed individually or in small groups foraging along the margins of onsite surface water ponds. Like most Florida wading birds, these species commonly forage along lake margins, shallow marshes and pools within forested wetlands, and they typically nest in colonies or “rookeries” within large contiguous forested wetland systems or on isolated treed islands along the coast. No evidence of nests or nesting activities was noted on the subject property, and it is likely that these species utilize the subject property only on a transient basis for foraging purposes. Review of available GIS data (from Florida Fish and Wildlife Conservation Commission and Florida Natural Areas Inventory databases) revealed that there are no documented wading bird rookeries in the vicinity of the project site.

6.2 Proposed Conditions

Overview of Conceptual Redevelopment Plan

The project will include single-family residential home sites, along with supporting residential amenity facilities. The primary project entrance will be at the northeast corner of the property, from 66th Avenue (the existing property entrance). A secondary access for emergency services use or evacuation, only, also will be provided at one of the existing public roadway interconnects from the adjacent subdivision to the east, where directed and required by the County. A central roadway loop system will provide internal traffic circulation and access to residential lots and associated internal connector streets. Two (2) large lakes are proposed in the center of the property, surrounded by residential lots. Two (2) primary development areas are anticipated, with larger estate lots anticipated near the waterfront, and smaller lots for inter-generational housing product (young families, work force professionals, and retirement market segments) contemplated for the portion of the site more removed from the waterfront.

Linear Park and Buffer

As indicated above, future site plans will include green space buffers and/or a “linear park” along the property boundaries on the north and east sides of the property. This buffer/connectivity zone is intended to provide a physical and visual buffer transition between the proposed development and existing adjacent residential homes, and will also serve to provide a passive recreational use area and trail system for both project residents and public use, with proposed pedestrian connectivity to the Boca Ciega Millenium Park to the west, and thereby also connecting Millenium Park to Boca Ciega Bay at the southeast corner of the property.. The trail system will also be accessible to the surrounding residential neighborhoods, through planned access areas to the north and east.

Environmental Benefits and Recreational Amenities

A number of lakes, ponds and flow-ways are also proposed within the green space buffer areas. These features will be utilized to provide supplemental treatment of the historical, pre-existing stormwater runoff entering the property from off-site areas. Routing of stormwater runoff from off-site sources (e.g., surrounding roads and residential neighborhoods) through a series of proposed on-site ponds, swales and filter marshes will aid in removal of stormwater pollutants before these waters reach and are discharged into Boca Ciega Bay.

Existing large oak and pine trees or other significant or specimen trees that occur within the buffer/linear park area will be incorporated into the overall design by configuring the proposed lakes and trail system with consideration of these features.

There is also potential to extend the pedestrian trail network at the southeast corner of the property, near the tidal mangrove fringe, by creating an elevated boardwalk or viewing platform that could provide pedestrian access to observe these natural amenities, and to promote passive recreational opportunities such as hiking and wildlife viewing. Placement of educational signage at "interpretive stations" would add to the pedestrian experience within the park and trail system by educating trail users about various features of the park, such as the stormwater treatment features, native landscaping and habitat enhancement areas surrounding natural areas, and the environmental benefits derived from these features. The interpretive trail would serve as an extension of the Boca Ciega Millenium Park trail system, and could also be utilized as an outdoor classroom for local school students and other groups attending Millenium Park.

In the re-developed condition of the property, the majority of the existing man-made ponds and drainage ditches will be abandoned or removed in favor of creating new ponds and stormwater infrastructure. Consequently, the design for the stormwater system that will serve the proposed residential community will be in conformance with current regulatory and engineering design criteria. The developer will incorporate use of low-impact development design and treatment features where practicable. Additionally, separate ponds and treatment facilities will be created within the development area that will provide supplemental treatment of (largely untreated) stormwater runoff from the surrounding neighborhoods and roadways.

The re-development plan will also include removal of exotic and invasive vegetation from on-site upland and wetland habitats. Primary targets for enhancement of on-site wetland habitats will be in the vicinity of the southern shoreline and along the western property boundary. Enhancement of mangrove swamp wetlands would likely involve removal of exotic vegetation such as Brazilian Pepper and Carrotwood, combined with selective planting of native saltmarsh species and/or mangrove trees. The exact type, location and extent of exotic/nuisance vegetation removal and habitat enhancement will be determined following more detailed site planning, identification of degraded habitats and completion of functional assessments, all of which would be accomplished during the design and permitting phase of the project.

Anticipated Wildlife Utilization

The proposed establishment of the linear park and green space around the property perimeter, in combination with proposed additional ponds, filter marshes, native landscaped areas, exotic species removal and habitat enhancement, will afford significant opportunities for utilization by various wildlife species. Expansion of stormwater ponds throughout the property will provide increased shorelines and shallow foraging habitat for waterfowl and for wading birds, including those species listed as threatened or endangered species.

Removal of exotic and invasive vegetation (e.g., Brazilian Pepper and Carrotwood) from on-site mangrove swamps and adjacent areas will serve to improve habitat for birds and other wildlife that utilize these habitats for cover and foraging. Similarly, replacement of the existing turfgrass with naturally vegetated buffers along the mangrove shoreline will provide improved wildlife habitat and will aid in wildlife movement along the shoreline.

Wildlife surveys will be conducted prior to any development activity as required by code. If relocation of any nests are required as a result of the surveys, such relocation shall be completed prior to any site clearing or construction activities. A Migratory Bird Nest Removal Permit can be obtained, in accordance with guidelines published by the Florida Fish and Wildlife Conservation Commission. This permit would allow nest removal and relocation (outside the nesting season) prior to commencement of project clearing and construction. The replacement nest structure is generally required to be located in the general vicinity of the original nest site.

7.0 SERVICE-RELATED CONSIDERATIONS

In addition to the foregoing description and assessment of the application's compliance with the applicable plan and regulatory policies and standards, a summary of the relevant service considerations and reference to supplemental support documentation is set forth below.

7.1 Traffic

Primary vehicular access to the site is now, and will continue to be, from 66th Avenue North, a County residential collector roadway that connects to 113th Street less than one-quarter mile to the east. 66th Street North is a two-lane minor collector street east of 116th Street and a local major street west of 116th Street. 113th Street (Duhme Road) is a six-lane, divided minor arterial north-south County road connecting to principal east-west arterials on the north at Park Boulevard and the south at Bay Pines/Tyrone Boulevard. The Applicant proposes some safety improvements to 66th Avenue North, within and as limited by existing, available right-of-way, which will be set forth in the Development Agreement.

Public access to the publicly-accessible open space linear greenway will be provided at the northeastern corner of the site from 66th Avenue North, and neighborhood pedestrian access also can be provided at Irving Avenue, Oxford Street, and Laurel Streets.

Any secondary/emergency vehicular access required by the County for emergency services or evacuation purposes, can be provided on the eastern property boundary at one of the foregoing, existing public roadway interconnects, if and as directed by the County.

The internal roadway system (potentially gated access) will consist of a private continuous loop system connecting the individual residential clusters around the series of stormwater retention and open space features. The private roadway network will be designed and built to meet County standards.

A detailed traffic analysis will be prepared in conjunction with the accompanying Zoning amendment. The Traffic Circulation Assessment will evaluate the traffic implications both in relationship to the zoning amendment, and relative to the County's concurrency management provisions.

7.2 Stormwater Management System

An extensive stormwater management study has been conducted by Ardurra and has been a major determinant in the overall design of the project. The study is submitted as part, and in support, of this application. (See Appendix A).

The stormwater management system has been designed to address two separate matters: (i) to accommodate existing deficiencies in the larger adjoining watershed, and (ii) to upgrade existing on-site retention and water quality to meet current standards.

The design of the site provides for a series of retention ponds surrounded by open space on the north and east portions of the property to accept and accommodate stormwater runoff from the adjoining developed neighborhoods to the north and east that do not meet today's stormwater management standards. This will not only add to the capacity of the stormwater system to help mitigate stormwater flooding, but also will substantially improve water quality that ultimately discharges to Boca Ciega Bay. These improvements, essentially a contribution

to the public stormwater system, will be constructed and maintained by the applicant, while reserving the right of the County to access and maintain, should that prove necessary.

The second component of the overall stormwater management system is the separate, but interconnected, series of retention ponds and related improvements that will meet the stormwater capacity and water quality standards for the project itself.

This dual-purpose design has required an extensive commitment of space and expense on the part of the applicant to meet not only the needs of the project, but also to improve the system for the overall area watershed which is in the larger public interest.

7.3 Utilities

The utility services for the proposed project include potable water, wastewater, reclaimed water for irrigation, electric and cable.

Pinellas County Utilities will provide retail water service to this site in the unincorporated Seminole area under and pursuant to its agreement with Tampa Bay Water. Tampa Bay Water must, by Interlocal Agreement and Master Water Supply Contract, meet the member governments, including Pinellas County's, water supply needs over a twenty year planning horizon. Specific water demand and design determinations will be made at the design and construction stage and will meet the County's concurrency management standards.

Pinellas County Utilities will also provide wastewater collection services through its regional wastewater system and the South Cross Bayou Water Reclamation Facility. The South Cross Bayou Facility is a state-of-the-art advanced wastewater treatment and reclamation facility with capacity to serve this project given current and projected demand relative to the plant's capacity.

Reclaimed water from Pinellas County, from the County's retail reclaimed system, will be designed to serve this project as available.

Electric and cable service to the site will be designed to be placed underground consistent with County requirements.

All required utility services have the capacity to serve the proposed project.

7.4 Public Schools

Future residents' public school needs will be served by the Pinellas County School District in accordance with the District's school assignment policy.

As stated in the County's Public School Facilities Element – Future Facilities for Future Needs (p. 3-7):

“Because the School District anticipates only a slight increase in the number of public school students in the coming years, and the maintenance and replacement of existing public school facilities are anticipated to be able to provide for those students, there are no current plans for the construction of additional public school facilities to be constructed over either the short range or the long range planning period. As needs arise, the School District will consult with the State Department of Education to discuss the potential construction of additional public school facilities; however, such additional facilities are not being planned at this time.”

Those public elementary, middle and high schools in closest proximity to Restoration Bay include the following:

- Elementary
 - Bauder Elementary
 - Seminole Elementary
 - Orange Grove Elementary
- Middle
 - Seminole Middle
 - Osceola Middle
- High
 - Seminole High
 - Osceola High

The area is also served by Madeira Beach Fundamental School.

Exhibit A
Location Map

Exhibit B
Aerial with Site Acreage

Exhibit C
Existing Zoning

Exhibit D
Existing Future Land Use

Exhibit E
Proposed Future Land Use

Exhibit F
Concept Plan

Exhibit G
Roadway Connections &
Utilities Stub-Out Area

Exhibit H
Surrounding Development

Attachment 1
Sheraton Shores Plat

Appendix A
Preliminary Drainage Analysis

Appendix B
Listed Species Assessment

Appendix C
Cultural Resource Assessment Survey

Appendix D
Development Agreement