



## Staff Report

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**File #:** 15-1020, **Version:** 1

**Agenda Date:** 2/9/2016

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**Subject:**

Appeal of Site Plan No. 1858.11 (regular agenda item) (quasi-judicial item).

**Recommended Action:**

Deny the appeal, thereby upholding the approval of Site Plan No. 1858.11.

**Strategic Plan:**

Foster Continual Economic Growth and Vitality

4.3 Catalyze redevelopment through planning and regulatory programs.

Practice Superior Environmental Stewardship

3.3 Protect and improve the quality of our water, air, and other natural resources.

**Summary:**

On September 30, 2015, the Director of the Department of Development Review Services (DRS), as a designee of the County Administrator, approved Site Plan #1858.11 (Project), also known as Turtle Beach. The project consists of 34 acres located in the southeastern portion of the Point Seaside Master Plan, south of the Crystal Beach community. As approved, the Turtle Beach project would result in the development and/or redevelopment of 61 single-family dwellings, i.e. the same density as previously approved in the 1980 Master Plan, to be recorded as a land condominium plat (Attachment 1, Attachment 2). The project also incorporates residential amenities, such as passive and active recreational open space; community amenities, such as sidewalks and public access easements to the lake; and, environmental protections, such as conservation easements, exotic species removal, and stormwater treatment.

On October 20, 2015, the County Administrator received an appeal from Ms. June Barwick (the Appellant) citing four primary concerns about the Project and/or the County's review process. The Appellant's concerns, which can be found in Attachment 3, have been paraphrased below:

1. Improper review of the project as a revision resulting in concerns for the environment, traffic, safety, and water quality
2. Incorrectly applying a Board of Adjustment (BOA) variance for front yard setbacks
3. Improper use of discretionary decisions, such as reducing wetland buffers and waiver of sidewalk requirements
4. Not involving other appropriate State agencies, such as the State Department of Environmental Protection

At its December 15, 2015 meeting, the Board of County Commissioners granted a motion from the

property owner requesting appeal items 2, 3, and 4, as referenced above, be removed from consideration as part of this appeal.

The following information is provided in response to the remaining appeal item (number one) of the Appellant's position:

The project was evaluated in accordance with and meets the requirements established in the Pinellas County Land Development Code (the Code), as follows:

a. Environmental and Natural Resource Protection regulations are established in Pinellas County Code Chapter 166. Article II establishes specific development regulations for habitat management and landscaping. This site plan is consistent with the applicable regulations and has remained consistent with County implementation practices. As such, County staff contends the proposed project contains enhancements to the environment that would not have been otherwise implemented and thus the Appellant's concerns with respect to environmental regulations are not sufficient grounds to deny the project.

Specifically, the resulting site plan modifications incorporate several enhancements beyond the 1980 site plan, and in some instances, the Project has incorporated improvements beyond what the County could have otherwise required. For example, the Project would result in:

- Exotic species, i.e. Brazilian Pepper, removal in both the upland buffer and wetlands,
- Wetland enhancement in the form of additional plantings,
- Betterment swales, i.e. a segmented construction schedule for stormwater swales,
- Exceeds the State's requirements for upland buffers,
- Prioritizes expansion of existing higher quality habitats,
- Addresses protected species, per FWC, such as gopher tortoises, osprey, etc.,
- Mandates a recorded conservation easement, and
- Creates a condominium association wetland management plan.

Furthermore, Pinellas County Code Section 166-46 provides for site plan exemptions for site plans which were accepted for review by the County prior to March 1, 1990 and which have an active status as determined pursuant to Chapter 138 shall not be required to comply with the specific provisions of section 166-50 and section 166-51, provided that:

(1) Consistency with the comprehensive plan, Ordinance No. 89-69 is maintained.

(2) When final site plan comments or reports defined pursuant to the zoning ordinance are provided to a site plan applicant, the applicant shall have 90 days in which to revise and resubmit a site plan, in compliance with such comments or reports, to the county for further review. Site plans not revised and received within such 90-day period shall be reviewed for compliance with all the requirements of this article in effect on the date of resubmittal. When the resubmitted site plan is received within such 90 days, the plan shall be reviewed under the requirements of this article with the exception of the specific requirements of section 166-50 and section 166-51.

(3) The terms and conditions of subsection (2) of this section shall also apply to preliminary site plans except that the referred 90-day time frame shall be 180 days.

The site plans for the Point Seaside Master Plan, as discussed below in the background information section, were submitted and approved before March 1, 1990 and development activity commenced consistent with the site plan requirements established in Pinellas County Code Section 138-180. By developing the project site with roadway improvements, infrastructure, platting the lots, and commencing construction, the site plan is considered active per Section 138-180(a)(2). As a result, site plan #1858.11 complies with subsections (1)-(3) as referenced above.

Lastly, the Pinellas County Code allows for, and anticipates that some site plans may require modifications over the life of the project. Section 138-179 requires that all development shall be constructed in strict compliance with the approved final site plan. However, it goes on further to say, "Any additional site alterations shall require further site plan review. All land or water areas required to remain in a natural condition shall not be altered in any way from such natural condition, except by further site plan review and approval." The aforementioned Code citations both allow and anticipate revisions to site plans, such as were reviewed and approved under site plan #1858.11.

b. With regard to traffic, the approved project is consistent with and does not alter the Land Use, Zoning, and unit count established in the Point Seaside Master Plan approved in 1980. As such, the revised project, as a single family residential community, will not generate any additional projected average daily trips beyond what was previously permitted. Furthermore, in accordance with Pinellas County Code Chapter 150, the Project will be required to pay the applicable Transportation Impact Fee associated with the net new units (i.e. for those units not previously constructed). This money is used by the County to fund pavement management, signal improvements, roadway signage, etc. As a result, the Project is paying its fair share for the traffic it generates on the roadway network.

c. With regard to safety, although no specific details have been provided as to the specific type of safety concerns, the Project has been designed with sidewalks on all public street frontages. The portion of the Project that is located on a private street, i.e. Seaview Circle, is behind a community gate and has sidewalks internal to the loop roadway. Additionally, there are low-scale pedestrian lights located along Seaview Drive to support safety and visibility.

The appeal makes reference to the waiver of sidewalk requirements as a case and point of County staff's abuse of discretion; however, Pinellas County Code Section 138-645, subsection (e)(6) states, "Sidewalks shall be required on both sides of all streets and roads where such streets and roads are adjacent to residential uses or recreational uses, and shall be required at all other locations where pedestrian and vehicular traffic may conflict. When determined unnecessary or impractical to accomplish, these requirements may be waived by the county administrator. Request for such waivers shall be submitted in writing to the zoning division." As a designee of the County Administrator for Site Plan review, the Director of DRS approved the request for a sidewalk waiver on the private road portion of the subject property, located behind a controlled gate. Furthermore, a sidewalk was provided internal to the loop road.

d. With regard to water quality, the existing Point Seaside Master Plan established a series of

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water quality retention ponds internal to Seaview Circle. These ponds, as well as overland biological treatment, were designed and constructed to treat the project's stormwater runoff. The Project, as revised, ensures that those existing ponds are maintained to treat the Project's water. It also incorporates the use of drainage swales clustered behind a number of lots to create a net betterment for the water quality of the overall Project. The Project, therefore, complies with the requirements in the Pinellas County Code.

**Background Information:**

In 1979, the County received a preliminary plan (Attachment 4) for the proposed development of the Point Seaside Master Plan, zoning case Z-2199, requesting a zone change from R-33 and Agricultural Estate to Residential Planned Development (RPD). The applicant then revised the preliminary plan in 1980, under zoning case Z-2287 (Attachment 5). The master plan allowed for up to 110 residential units over four phases on the 145 acre project site.

In 1981, the County approved a site plan (SP #1858) for Point Seaside phases 1, 2, and 3, which in total incorporated the development of 62 single family dwellings (Attachment 6). Phase 1 and phase 2 were constructed along Point Seaside Drive with a total of 49 lots. Phase 3, the remaining 13 lots, where located along Seaview Drive; however, only the two model home units on lots 50 and 51 were constructed.

In 1982, the County received a request for revisions to the site plan for phase 4 of the master plan, also known as Sutherland Crossing, and in 1983 a site plan (Attachment 7) was approved for 48 dwelling units (to be used as timeshare condominiums). Although fully platted as a subdivision, only 33 units of the 48 were constructed, in addition to the clubhouse, tennis courts, and other amenities.

In 1985, the County received another request to revise the site plan by adding 3.18 acres to the original 145 acre site, which would allow up to eight additional dwelling units. At the time, this site plan (Attachment 8) was referred to as Sutherland Crossing Unit II. The additional eight units were not developed as part of the Point Seaside Master Plan; rather they were developed as an independent subdivision known now as Osprey Point.

The land associated with the 48 unit timeshare condominiums, known as Sutherland Crossing, and the 13 lots associated with Point Seaside phase 3 was acquired by the Turtle Beach Land Company, LLC (the Applicant). In late 2013, the Applicant submitted plans to revise the previously approved site plans to allow for the construction of 62 single family dwellings, with a revised plat (SP #1858.10) (Attachment 9). As proposed, the revised project needed the approval of a setback variance, which was granted by the Board of Adjustment under BA 12-11-13 (Attachment 10).

After a couple rounds of review by all applicable County departments and associated agencies, and upon the approval of a sidewalk waiver request (Attachment 11), the revised project was approved on July 6, 2015 (Attachment 12). Shortly after the approval was granted, the County received an appeal (from a different appellant). While researching the Project archives, it was determined that the County's original approval exceeded the scope of its authority, and on July 22, 2015, the County rescinded its approval, citing that the County only had authority to approve a project with 61 dwelling units (Attachment 13).



The Applicants agreed to reduce the project by one dwelling unit and the site plan approval was reinstated on July 24, 2015 (Attachment 14). The Applicant and then appellant were able to come to settlement terms pending some Project modifications, i.e. shifting three lots off of Florida Boulevard and incorporating them into the other portions of the site. These revisions to the site plan were approved under site plan #1858.11 on September 30, 2015 (Attachments 1 and 2). As previously stated, the revised project was appealed by Ms. Barwick on October 20, 2015. Materials for the Pre-Hearing Conference can be found in Attachment 15.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Blake Lyon, Director, Development Review Services

**Partners:**

N/A

**Attachments:**

Final Administrative Approval (FAA) for SP #1858.11

Site Plan #1858.11

October 20, 2015 Appeal Letter

1979 - Point Seaside Master Plan

1980 - Point Seaside Master Plan

1981 - Point Seaside Site Plan (Phases 1,2, and 3)

1983 - Sutherland Crossing (Phase 4)

1985 - Sutherland Crossing II

Site Plan #1858.10

Variance - BA 12-11-13

Sidewalk Waiver

FAA for SP #1858.10

July 22, 2015 letter rescinding SP #1858.10

July 24, 2015 letter reinstating SP #1858.10

Pre-Hearing Packet

**BOARD OF COUNTY  
COMMISSIONERS**

Dave Eggers  
Pat Gerard  
Charlie Justice  
Janet C. Long  
John Morroni  
Karen Williams Seel  
Kenneth T. Welch



September 30, 2015

LMA  
31622 US Hwy 19 North  
Palm Harbor, FL 34684

Dear Sir:

RE: Sutherland Crossing/Turtle Beach  
SP# 1858.11 Revision to Approved Plan  
Parcel ID#: 2-28-15-88555-000-0000 & 0001  
Plan Distribution Date: 9-24-15

The above referenced site plan was approved by the County Administrator on September 30, 2015. Your next step is to submit ( 4 ) sealed copies of this Final Administratively approved plan to Development Review Services Department and ( 4 ) sealed copies submitted directly to Sandra McDonald, PC Engineering & Technical Support at 14 S. Ft. Harrison for site inspection purposes. Building construction drawings must be presented to the Building Department for their review and approval. This letter must be presented at the time you request any further County permits. A Habitat Management permit must be obtained before site construction can commence.

Please review the attached staff reports, since they may outline additional requirements or steps to be taken regarding this plan.

If construction of this project has not commenced within 180 days of the date of this letter, this approval will become void and a new site plan submittal will be required incorporating all requirements current at the time of resubmittal.

Please feel free to call my office at (727) 464-3888 should you have any questions.

Sincerely,

  
Blake Lyon, Director  
Development Review Services

BL/jm  
Enclosures

Pinellas County  
Development Review Services  
440 Court St.  
Clearwater, FL 33756  
Main Office: (727) 464-3888  
V/TDD: (727) 464-4062

[www.pinellascounty.org](http://www.pinellascounty.org)



TO: Mark Woodard, County Administrator

FROM: Blake Lyon, DRS Director

SUBJECT: Sutherland Crossing/Turtle Beach  
SP# 1858.11 Revision to Approved Plan  
Parcel ID#: 2-28-15-88555-000-0000 & 0001  
Plan Distribution Date: 9-24-15

DATE: September 30, 2015

RECOMMENDATION: Recommend Approval

LEGAL DESCRIPTION: Sutherland Crossing Condo lying in Section 2, Township 28S, Range 15E

The above referenced site plan has been processed through the Pinellas County site plan review system to include the following departments: Utilities Department, Planning Department, Building Department, and Development Review Services Department, and has been found to be in compliance with Pinellas County regulations.

Description: This site consists of 34 acres located on the southern portion within the Crystal Beach Development. This plan proposes a lot layout change to the previously approved plan which approved the construction of 61 single-family dwellings to be recorded as a land condominium plat. The Board of Adjustment conditionally approved setback variances throughout the entire development (BA-12-11-13). Those problems cited by the Building and Development Review Services Department have been resolved and final site plan approval is recommended. However, the Certificate of Occupancy cannot be issued until the Environmental and Engineering conditions have been satisfied. This site is zoned RPD-2.5/1.0 and identified by the Comprehensive Land Use Plan as Residential Suburban, Residential Estate, and Preservation.

The applicant received preliminary/direct final site plan review for this project on September 30, 2015 and now submits this plan for final site approval. Due to Commission action of January 26, 1974, all final site plans will be approved administratively by the Pinellas County Administrator.

FINAL SITE PLAN


Approved SEP 30 2015

By 

BL/jm

LMA  
31622 US Hwy 19 North  
Palm Harbor, FL 34684

TO: Site Plan File

FROM: Jean Mandilk, Plans Coordinator 

SUBJECT: Sutherland Crossing/Turtle Beach  
SP# 1858.11 Revision to Approved Plan


DATE: September 30, 2015

A copy of the recorded Revised Land Condo Plat must be supplied to this office prior to the issuance of any building permits.

jm

TO: Blake Lyon, Planning and Development Services Manager  
Development Review Services Division

THROUGH: Gene Crosson  
Development Review Services Division

FROM: Robert Dvorak, P.E. (Consultant)  
Development Review Services Division 

DISTR: Lora Strong, Engineering Technician  
Development Review Services Division

SUBJECT: Turtle Beach (02/28/15)  
S.P. No. 1858.11, Revised Lot Layout

DATE: September 30, 2015

The site plan for the referenced project has been reviewed by this section and the following comments are noted:

- DRS-1 DRS Engineering has no objection to the proposed lot layout as detailed on this revised plan. The plan also proposes a change to the previously approved sidewalk layout along Seaview Drive. The proposed mid-block sidewalk crossing at Seaview Drive between Charleston Avenue and Florida Boulevard will not be acceptable. A continuous sidewalk along the west side Seaview Drive will be required as previously approved.
- DRS-2 Provide signed and sealed copies of the revised plans sheet upon resubmittal.

Revisions made on site plans must be identified by a number or a symbol, dated and specifically described in or adjacent to the title block.

The Engineering Section DRS has no objection to the approval of the Site Plan with the two comments stated above noted as conditions of the approval.

To: **Blake Lyon, Director**  
Development Review Services Department

From: **Clifford R Still, DRS Environmental Manager**  
Development Review Services Department

Subj: **Turtle Beach (Revised layout)**  
SP: 1858.11  
STR: 2/28/15

Date: **September 29, 2015**

**We have no objection to the proposed lot modifications and added buffer/ conservation area adjacent to Florida Blvd.,(1858.10) subject to the below listed comments.**

**Habitat Protection and Preservation:**

1. We will review and process the habitat permits as submitted per phase. Please provide all required information with each submittal.

**Protected Species:**

2. Habitat permits will not be issued for *any* site work without FWC documentation (including demolition) ensuring that all FWC permit requirements have been met (ie. on-site or off-site relocation work completed).

**Conservation Easement:**


3. Be advised in addition to exotic species removal, enhancement plantings may be required in within the proposed buffer/conservation area along Florida Blvd.

4. The "Conservation Easement" delineation and "Conservation Easement Note" must be included on the recorded legal separate instrument used in the conveyance of this easement.

**Recommendation:**

The Environmental Section of the Development Review Services Department recommends approval of the above plan subject to the preceding comments. If there are any questions concerning these requirements, please contact the Environmental Section of the Development Review Services Department at (727) 464-3888.

**To:** Blake Lyon, Director  
Pinellas County Development Review Services

**From:** Sandra L. McDonald, P.E., Professional Engineer   
Pinellas County Engineering & Technical Support

**Subject:** Turtle Beach (aka: Sutherland Crossing , Point Seaside East,)  
Parcel ID #: 02/28/15/88555/000/0000 & 0001 (33-FN)  
Revised Lot Layout

**SP#:** 1858.11

**Date:** September 25, 2015

We have no objection to the approval of this site plan with the following comments:

New meters will be furnished and installed by Pinellas County at the developer's expense.

It has not yet been determined who will install the sewer laterals (County or developer). If the developer performs this work, construction plan approval will be required (four sets of construction plans required). If Pinellas County does the work, two sets of plans will be required.







TO DEMOLISH AND REMOVE ALL INFRASTRUCTURE AREA AT OWNER'S DISCRETION, BUILDING DEPARTMENT CONFORMANCE WITH PINELLAS COUNTY REQUIREMENTS.

SHALL SAW CUT THE EXISTING EDGE OF  
TO REMOVAL OF ANY CURB OR PAVEMENT,

[illegible]

TYPE	LOTS ASSIGNED	LOTS CONSTRUCTED	LOTS TO REMAIN
MF	1-12, 14-49	1-10, 27-49	N/A
RF	50-62	50-57	50 (TO BE RE-ASSIGNED)

81 TOTAL APPROVED LOTS  
SUBT GRAND TOTAL 19  
CONSIDERED THE OLDS LOT NO STRUCTURE AVAILABLE.  
STRUCTURE ON LOT 50 TO BE RECONSTRUCTED

NAME \_\_\_\_\_

Full name, including last name, first name, and middle name, if applicable. Please print clearly.

STREET \_\_\_\_\_

Address line 1: Street name and number. Please print clearly.

CITY \_\_\_\_\_

Address line 2: City, state, and ZIP code. Please print clearly.

STATE \_\_\_\_\_

Address line 3: State and ZIP code. Please print clearly.

ZIP \_\_\_\_\_

Address line 4: ZIP code. Please print clearly.

10

**HOT MILLER:**

ANYONE GOT AN 80 MILLION AIR BE

TO CHAIRMAN, HOUSE COMMITTEE ON GOVERNMENT

[illegible]

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QTY AND LEAD DURING, CANNOT BE ONE OF THOSE THAT  
THE STATE'S ATTORNEY GENERAL HAS CONSIDERED AS BEING ONE  
OF THE 1-3 CATEGORIES OF AN INADEQUATE INVESTIGATION

0405271225-00000000

LARE CHAUTAUQUE

NOTE: THIS IS THE SUBMITTED VERSION  
AS OPPOSED TO THE REVISED VERSION. ANY  
CHANGES WILL BE REFLECTED IN THE REVISED VERSION.

1000

1" TYPE PG-3 ASPHALT SURFACE COURSE

2" LEASTONE BASE COMPACTED TO 98% BULK DENSITY PER AASHTO T-155

VALLEY CURB

9" STABILIZED ROAD BASE (NO PERMIT & BANK MINIMUM CLOSURE)

PREVIOUSLY APPROVED SEAVIEW CIRCLE ROAD SECTION

DATE \_\_\_\_\_

## STORMWATER POLLUTION PREVENTION NOTES

1. In addition to the measures shown in this plan set, the municipality shall take all other monetary and financial measures in order to reduce expenditures to the lowest possible level.

[illegible][illegible]

5. The need of implementing the above measures are to be at the holder's expense.

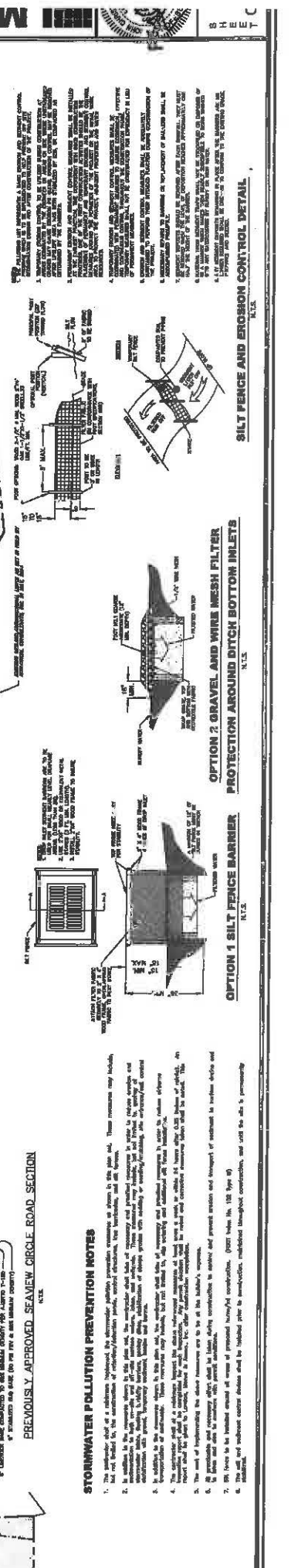
6. The preconditions for recovery effect can be taken during construction to achieve and prevent erosion and transport of sediment to be in line with site to maintain and prevent deviations.
7. EPA have to be provided amount of mass of proposed material construction. (DOE) before 16, 102 9/9/95

a. The call and warrant contract details shall be finalized prior to finalization, matched throughout construction, and until the call is finalized.

[illegible][illegible]

N.T.S.

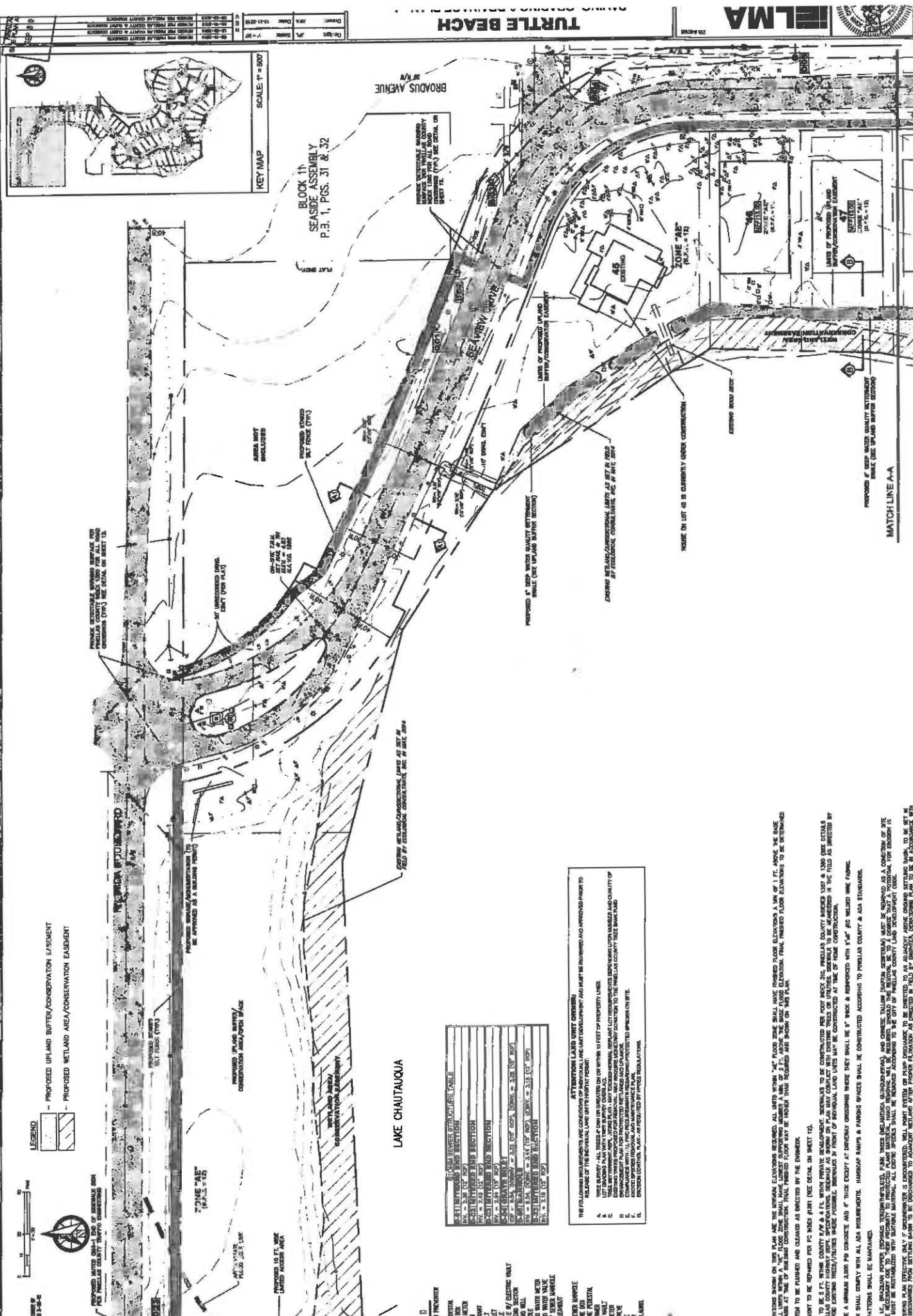
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2. Gopher Tortoise Management Plan for Common Area.
3. Sidewalk Connection from Lot 45 to Florida Blvd (Entrance Parcel) & Sidewalk Adjacent to Tract "A".
4. All Enhancement Plantings for Common Areas must be completed.



[illegible]

**ATTENTION: LAKE UNIT OWNERS**

THE FOLLOWING INSTRUMENTS ARE CONSIDERED TO BE VALID AND MUST BE RETURNED AND APPROVED PRIOR TO RELEASE OF THE INDIAN LAKE UNIT TO THE PUBLIC FOR RECREATION:

A. TREE SAVINGS: ALL TREES A-DASH OR LARGER OR ON WITHIN 10 FEET OF PROPERTY LINES.

B. TREE REMOVAL PERMITS: ALL TREES TO BE REMOVED MUST BE REMOVED BY A LICENSED TREE REMOVAL CONTRACTOR. ALL TREES TO BE REMOVED MUST BE REMOVED BY A LICENSED TREE REMOVAL CONTRACTOR. ALL TREES TO BE REMOVED MUST BE REMOVED BY A LICENSED TREE REMOVAL CONTRACTOR.

C. CONFORMANCE WITH U.S. AND CALIFORNIA WETLANDS REGULATIONS: ALL WETLANDS MUST BE MAINTAINED AND PROTECTED FOR PROTECTION AND RESTORATION.

D. CONFORMANCE WITH U.S. AND CALIFORNIA WETLANDS REGULATIONS: ALL WETLANDS MUST BE MAINTAINED AND PROTECTED FOR PROTECTION AND RESTORATION.

E. EROSION CONTROL: PLAN, AS REQUIRED BY WETLANDS REGULATIONS.

[illegible]



NEW YORK  
STATE PLANNING BOARD  
SEP 30 2015

UNPLATED

UNPLATED

UNPLATED

NEW YORK AVENUE

SANCTUARY DRIVE

MATCH LINE A-A

LAKE CHAUTAUQUA

MATCH LINE B-B

LEGEND

- PROPOSED UPLAND BUFFER/CONSERVATION EASEMENT
- PROPOSED WETLAND AREA/CONSERVATION EASEMENT

ATTENTION: LAND UNIT OWNERS  
THE FOLLOWING INFORMATION IS CONTAINED HEREIN FOR YOUR INFORMATION AND IS NOT TO BE REPRODUCED OR APPROVED PRIOR TO  
RELEASE OF THE REVENUE AND LAND UNIT HAVING PERMIT.  
THIS MAP IS A PRELIMINARY MAP OF THE LAND UNIT OWNERS. IT IS NOT A FINAL MAP. IT IS NOT A GUARANTEE OF THE  
ACCURACY OF THE INFORMATION CONTAINED HEREIN. IT IS NOT A GUARANTEE OF THE COMPLETION OF THE PROJECT.  
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PROPOSED UPLAND BUFFER/CONSERVATION EASEMENT

PROPOSED WETLAND AREA/CONSERVATION EASEMENT

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PROPOSED WETLAND AREA/CONSERVATION EASEMENT

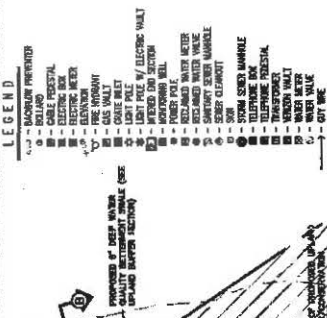
PROPOSED UPLAND BUFFER/CONSERVATION EASEMENT

KEY MAP

SCALE: 1" = 500'

- LEGEND
- 1 - BATTERY PREORDER
- 2 - CABLE PREORDER
- 3 - CABLE PREORDER
- 4 - CABLE PREORDER
- 5 - CABLE PREORDER
- 6 - CABLE PREORDER
- 7 - CABLE PREORDER
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PROPOSED UPLAND BUFFER/CONSERVATION EASEMENT  
PROPOSED WETLAND AREA/CONSERVATION EASEMENT  
PROPOSED POND EXPANSION AREA

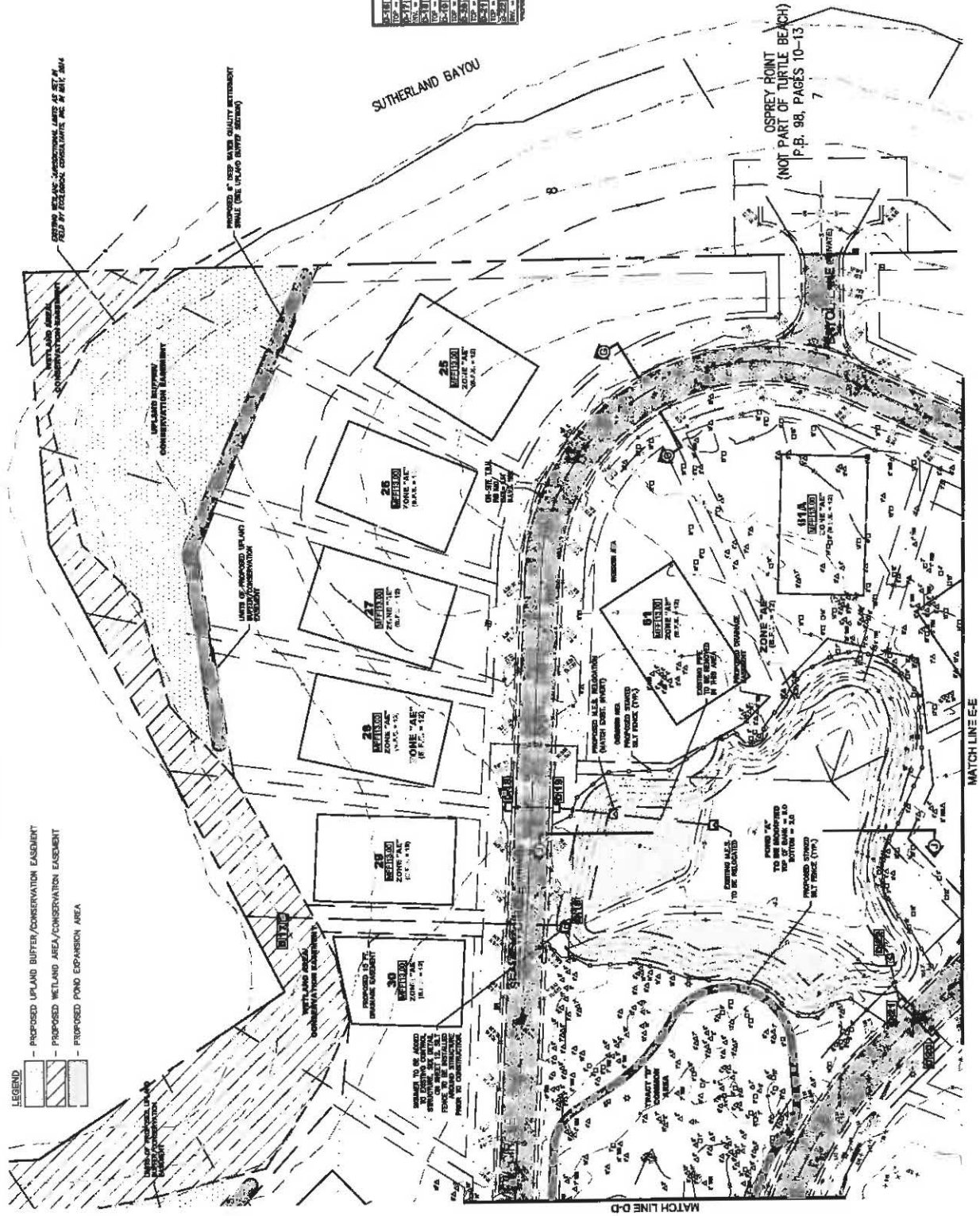
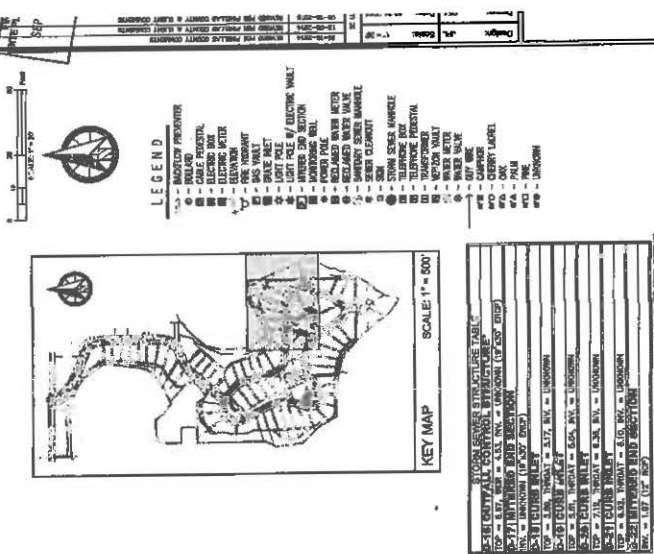
**MATCH LINE D-D**

**3A, ENOZ**

ZCNE "VE"  
(B.F.E. = 15)

**TIDAL SWAMP**

**ATTENTION LAND SELLER OWNERS**  
 REQUIREMENTS ARE CONDITIONS OF INDIVIDUAL LAND UNIT DEVELOPMENT AND MUST BE REVIEWED AND APPROVED PRIOR TO THE INDIVIDUAL LAND UNIT MASTER PLAN SUBMIT.



OSPREY POINT  
(NOT PART OF TURTLE BEACH)  
P.B. 98, PAGES 10-13

**MATCH LINE E-E**

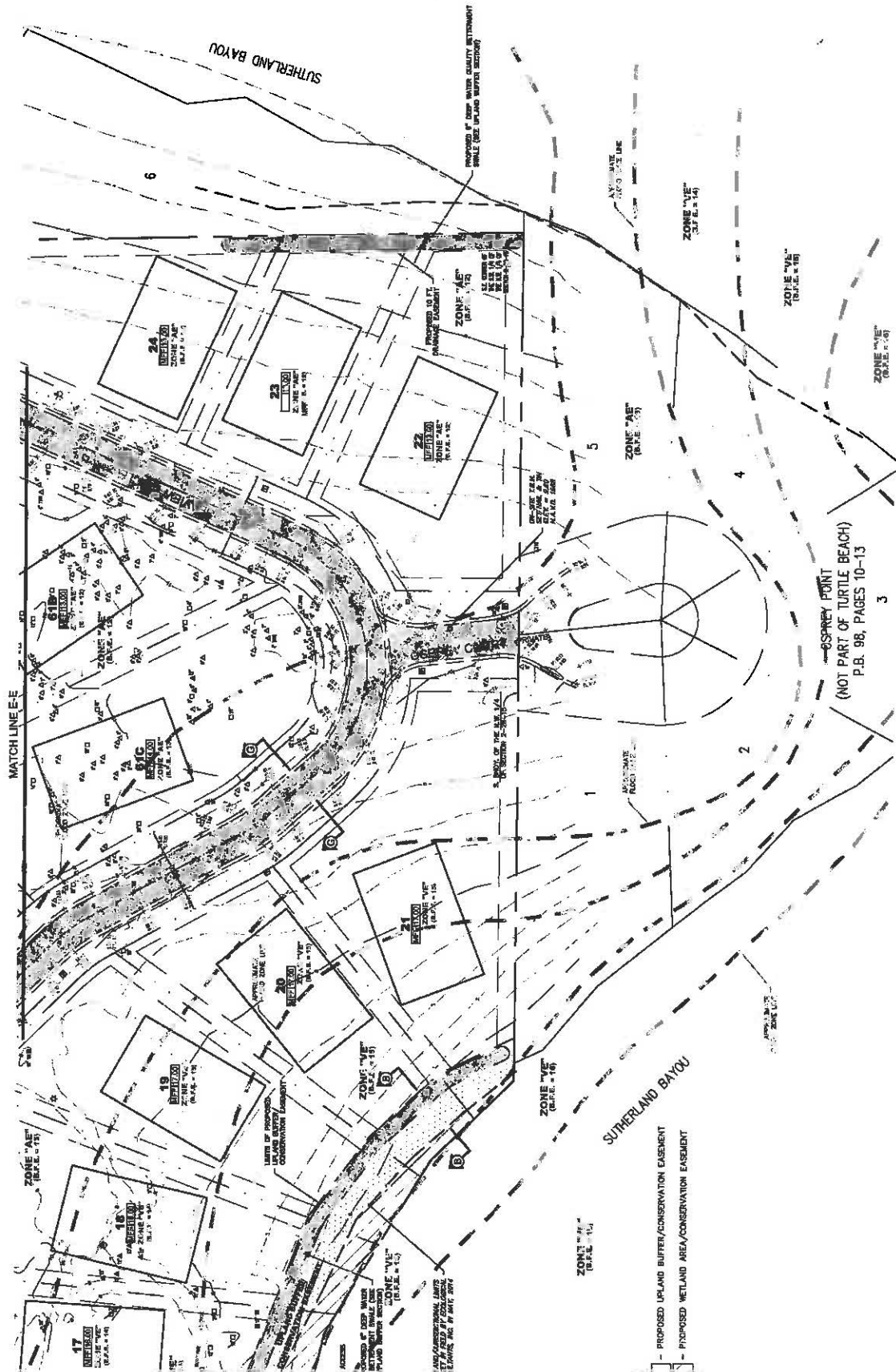
**MATCH LINE D-D**

[illegible]





SCALE: 1" = 500'

[illegible][illegible]



Date	Particulars	Debit	Credit
08-18-2015	RECEIVED FROM PARENTS COUNTY & GRANT EXAMINERS		100.00
12-01-2016	RECEIVED FROM PARENTS COUNTY & GRANT EXAMINERS		100.00
08-19-2016	RECEIVED FROM PARENTS COUNTY EXAMINERS		100.00



IT POLE  
IT POLE W/ ELECTRIC VALVE  
IT POLE W/ DOW SECTION  
TERRAZZO WALL  
TIER POLE  
LARGED WATER METER  
LARGED WATER VALVE  
TIGHT SINKER MARBLE  
PER CLEANOUT  
TIER SINKER MARBLE  
SPRINKLE BOX  
SPRINKLE PEDUSTAL  
CUSTOMER  
ZOOM VALVE  
PER METER  
TIER VALVE  
RHS

ALL HAVE A MINIMUM OF 5' OF COVER.

INSTALLATION SHALL BE DONE IN ACCORDANCE WITH PHILLIPS COUNTY UTILITIES REQUIREMENTS.

NO PIPE DISPLETION IS ALLOWED AT TIME OF MANUFACTURER GUIDELINES.

MANHOLE SHALL BE INSTALLED AT MINIMUM OF 48 HOURS IN ADVANCE OF ALL WATER MAIN PRESSURE TESTS.

BE EXPOSED BEYOND 6" ON B.O.D. IN ACCORDANCE WITH 30-21.

BE COLOR CODED FOR SERVICE.

FOR EACH LOT SHALL BE INDIVIDUALLY METERS. WATER METERS SHALL BE FOR PHILLIPS COUNTY UTILITIES MEASUREMENTS.

NO WATER LATERALS TO BE USED WHEN PROBLEMS. WHERE NO LATERAL EXISTS, A PROPOSED JEROME LATERAL IS TO BE CONNECTED FOR PHILLIPS COUNTY.

NO 4" AS SHOWN ON PLAN 12.

SERVICES FROM WATER ASSEMBLY SHALL BE 1.5" SHAL (SEE 40).

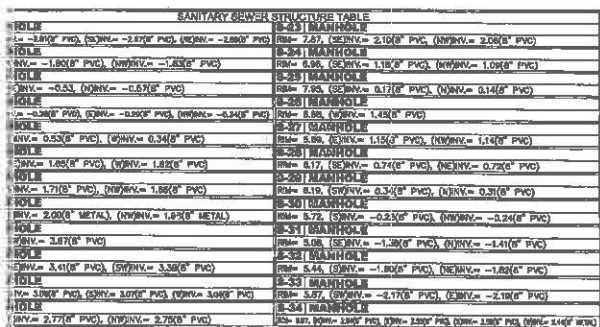
INSTALLATION BETWEEN WATER SERVICES AND TRAILING SERVICES SHALL BE IN ACCORDANCE WITH SECTION 50.0 OF THE FLORIDA BUILDING CODE.

WHEN WATER LOCATIONS ARE DETERMINED A FIELD OF INSTALLATION METERS METERS TO BE INSTALLED PER POL 30-21.

EACH METER TO BE SERVED BY A SINGLE SERVICE LINE. WATER METERS TO BE FURNISHED BY PHILLIPS COUNTY AT THE DEVELOPER'S EXPENSE.

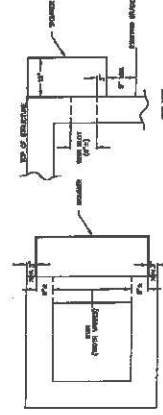
TO HAVE ASPHALT (MIN. 1" MIN. THICK, FOOT BY 6" ASPHALT) FROM FLORIDA BLDG INSPECTION TO END OF SERVICE DRIVE 5' AFTER ALL

[illegible]



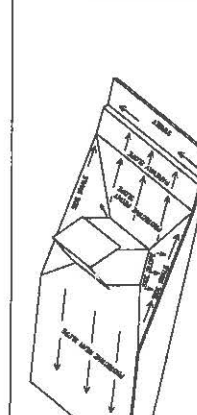
members in the address membership list, types in the Picking County land development code, making a duplicate.

the 1990s and 2000s, it has not been a major topic of research. The literature on the topic is limited to a few studies, such as those by *Smith et al. (1990)* and *Smith et al. (1995)*.

[illegible][illegible]

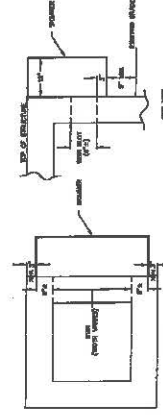
**PROPOSED OUTFALL SKINNER (TYP.)**  
K1A

**PROCURADO GERAL DO ESTADO VERONICA DA SILVA DE SAUSSEZ DE ALVA MACHADO GONCALVES**



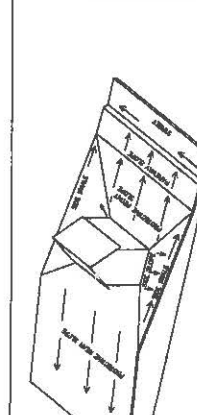
1971 UNIT SHOWN PLANT TO BE PROVIDED FOR EACH UNIT AT TIME OF UNIT CONSTRUCTION.

<sup>a</sup> All right-angle translations can be in accordance with values referenced in the Guide for Family Unitary Appropriations.

[illegible][illegible]

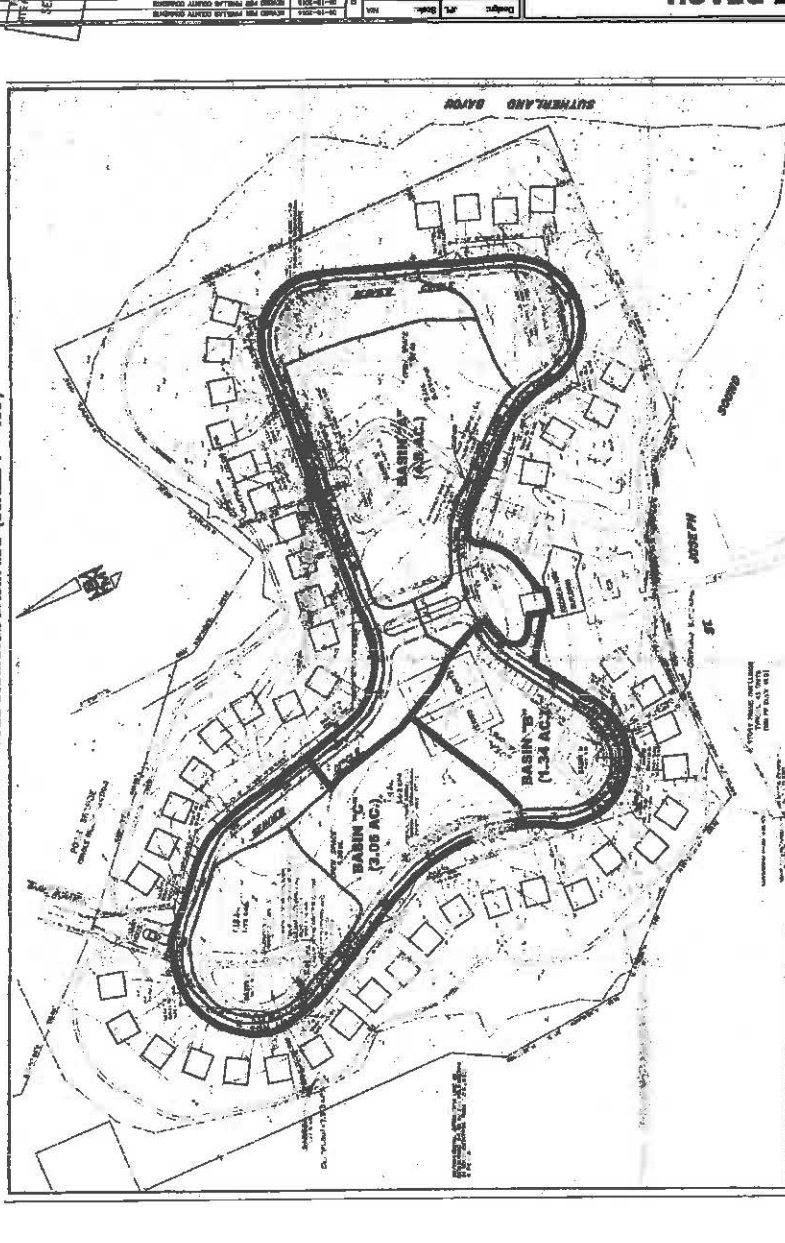
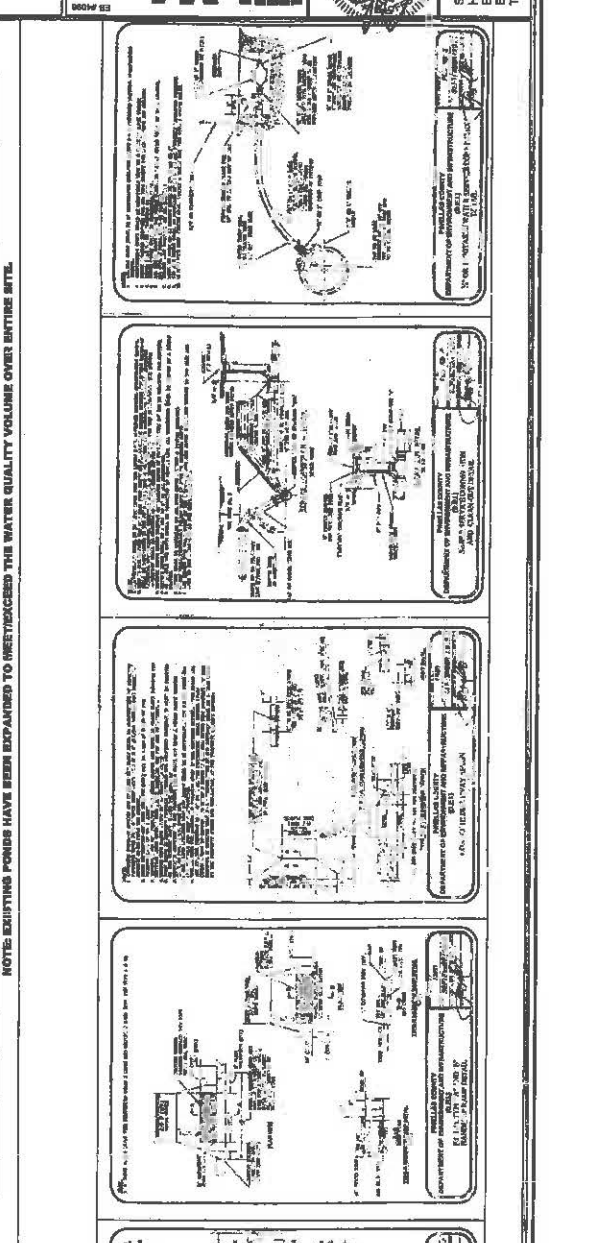
**PROPOSED OUTFALL SKINNER (TYP.)**  
K1A

**PROCURADO GERAL DO ESTADO VERONICA DA SILVA DE SAUSSEZ DE ALVA MACHADO GONCALVES**



1971 UNIT SHOWN PLANT TO BE PROVIDED FOR EACH UNIT AT TIME OF UNIT CONSTRUCTION.

This block contains a vertical strip of a document, possibly a page from a book or manuscript. It features a large, stylized letter 'A' and some handwritten text, which is partially obscured by the strip's edge.

[illegible][illegible]

— 10 —  
の工山山ト



FOR THE  
LITTLE BLANCH PROJECT

[illegible]

Samuel R. Richardson, Ph.D., CDP

TO: Mark Woodard, Pinellas County Administrator

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

Dear Mr. Woodard:

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

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

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

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



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

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

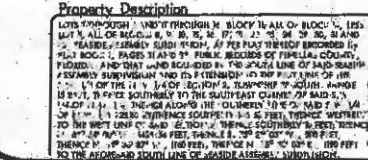
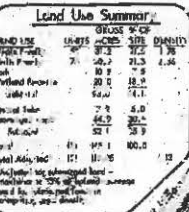
The handling of this entire project flies in the face of stated Pinellas County objectives to support community characteristics, preserve the environment and operate with transparency. There is a continuing concern for the safety and well-being of the citizens of Crystal Beach and the protection of our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

Please advise as to next steps in this process.

Very truly yours,

June Barwick

20 October 2015









TO: Fred E. Marquis, County Administrator

THROUGH: Paul A. Bergmann, Director  
Department of Planning *PA Bergmann*

FROM: Nancy A. Madley, Site Plan Coordinator *NAM*

SUBJECT: Point Seaside, Phases 1, 2 & 3, Final Site Plan

DATE: May 21, 1981

RECOMMENDATION: Recommend Approval

LEGAL DESCRIPTION: A portion of the NW $\frac{1}{4}$  of Section 2, Township 28, Range 15 AND a portion of the NE $\frac{1}{4}$  of Section 3, Township 28, Range 15

The above referenced site plan has been processed through the Pinellas County site plan review system to include the following departments: Engineering Department, Water Department, Sewer System Department, Planning Department, Environmental Management Department, and has been found to be in compliance with Pinellas County regulations.

Description:

This site consists of 37.362 acres located south of Florida, west of St. Joseph Sound and consists of the first three phases of the 145 acre Point Seaside development. Phases 1, 2 and 3 propose a combined total of 62 single-family lots which average in excess of 12,000 sq. ft. The multi-family area (Phase 4) is not included in this approval and will require separate site plan review and approval. Those problems cited by the Engineering Department have been resolved to the satisfaction of that department and approval is recommended. This site is zoned RPD-1 and RPD-2.5 and identified by the Comprehensive Land Use Plan as Suburban Low Density Residential.

The applicant received preliminary site plan approval for this project on November 4, 1980, and now submits this plan for final site approval. Due to Commission action of February 26, 1974, all final site plans will be approved administratively by the Pinellas County Administrator.

FINAL SITE PLAN

Approved 5/21/81  
by *[Signature]*  
County Administrator

2-1858

with 50-51 Phase I  
modified 12-1-81

*John Hoffman*  
6280 US 19 N  
Clk - 33515





TO: Fred E. Marquis, County Administrator  
THROUGH: Brian Smith, Director *BH* *for*  
Department of Planning  
FROM: Nancy A. Madley, Site Plan Coordinator *NAM*  
SUBJECT: Point Seaside East, Final Site Plan  
DATE: March 7, 1983  
RECOMMENDATION: Recommend Approval  
LEGAL DESCRIPTION: A portion of the NW $\frac{1}{4}$  of Section 2, Township 28  
South, Range 15 East

The above referenced site plan has been processed through the Pinellas County site plan review system to include the following departments: Engineering Department, Water Department, Sewer System Department, Planning Department, Environmental Management Department, and has been found to be in compliance with Pinellas County regulations.

Description: This site consists of approximately 26 acres and is a part of the Point Seaside RPD located at the southwest corner of Florida Boulevard and Broadus Avenue. This plan proposes 48 condominium units, 36% of the site is devoted to recreation space and an additional 47% of the site will remain in open area. These units are being sold under a condominium plat and there will be no subdivision or transfer of property in this 26 acre site. Those problems cited by the Engineering Department have been resolved to the satisfaction of that department and approval is recommended. This site is zoned RPD-2.5 and identified by the Comprehensive Land Use Plan/Sector 3 as Suburban Low Density Residential

The applicant received preliminary site plan approval for this project on June 10, 1982, and now submits this plan for final site approval. Due to Commission action of February 26, 1974, all final site plans will be approved administratively by the Pinellas County Administrator.

FINAL SITE PLAN


Approved 7 Mar 83  
by *JR*  
County Administrator


2-1858  
Reg. #2 1/8/85 LV #3336





TO: Fred E. Marquis, County Administrator

THROUGH: Brian Smith, Director   
Department of Planning

FROM: Al Navaroli, Planner II 

SUBJECT: Sutherland Crossing Unit II  
Final Site Plan

DATE: April 16, 1985

RECOMMENDATION: Recommend Approval

LEGAL DESCRIPTION: A portion of the NW 1/4 and the SW 1/4 of Section 2,  
Township 28, Range 15

The above referenced site plan has been processed through the Pinellas County site plan review system to include the following departments: Engineering Department, Water Department, Sewer System Department, Planning Department, Environmental Management Department, and has been found to be in compliance with Pinellas County regulations.

Description: This site consists of 3.18 acre addition to the existing 145 acre development known as Sutherland Crossing and Point Seaside. This plan proposes an additional 8 single-family units. Those problems cited by the Environmental Management Department, Engineering Department and Zoning Division have been resolved and final site plan approval is recommended. This site is zoned RPD 2.5 and identified by the Comprehensive Land Use Plan as Low Density Residential and Preservation.

The applicant received preliminary site plan approval for this project on December 15, 1983 and now submits this plan for final site approval. Due to Commission action of February 26, 1974, all final site plans will be approved administratively by the Pinellas County Administrator.

FINAL SITE PLAN

Approved



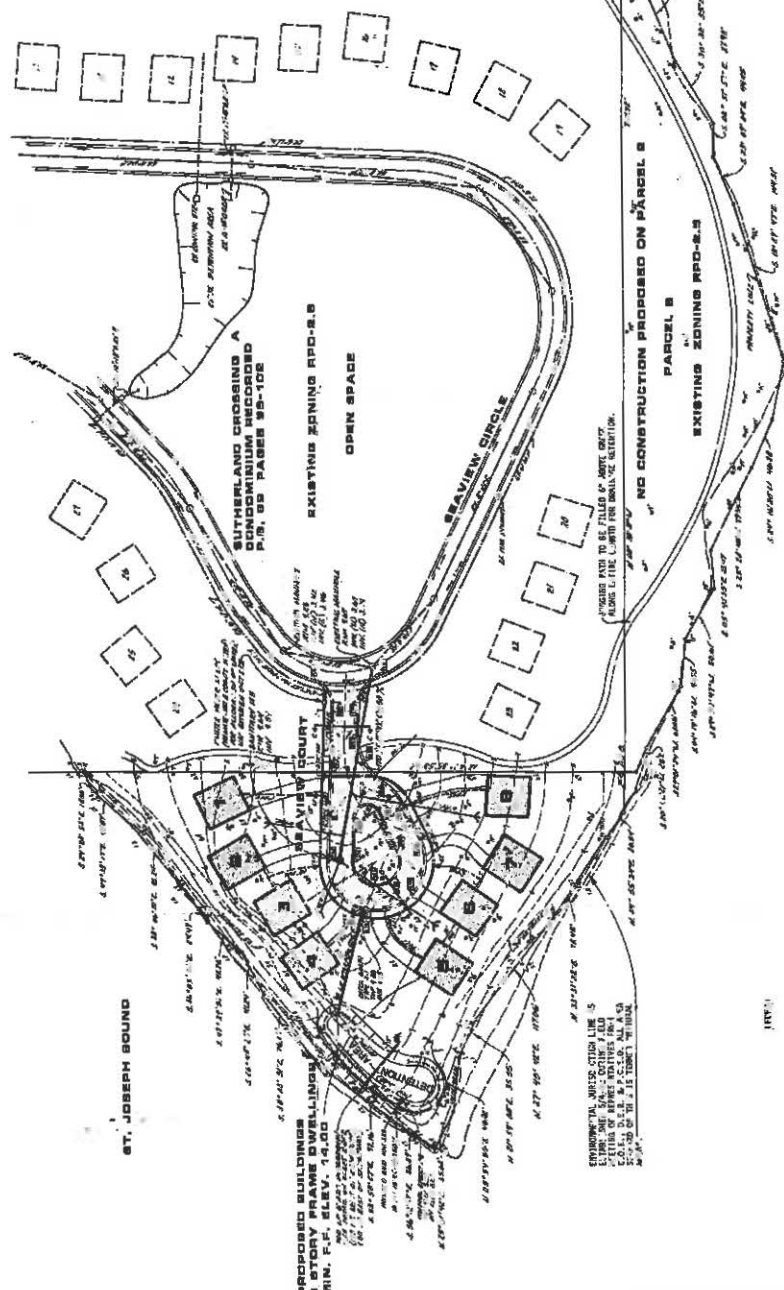
by

Fred E. Marquis  
County Administrator

AN/jm  
0012Z

Z-1858

Z-1358



NAME	R. G. H.
ADDRESS	C. O.
OWN	H. H. H.
PL	A. E. B.
DATE	17.50
WGT	1 = 2
WGT	1 = 2
WGT	1 = 2

IN GENERAL, EVIDENCE IS ADMITTED WITHIN THE NATURAL  
KNOWLEDGE OR COMMON SENSE OF THE PEOPLE OF THE UNITED STATES  
AND IS NOT RELEVANT TO THE ISSUE OF THE CASE.

**BUT HERLAND SAY YOU**

**SANITARY SEWER  
PERMIT**

101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-109

BOARD OF ADJUSTMENT CASE # BA- 12-11-13

APPLICANT: Sutherland Crossing Condo Assn

HEARING DATE: 11-7-2013

Decision information and prepping paperwork



**BOARD OF COUNTY  
COMMISSIONERS**

Charlie Justice  
Susan Latvala  
Janet C. Long  
John Morroni  
Norm Roche  
Karen Williams Seel  
Kenneth T. Welch



September 16, 2014

Sutherland Crossing Condo Assn, Inc.  
311 Park Place Boulevard, #250  
Clearwater, FL 33759

Re: Board of Adjustment Case No. BA-12-11-13  
Parcel No. 02/28/15/88555/000/0000

Dear Applicant:

This is to inform you that the Board of Adjustment has given me the authority to administratively grant the one time, one year extension you are requesting on the above numbered case without a formal hearing.

Therefore, the one-year extension is approved and you will have until November 7, 2015, to begin construction.

Sincerely,

John F. Cueva, Zoning Manager  
Pinellas County Planning & Development Services

cc: William J. Kimpton, Esq.  
John C. Landon, P.E.  
Andrew G. Irick, II

Reference #: BA13-00094



DECISION LETTER ADDENDUM  
BOARD OF ADJUSTMENT CASE

STANDARD TIME LIMITS

The Applicant is hereby notified that all approvals granted by the Board shall be valid for one year, as provided by Section 603.504 of the Zoning Ordinance, and therefore all rights and privileges granted herein shall become void if and in the event the applicants fails to commence the project within one year from the date of this decision. In order to have "commenced construction" all permits or licenses required by the BOA are to be obtained within one year from the date of BOA approval, except that in cases where construction was commenced prior the approval of the Board of Adjustment, permits shall be obtained within 45 days from the date of this decision.

EXTENSION OF TIME LIMITS

All extension requests must be filed approximately one month prior to the expiration date. A one-time, one-year extension may be granted for good cause. The Zoning Administrator may administratively approve extension request for any non-controversial case. All other requests for extension shall be reviewed by the Board during regular public hearing, pursuant to Section 605.505 of the Zoning Ordinance.

VACATING OR ABANDONMENT OF INTENT

All variance or special exceptions granted by the Board of Adjustment shall automatically expire in the event a structure or use of land which is the subject of the variance or special exception has been vacated or abandoned for a period of 90 consecutive days.

APPROVED PLANS

The plan once approved by the Board is a condition of approval and shall not be modified unless approved by the Board at public hearing. Very minor modifications, such as may be required during site plan review, and may be allowed where authorized by the Zoning Administrator. Such minor modifications shall be in keeping with the intent of the original approval by the Board and shall in no way allow a more intense use of the site or create additional impact to surrounding properties. All other requests for modification of the approved plan shall require approval of the Board at a public hearing.

REVOCATION OF APPROVAL

All applicants are notified that the Board may modify or revoke a previously granted variance or special exception for cause. Such modification or revocation may occur when the Board finds the use of the variance or special exception: 1) Is or has become detrimental to the general health, safety or welfare; 2) Does not meet the letter or the intent of the original standards required for such approval; or 3) Does not meet the letter or the intent of the special standards or conditions attached by the Board during the approval.

ADDITIONAL LAW AND REGULATIONS

Please be advised that any approval or conditional approval does not eliminate the necessity of compliance with other local, State or Federal laws and regulations.

*Revised 11/15/02*

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## Swinton, Tammy M

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**From:** Cueva, John  
**Sent:** Friday, September 12, 2014 11:11 AM  
**To:** Swinton, Tammy M  
**Subject:** FW: Decision Letter for Sutherland

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Tammy, ok for one year extension.

**John Cueva**  
**Zoning Manager**  
**440 Court Street**  
**4th Floor**  
**Clearwater, FL 33756**  
Pinellas County Planning (Strategic Planning & Initiatives)  
(727) 464-3585  
Fax (727) 464-3585  
[jcueva@pinellascounty.org](mailto:jcueva@pinellascounty.org)  
*All government correspondence is subject to the public records law.*

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**From:** Andrew Irick II [mailto:[arick1010@aol.com](mailto:arick1010@aol.com)]  
**Sent:** Friday, September 12, 2014 10:56 AM  
**To:** Swinton, Tammy M; Cueva, John  
**Cc:** Bill@Kimptonlaw.com; JOHN  
**Subject:** RE: Decision Letter for Sutherland

Tammy

THANK YOU for the two Decision Letters requested.

Given that the Sutherland letter references a November 7, 2013 date for the BOA action, it is my understanding that the variance approved by the BOA for Sutherland expires on November 6, 2014.

As we are now within 60 days from expiration, please accept this email as a formal request to have the Sutherland variance extended, since the project is not completed.

While William "Bill" Kimpton was the original Applicant and will also be the Applicant for the extension, please show me...Andrew G Irick II...also as Applicant.

Please advise at your earliest possible convenience what the Applicant needs to do to effect this extension...as in, "is there a particular form" to complete &/or sign and submit, &/or a "fee" to pay, &/or anything else, and specifically if a BOA approval of the extension is required.

If BOA approval is required, please schedule us for a date prior to expiration of the variance.

Look forward to your reply.

Andrew Irick

Turtle Beach Variance BA 12-11-13

- The application, prepared by William Kimpton, Esq. requested a variance to allow the following, "Replacement of the now defunct condominium development with a platted subdivision, with a 20' setback from the edge of private street, in lieu of required 25' setback."
  - Worksheet and Recommendation uses the "private road" reference
- 

- The application indicated a zoning of RPD 2.5 and RPD 1.0 (which applies to the entire site)
- The application references a parcel number that covers the entire site.
- The application references a proposed use of "62 single family homes with amenities"
- Graphic used in packet includes the entire property with 62 SFR.
- Graphic used for public notice included the entire site, posted on the subject property.
- The public notice used language referring to the 62 SFR the 20' setback from the edge of pavement. (No mention of private road)
- Multiple written public comments acknowledges 62 SFR, as well as properties on Seaview Drive, Seaview Circle, Bayou Land, and Osprey Court.
- Letter to applicant acknowledging the BOA approval references 62 SFR, no mention of private road
- Board Reporter log references Mr. Cueva's introduction, discussion of 62 SFR and setback, but no mention of private road
- Point of clarification during the meeting also references edge of pavement
- Project <sup>Reporter</sup> engineer makes reference to the application applying to all 62 SFR, to avoid having to come back individual times for 20 – 30 variances.
- Motion and second is for variance approval with conditions, no mention of "based on staff recommendation". Unanimous

**Sec. 138-120. - Review of board's decisions.**

A party seeking judicial review of a decision of the board of adjustment shall have 30 days from the date of the public hearing which resulted in the approval or denial by the board of adjustment to bring the appropriate legal action. The 30-day time period will commence when the decision was finalized at the public hearing, not when the decision was reduced to writing.

2013 - 57

2019 - 9

**WORKSHEET AND RECOMMENDATION  
BOARD OF ADJUSTMENT HEARING  
BA CASE NUMBER: BA-12-11-13**

**OWNER/ADDRESS:** Sutherland Crossing Condo Assn, Inc.  
311 Park Place Boulevard, #250  
Clearwater, FL 33759

**REP/ADDRESS:** William J. Kimpton, Esq.  
605 Palm Boulevard, Suite B  
Dunedin, Florida 34698

John C. Landon, P.E.  
605 Palm Boulevard, Suite B  
Dunedin, Florida 34698

**PROPERTY ZONING:** RPD-1.0, Residential Planned Development, 1.0 unit per acre &  
RPD-2.5 Residential Planned Development, 2.5 units per acre

**LAND USE DESIG:** Residential Suburban & Preservation

**TYPE APPLICATION:** Variance

**DATE AND TIME:** November 7, 2013 @ 9:00 A.M.

**CASE DESCRIPTION:** A variance to allow for the redevelopment of the subject site with 62 single family homes having 20 ft. front setbacks from the edge of pavement where 35 ft. setbacks from the edge of pavement are required in an RPD zoning district for the property containing approximately 35 acres located at the southern terminus of Seaview Drive, Crystal Beach.

**PARCEL ID NUMBER:** 02/28/15/88555/000/0000

**NOTICES SENT TO:** Sutherland Crossing Condo Assn, Inc., William J. Kimpton, Esq., John C. Landon, P.E. BCC Office & Surrounding Owners (See Attached List)

**DISCLOSURE:** Owner: Ted Haines- Pres. (Existing Contract: Marc Rutenberg)

**BA-12-11-13**

**RECOMMENDATION: CONDITIONAL APPROVAL**

This is a site that was a former time share and is being proposed for redevelopment to single family homes. As part of the redevelopment the previous timeshare site are being redeveloped to minimum lot sizes of 6,000 sq. ft. consistent with typical single family subdivision requirements. The applicant has requested a reduction in the front setback from the edge of private road from 35 ft. to 20 ft., which if approved will allow for many of the homes to be located further away from the environmentally sensitive areas located in the rear of many of the lots. Additionally, as these setbacks will be unique to this development only, staff has no objection as no adverse impact will occur to the adjacent properties which about this development. Approval of this request should be subject to the following conditions being met:

1. Full site plan review.
2. Side and rear setbacks shall be met.
3. 20 ft. front setback from the edge of pavement shall be required.

**Reference #:BA13-00094**



CHECKLIST AND WORKSHEET  
BOARD OF ADJUSTMENT HEARING  
**BA CASE NUMBER: BA-12-11-13**

OWNER/ADDRESS: Sutherland Crossing Condo Assn, Inc.  
311 Park Boulevard, #250  
Clearwater, Fl 33759

REP/ADDRESS: William J. Kimpton, Esq.  
605 Palm Boulevard, Suite B  
Dunedin, Florida 34698

John C. Landon, P. E.  
31622 US 19 North  
Palm Harbor, FL 34684

PROPERTY ZONING: RPD-1.0, Residential Planned Development, 1.0 unit per acre &  
RPD-2.5, Residential Planned Development, 2.5 units per acre

LAND USE DESIG: Residential Suburban & Preservation

TYPE APPLICATION: Variance

DATE AND TIME: November 7, 2013 @ 9:00 A.M.

CASE DESCRIPTION: A variance to allow for the redevelopment of the subject site with 62 single family homes having 20 ft. front setbacks from the edge of pavement where 35 ft. setbacks from the edge of pavement are required in an RPD zoning district for the property containing approximately 35 acres located at the southern terminus of Seaview Drive, Crystal Beach.

PARCEL ID: 02/28/15/88555/000/0000

NOTICES SENT TO: Sutherland Crossing Condo Assn Inc, William J. Kimpton, Esq., John C. Landon, P.E., BCC Office & Surrounding Owners (See Attached List)

DISCLOSURE: **Owner:** Ted Haines-Pres. (**Existing Contract:** Marc Rutenberg)

**Reference #:**BA13-00094

**BOARD OF COUNTY  
COMMISSIONERS**

Charlie Justice  
Susan Latvala  
Janet C. Long  
John Morroni  
Norm Roche  
Karen Williams Seel  
Kenneth T. Welch



December 9, 2013

Sutherland Crossing Condo Assn, Inc.  
311 Park Place Boulevard, #250  
Clearwater, FL 33759

Re: Board of Adjustment Case No. BA-12-11-13  
Parcel No. 02/28/15/88555/000/0000

Dear Applicant:

Please be advised that by action of the Pinellas County Board of Adjustment on November 7, 2013, your request for a variance to allow for the redevelopment of the subject site with 62 single family homes having 20 ft. front setbacks from the edge of pavement where 35 ft. setbacks from the edge of pavement are required in an RPD zoning district for the property containing approximately 35 acres located at the southern terminus of Seaview Drive, Crystal Beach was conditionally approved, as follows:

1. Full site plan review.
2. Side and rear setbacks shall be met.
3. 20 ft. front setback from the edge of pavement shall be required.






The applicant is notified that the Decision Letter Addendum (attached) explains standard Board conditions, policies and procedures which are a part of the official decision and conditions regarding your Board of Adjustment case. If you have specific questions, please feel free to contact us.







Sincerely,

The Pinellas County Planning & Development Services Department

cc: William J. Kimpton, Esq.  
John C. Landon, P.E.








Cueva BA-12-11-13	Next case is BA-12-11-13 application of Sutherland Crossing Condo Association, Inc., requesting a variance to allow for the re-development of a subject site with 62 single family homes having 20-foot front setbacks from the edge of the pavement where a 35-foot setbacks from the edge of the pavement are required in an RPD zone. Staff is recommends conditional approval.
 Pierce	Your name and address please.
Bill Kimpton Attorney	My name is Bill Kimpton, attorney, 605 Palm Boulevard, Dunedin.
Pierce	Your name and address please.
Michael Boutzoukas	My name is Michael Boutzoukas, attorney, 311 Park Place Boulevard, Suite 250, Clearwater, FL.
Pierce	Do we have any objectors here for Case no. 6-10-13 (BA-12-11-13). Yes we do. Go ahead and tell us what you are looking for. Sir have a seat until they present their case.
Kimpton	My co-counsel represents the owner, he is just here today, and I am representing the builder who wants to buy the property and build the project.
Pierce	Does the Board have any questions?
 Kimpton	I have some more data.
Pierce	I am lost.
Foley	Okay. You don't have that?
Pierce	I don't have that one.
Burdette	I don't either.
Pierce	Does everybody have this one? [Burdette: I don't] I didn't either, so we are actually looking at 12-11-13 then. Sir you are objecting then to 12-11-13?
 Lorenz Loehner Audience guy	Yes
Burdette	Tell me what it is.
Pierce	Okay Questions from the Board?
Watts	Crystal Beach.
Kimpton	Can I make a short presentation?
Burdette 	I am not sure what it is.
Kimpton	This is an existing timeshare project (Showing picture aerial) that is now closed down that was developed in the early 80s. You can see it here on the picture if you have it there.  It is this right here and this piece coming up here. The goal is to take this existing project that had a valid site plan approved by the County, and retrofit into it some new housing by Mark Ruttenburg. It is a little tight, very curvy roads, there is a lot of vegetation, a lot of trees out there. We are trying to preserve the trees. Currently there is nothing in the form of typical driveways, its chips and grass and tight roads. We are trying to make it all work. I think that the concern of this gentlemen here is that he lives in the house that is outside of our subdivision,


	but he travels through our subdivision to get to it. It is tight, we know it. We have filed our 15 sets of drawings with the County staff and we are working with them on all of these issues. I am trying to develop the product. It looks like it could be a very nice project and we are going to try to do it in the style of Crystal Beach as it exists now rather than some deal where we tear out all of the trees and try to conform to the new standards. As far as we know, staff is acceptable to that and we are working with them.  I have John Landon the Engineer who can answer any technical questions. Here is more of what it will look like in the future. You can see it is pretty much adapting the same footprints, except in cases where there had not been units yet, but there were provisions for units but they were not buildable so we moved a few of them around.
 Watts	The need for the reduction in front setback is why?
Kimpton	The idea is that we don't want to push back into the trees and chop out all of the trees, so we are trying to fit the houses where the existing structures are. It is going to be a little tight, so we need to have that space.
 Cueva	Mr. Watts our environmental setback requirements are more stringent these days. Staff is wanting better water quality restriction on this site, which it didn't have when it was initially developed, so that is another reason they are being forced towards the front and why staff is supporting the request.
 Watts	Makes sense.
Burdette	You here today just for the setback, is that what we are here for?
Kimpton	Yeah, just the--
Burdette	Sorry I just got it I need to read this. Okay.
Pierce	Any other questions?
Ester	John, has the plat been approved already?
Kimpton	The site plan was approved in the 80s for this.
Cueva	This was a time condo plat.
Kimpton	It was condo buildings but then they timeshared the buildings--way back.
Ester	So the setbacks are based upon the previous--
Cueva	The previous road, edge of the pavement.
Kimpton	Yes.
Cueva	The roads that have been approved, the setback will be from those roads.
Foley	So in essence there is nothing happening there now--the timeshare deal is done?
Kimpton	No that is all gone. The buildings are still there and we'll be replacing them.
Watts	Oh, ok.
 Pierce	Okay, the objector could come up please. Your name and address please.
 Lorenz Loehner	My name is Lorenz Loehner. I live on 990 Osprey Court, Crystal Beach. I am going through this development for the last ten years. There is only a 20-foot-wide



	road. I pass this road every day. Now my objection is, if there is a 20-foot setback and they put homes on that people have no room to park in the driveway. Usually, one family homes the consist of two adults and two grown-up children. Most people have three cars. Maybe four. So where do they park the cars on a 20-foot setback? Obviously on the street and they are going to build homes on both sides of that 20-foot street. That is really a hassle for emergency vehicles if cars park and sit on that street there is no way an emergency vehicle can pass through. The garbage truck can't pass through. I can't even pass through with my own car. I have go through there every day. Also, when people even if they have garages, a lot of people use garages for storage, because these are not really large homes. So where do they park? On the street. And if we park one foot from the curb there is even less space. So that is a potential hazard if this project is permitted. If there is a 35 foot setback, people can park their cars on their own plot, in their own driveway. I even checked into this project and the parking should not be permitted on that street, on Osprey, Seaview Circle and there are two.
Foley	Sir you may want to put the drawing where it says place document here.
Pierce	Face up.
Loehner	That is my property there is a 90 feet entrance and it is also 20-foot wide. If the owners park their cars there, I can't even go through on both sides. Parking cannot be permitted there, and on the ___ line there is another line, these are private properties here.
Watts	How wide did you say Seaview was? How wide is the street?
Loehner	20 feet
Pierce	Any other questions of the objector? Anything else sir?
Loehner	Last if they the existing time share homes now, some are setback 50 feet now, some are 35, some are 50 feet. Why—it's not necessary to bring them all the way in front and create this potential hazard.
Pierce	All right thank you. Do we have any other objectors here for this case? John I do have a question. The variance is that entirely within the development or is it also on the outside perimeter?
Cueva	Just for this development only.
Pierce	Just totally self-contained in this development.
Cueva	Self-contained.
Pierce	If the applicant could come back up.
Kimpton	According to the engineer the street is actually 24 feet, and we are sensitized to the issue, and we don't plan to have every home using this, but we don't know how the homes are going to lay out yet. We know that some of them—this wouldn't be relevant at all, but in some of them it is definitely going to be relevant and we



	didn't want to have to come back here on a case by case basis for 62 homes or maybe the 20 or 30 that need it. But we are also sensitized that it is a problem. We want to have a salable product here at the end of the day and everyone of these houses will have full size garage for two cars and available parking in the driveway. But, even still, people come to visit, it is a problem we have to sort out and we are very sensitized to it and we will sort it out with staff.
 Watts	How big of houses are they in general?
Kimpton	Market study at this point (showing picture). They are not going to be able to be the—if you saw in the background. These houses back here will never be able to be the size that those are, there just isn't enough room.
Foley	Will they be required to be elevated?
Kimpton	Yes and some of parking underneath of course. And some of them we will move the—the house may be out there further but the garage may have to push back. We are going to have to design everyone of these. We are sensitive to his needs, we are sensitive to all those homes that go through our community, so we are going to take care of it, we are just at the early stages here and staff is also sensitized to it.
 Foley	Can you show us on your visual there where the objectors house is? Can you see that on there? I can see it on the drawing, but--
Cueva	It should be in this area right here.
Kimpton	I am not sure which house it is. There is a few back there.
Watts	So the only way he can get out is down that street, right?
Kimpton	Yes right. There is some here and a couple over here.
 Burdette	But it is 24 feet?
Landon	Yeah. let me give you some more details. This is a Google Earth shot of it. He is right about the 20 feet of asphalt and 2 feet of curb on each side. That is pretty much a standard County road and it was back in 1983, I think, when this thing got approved.  John Cueva was right. The main reason we are doing this, we are doing a water quality betterment plan, which is going to eat up about 15 feet in the backyards of these homes and so we are really trying to make that up and we don't need a setback every single lot, and we don't intend to do that. Where we need them is where we have really tight curves and we have jurisdictional areas coming in those curves. These lots are going to change so rather than come in and ask for specific lots, we thought we would ask for a blanket. Our intent is not to move up 20 feet each single lot. That would be pretty tacky. On the parking requirements, we are required one and half spaces for every unit.  I think that you can see-- you know what they did before they had a parking area under the unit we have room for one more, so we would have at least two. And where the units are further back, of course, we have some more. So I think the concern is everything up front. that is not our intent. We are trying to react to the betterment plan and move back a

	little.
Watts	Is there room for two cars underneath them?
Landon	The unit has not been designed yet. I don't know the answer to that.
Kimpton	That is the goal.
Landon	Yeah. We could probably do that. I think that is something--
Watts	That would help ease up if you had two kids and 14 dogs and--
Landon	We don't want cars on the road.
Foley	They figure these [Boutzoukas: sure] especially if they elevate there should be a lot of space underneath. Like Mike colleague, I ask sometimes because I am curious. How long was this project going before it went? Do you even know? How long was it sitting kind of vacant?
 Boutzoukas	Michael Boutzoukas again. Southernland Crossing was formed in 1983, as a timeshare project. It is a condominium with a interval ownership overlay to it. It was originally platted for 62 units and the plat still remains in place. It was only built-out with 35 structures, sales were kind of lack-luster and when the economy tanked in 2007, delinquencies went through the roof and it became economically unfeasible to continue. So, we, as of February this past year, there was a vote done to terminate the timeshare and condominium. They ceased operations at the end of March and we have been in contract discussions with Mr. Ruttenburg since that time, executed a contract and we are just in support of that. So it has been apprized that the owners love it, and many have come down here and become residents of the area, but it is one of those situations where it just wasn't feasible to continue in the timeshare, and I think he has a great concept for (1) to make this a single family. It is not your typical condo timeshare where you have a high rise or a multi-family unit of any kind. These are all single family units on a condo plat, so the unit is the footprint of the building for each particular unit and each one of those is 50 weeks. So, it lends itself well to be single family, just that the structures are dated and they have to start from scratch.
Watts	Seems like this would have a less intense use with traffic and everything else than the timeshare would.
Boutzoukas	I would certainly agree. Less intense use and much more practical use I would say in terms of where it is located and what is out there in the Crystal Beach area.
Pierce	Any other questions from the Board? Do we have a motion?
Foley	Move to approve BA12-11-13 for conditional approval.
Doran	2 <sup>nd</sup>
Motion Carries- Pierce	We have a motion to approve the application by Mr. Foley, a second by Mr. Doran, any further discussion? All in favor say aye [aye.] All opposed? Motion carries, you have your variance.

## NOTICES AND MAILING LABELS

CORRESPONDENCE RECEIVED



**Swinton, Tammy M**

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**Subject:** FW: [BULK] SUTHERLAND CROSSING/SETBACK VARIANCE

**Importance:** Low

---

**From:** DAN BRUERD [<mailto:danmarina@live.com>]

**Sent:** Wednesday, November 06, 2013 6:29 PM

**To:** Cueva, John

**Cc:** JOHN Landon EMAIL

**Subject:** [BULK] SUTHERLAND CROSSING/SETBACK VARIANCE

**Importance:** Low

DEAR MR. CUEVA:

I OWN A HOME IMMEDIATELY NORTH OF AND ADJACENT TO THIS ABANDONED TIMESHARE PROPERTY AND I WOULD LIKE TO EXPRESS MY SUPPORT OF THE REDEVELOPMENT OF THIS PROPERTY TO A SINGLE FAMILY SUBDIVISION. I ALSO SUPPORT THE SETBACK VARIANCE THEY HAVE REQUESTED.

I BELIEVE THAT THIS REDEVELOPMENT WILL BE GREAT FOR THE LOCAL ECONOMY AND WILL INCREASE PROPERTY VALUES IN CRYSTAL BEACH.

IF YOU HAVE ANY QUESTION, PLEASE CALL ME.

SINCERELY,

DANIEL BRUERD  
386 SANCTUARY DR.  
CRYSTAL BEACH, FL. 34681

SEASIDE SANCTUARY SUBDIVISION

727-512-0457

**Swinton, Tammy M**

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**From:** Zoning  
**Subject:** FW: Case No. BA-12-11-13

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**From:** Steven S [<mailto:ssoso983@gmail.com>]  
**Sent:** Wednesday, October 23, 2013 4:35 PM  
**To:** Zoning  
**Subject:** Case No. BA-12-11-13

Pinellas County Planning Department, Zoning Div.

Development Review Services Division

440 Court St. 4<sup>th</sup> Fl.

Clearwater, Florida 33756

Re: Case No. BA-12-11-13

To whom it May concern;

Unfortunately, I will not be able to attend the hearing on the above matter but I do want to express my strong opposition to the requested setback variance. My opposition is based on two factors: access by emergency vehicles and the impact on the current and future residents of Bayou Lane and Seaview Court.

By approving the 20 ft. setback the Board is assuring that cars will be parked on Seaview Circle since driveways will be too short to accommodate the two plus cars owned by most families. Seaview Circle is only 20 ft. wide so every car parked on the street would turn into a traffic obstacle. Furthermore, if a second car is parked on the opposite side of the street in proximity to the first car, Seaview Circle would be blocked. Emergency vehicles would be obstructed as would the vehicles of the residents of Bayou Lane and Seaview Court. The Seaview Circle "obstacle course" could prove especially dangerous to children playing in the street.

Banning parking on Seaview Circle might be a solution. But I fear the residents of Bayou Lane and Seaview Court would then be inundated with parked cars from the new houses likely resulting in

numerous calls to the Pinellas County Sheriff's office. Designated off-street parking areas for excess family vehicles as well as visitors would be a better solution.

My final concern is about the experience of driving along Seaview Circle with possible 35 foot high houses placed on both sides of the street—with the variance they will be only 60 feet apart (two 20 ft. easements, plus the 20 ft. wide street).

I appreciate your consideration of my concerns.

Sincerely,

Steven Soso

P.O. Box 338

983 Bayou Ln.

Crystal Beach, FL 34681

Swinton, Tammy M

BA-12-11-13

**Subject:** FW: Sutherland Crossing setback change hearing scheduled 7 Nov 2013 - Wisniewski view re setback changes

-----Original Message-----

From: Michael Wisniewski [mailto:rbwiz@aol.com]

Sent: Tuesday, November 05, 2013 10:43 PM

To: Zoning

Subject: Sutherland Crossing setback change hearing scheduled 7 Nov 2013 - Wisniewski view re setback changes

To whom it may concern,

We are the owners of lot 3 on Osprey Court of the Osprey Point HOA - the southern tip of the of an area contiguous to the now defunct Sutherland Crossing Resort. We are unable to attend the 7 November hearing. Please consider our support and concerns for this development effort and its proposed attendant changes to setback regulations.

We are pleased a company of Rutenberg's reputation will develop this very nice parcel. We understand there are at least 10 lots of the 62 lots being considered that are too shallow for a 35 foot setback, with the remaining 50 lots being roughly as deep if not deeper than the lots currently owned by our HOA members where the 35 foot setback has been applied during construction of our homes. We support changing the 35 foot setback to 20 foot with a couple of caveats.

- 1) The 20' setback change apply only to those lots deemed to too shallow to construct an averaged-size (~2500 sqft) house on the lot
- 2) Community prohibits on-street parking with some exceptions (contractors working on house, moving, entertaining guests, etc.)

Above caveats are driven by concerns regarding community aesthetics, minimal visible area for habitat restoration, and safe navigation of emergency vehicles

Respectfully,  
Mike and Rhonda Wisniewski  
Lot 3 Osprey Point HOA  
813-210-1667/695-4422

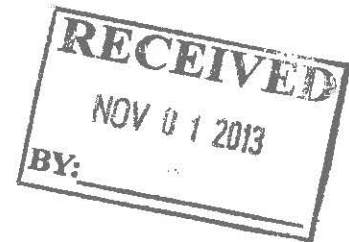


*From: Mr. Lorenz F. Lochner  
P. O. Box 905 , at 990 Osprey Court,  
Crystal Beach, FL. 34681*

*Date: November 1st, 2013*

Submitted for review and rejection of variance case No.BA-12-11-13

To the Pinellas County Board of adjustments,  
310 Court Street  
Clearwater, FL 33756



Dear board of adjustment,

**RE. Variance for 62 1Fam. Homes to be built on both sides of a 20 ft wide street named: Sea view Dr. Sea view Circle ,Bayou Lane and Osprey Court. Having A 20 FT SET BACK from the street ,where there is 35 ft. required.**

**If permitted, major potential adverse conditions and hazards will exist as follows.**

- A) To the environment and existing wild live. Many trees and bushes would have to be cut down..Thus damaging the habitat of many species of wild life in the area..
- B) Street parking can not and should not be permitted on a 20 ft wide street only. Emergency vehicles, trucks even passenger car can will not be able to pass trough freely or even not at all when 2 cars are parked at opposite.

Thank you in advance for your consideration in this case.

Sincerely,

*Lorenz F. Lochner*  
*Luz Lochner*

*Member of Osprey Point home owners association, Crystal Beach, FL. 34681*

## **STAFF CORRESPONDENCE**

**BOARD OF COUNTY  
COMMISSIONERS**

Charlie Justice  
Susan Latvala  
Janet C. Long  
John Morroni  
Norm Roche  
Karen Williams Seel  
Kenneth T. Welch



**Re: Case No. BA-12-11-13  
Sutherland Crossing Condo Assn, Inc., Applicant  
William J. Kimpton, Esq., Representative**

Dear Property Owner:

October 17, 2013

**THIS IS AN IMPORTANT NOTICE ABOUT UPCOMING PUBLIC HEARINGS REGARDING THE USE OF LAND.** It is being provided to you since you are either the owner or representative of the owner of the subject property, OR you own land in the vicinity of the subject property. **THE ACTIONS RESULTING FROM THESE HEARINGS MAY HAVE SIGNIFICANT IMPACT ON YOUR PROPERTY AND NEIGHBORHOOD.**

**PLEASE REVIEW THIS INFORMATION CAREFULLY!! IF YOU HAVE ANY QUESTIONS REGARDING THIS IMPORTANT MATTER, PLEASE CALL OUR OFFICE AT (727) 464-5047 OR VISIT US AT THE ADDRESS LISTED BELOW. WE WILL BE HAPPY TO PROVIDE YOU WITH AVAILABLE INFORMATION.**

**Case Description:** A variance to allow for the redevelopment of the subject site with 62 single family homes having 20 ft. front setbacks from the edge of pavement where 35 ft. setbacks from the edge of pavement are required in an RPD zoning district for the property containing approximately 35 acres located at the southern terminus of Seaview Drive, Crystal Beach.

**What this proposal means to you:** If approved, this proposal would allow 20 ft. front setbacks from the edge of pavement for the redevelopment of the site with single family homes.

Please be advised that the Pinellas County Board of Adjustment will hold a hearing regarding this matter on **November 7, 2013 at 9:00 A.M. Hearings are held in the County Commission Assembly Room located on the 5<sup>th</sup> floor of the County Court House located at 315 Court Street in Clearwater, Florida.** You are invited to attend this hearing and to express your views on this matter. Written correspondence may be directed to the Pinellas County Planning Department, Zoning Division located in the Development Review Services Department, 440 Court Street 4<sup>th</sup> fl, Clearwater, Florida 33756, or you may fax/email us at (727) 453-3256/ [zoning@pinellascounty.org](mailto:zoning@pinellascounty.org).

Failure by the applicant or an authorized representative of the applicant to appear at the scheduled public hearings may result in an automatic denial of the request.

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

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 S. FT HARRISON AVE., SUITE 500, CLEARWATER, FL 33756 (727) 464-4880 (VOICE) (727) 464-4062 (TDD).

PLEASE ADDRESS REPLY TO:

310 Court Street

Clearwater, Florida 33756

Phone: (727) 464-8200

Fax: (727) 464-8201

Website: [www.pinellascounty.org](http://www.pinellascounty.org)

Sincerely,

PINELLAS COUNTY STRATEGIC PLANNING & INITIATIVES DEPARTMENT



7008 0150 0001 5684 1378

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Total F	
Postmark Here	
Sent To	BA-12-11-13
Street, Apt. or PO Box	SUTHERLAND CROSSING CONDO ASSN
City, State	311 PARK BOULEVARD, #250
	CLEARWATER, FL 33759
PS Form 3800, August 2006	
See Reverse for Instructions	

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Restricted Delivery Fee (Endorsement Required)	
Total I	
Postmark Here	
Sent To	BA-12-11-13
Street, Apt. or PO Box	WILLIAM J. KIMPTON, ESQ.
City, State	605 PALM BOULEVARD, SUITE B
	DUNEDIN, FL 34698
PS Form 3800, August 2006	
See Reverse for Instructions	

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Pos	
Postmark Here	
Sent To	BA-12-11-13
Street, Apt. or PO Box	JOHN C. LANDON, P. E.
City, State	31622 US 19 NORTH
	PALM HARBOR, FL 34684
PS Form 3800, August 2006	
See Reverse for Instructions	



BA-12-11-13  
BELESIS, MIHAIL  
PO BOX 974  
CRYSTAL BEACH FL 34681-0974

BROWN, STUART R  
BROWN, WENDY J  
PO BOX 873  
CRYSTAL BEACH FL 34681-0873

BRUERD, DANIEL L  
BRUERD, JULIE M  
123 ORANGE ST S  
PALM HARBOR FL 34683-5232

CLEARWATER MARINE AQUARIUM INC  
249 WINDWARD PASSAGE  
CLEARWATER FL 33767-2244

CORACE, PAUL H  
CORACE, MARY E  
PO BOX 353  
CRYSTAL BEACH FL 34681-0353

DOSS, NABIL  
DOSS, SAMIA  
PO BOX 1040  
CRYSTAL BEACH FL 34681-1040

ERC HOMES LLC  
2738 FALKENBURG RD S  
RIVERVIEW FL 33578-2561

FISCHER, LOUISE F  
1455 WILLOW BROOK DR  
PALM HARBOR FL 34683-2140

FL INT IMP FUND TRE  
C/O DEPT NATURAL RESOURCES DOUGLAS  
BLDG 3900 COMMO  
NWEALTH BLVD  
TALLAHASSEE FL 32399-6575

FONG, HOE CO  
1802 WEATHERSTONE DR  
SAFETY HARBOR FL 34695-5516

FULLER, LOWELL D  
FULLER, LORI A  
PO BOX 1045  
CRYSTAL BEACH FL 34681-1045

HOE FONG CO  
1802 WEATHERSTONE DR  
SAFETY HARBOR FL 34695-5516

HOUSER, J BRADLEY  
HOUSER, CHRISTINE A  
PO BOX 555  
CRYSTAL BEACH FL 34681-0555

KOZIEL, NORA  
PO BOX 341  
CRYSTAL BEACH FL 34681-0341

LOCHNER, LORENZ F  
LOCHNER, LUZ C  
PO BOX 905  
CRYSTAL BEACH FL 34681-0905

LUCAS, ORSON BENJAMIN  
LUCAS, DONNA ROTH  
PO BOX 696  
CRYSTAL BEACH FL 34681-0696

MARTH, THOMAS  
MARTH, PAMELA  
PO BOX 375  
CRYSTAL BEACH FL 34681-0375

MC COY, CLAUDE M  
MC COY, ANGELA K  
PO BOX 1305  
CRYSTAL BEACH FL 34681-1305

MC DANIEL, MARGEE H  
301 ELDRIDGE ST  
CLEARWATER FL 33755-3804

MURPHY, JAMES D  
FELICETTI-MURPHY, ELIZABETH  
3505 SHORELINE CIR  
PALM HARBOR FL 34684-1727

MURPHY, JOSEPH  
MURPHY, SHARON  
PO BOX 638  
CRYSTAL BEACH FL 34681-0638

NOTHUM, J GLENN  
NOTHUM, DEBORAH A  
PO BOX 1065  
CRYSTAL BEACH FL 34681-1065

OSPREY POINT HOMEOWNERS INC  
PO BOX 938  
CRYSTAL BCH FL 34681-0938

PINELLAS COUNTY  
ATTN: GEN SERV / LAKE C

REILLY, KENNETH J  
REILLY, JILL A  
PO BOX 360  
CRYSTAL BEACH FL 34681-0360

RISTOFF, DAVID R  
RISTOFF, DARLA S  
PO BOX 849  
CRYSTAL BEACH FL 34681-0849

SCHNETZER, ASHLEY  
BROTHERLY, ANDREA L GDN  
2858 RAMPART CIR  
CLEARWATER FL 33761-1327

SKOLNICK, MARK  
SKOLNICK, TAMMY  
PO BOX 821  
CRYSTAL BEACH FL 34681-0821

SOSO-GRIMSHAW LIVING TRUST  
SOSO, STEVEN Z TRE  
PO BOX 338  
CRYSTAL BEACH FL 34681-0338

SPIKER, WAYNE O  
SPIKER, CHRISTINE S  
PO BOX 1154  
CRYSTAL BEACH FL 34681-1154

BA-12-11-13  
STORK, MICHAEL A  
STORK, SARAH A  
PO BOX 57  
CRYSTAL BEACH FL 34681-0057

SUTHERLAND CROSSING CONDO ASSN INC  
PO BOX 883  
CRYSTAL BEACH FL 34681-0883

TERRY, JAMES E  
TERRY, SUSAN M  
2356 CURLEW RD  
PALM HARBOR FL 34683-6828

TONKING, CORDELIA  
TONKING, STEVEN J  
184 SANCTUARY TRCE  
CRYSTAL BEACH FL 34681

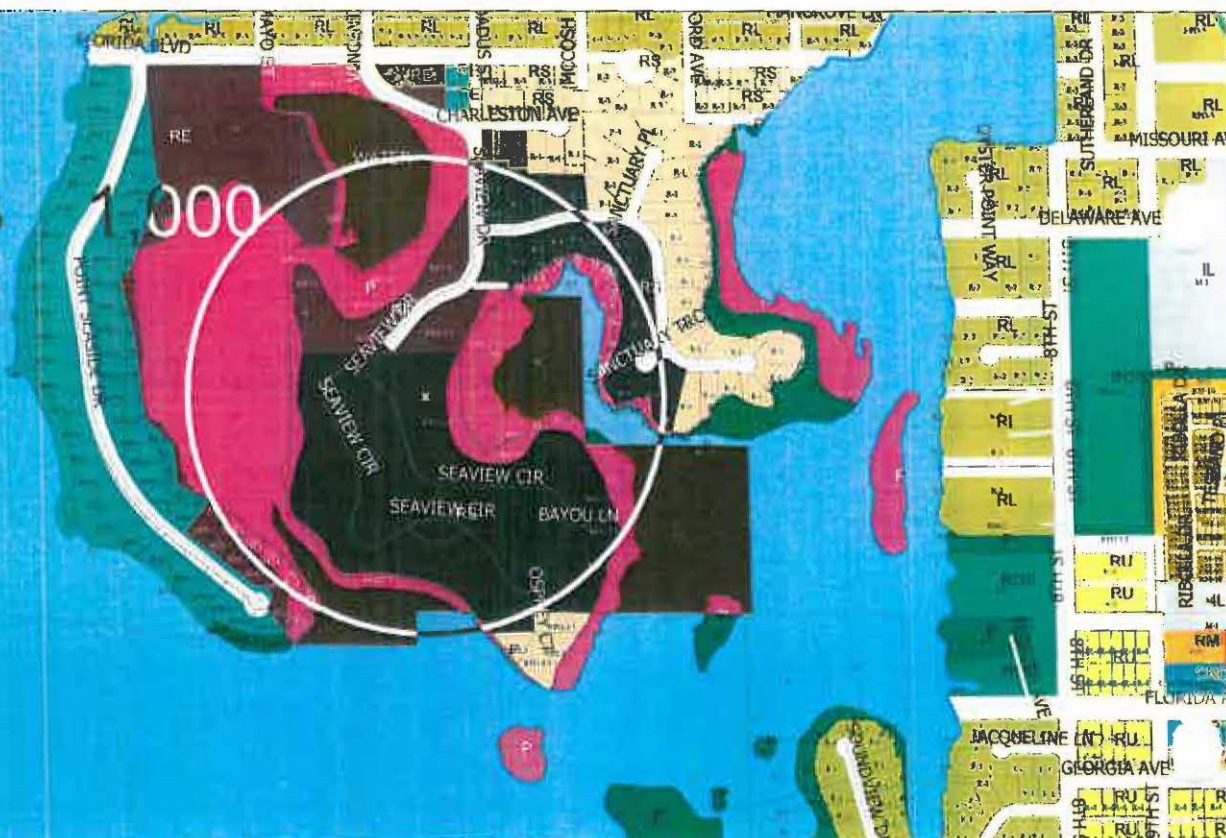
TREMBLAY, PETER  
TREMBLAY, DEBORAH M  
356 WESTWINDS DR  
PALM HARBOR FL 34683-1043

VANCE, TIMOTHY B  
VANCE, DIANE  
PO BOX 1193  
CRYSTAL BEACH FL 34681-1193

WATTS, WILLIAM J  
WATTS, RUTH A  
PO BOX 613  
CRYSTAL BEACH FL 34681-0613

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1,000



## APPLICATION AND EXHIBITS



Filing Deadline: \_\_\_\_\_

Filing Fees: \_\_\_\_\_

Variance: \_\_\_\_\_

Special Exception: \_\_\_\_\_

Date of hearing (if filed before above date): \_\_\_\_\_

## PINELLAS COUNTY BOARD OF ADJUSTMENT APPLICATION FOR PUBLIC HEARING

FILE # BA 12-11-13 PARCEL # 02-28-15-8855-000-0000

After the fact structure YES ☐ NO ☐ Bldg Sign Off: \_\_\_\_\_ Date: \_\_\_\_\_

Approved: Structure can/does meet code \_\_\_\_\_ Denied: Engineering/Improvements Req'd \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date Filed: \_\_\_\_\_

### NOTICE TO APPLICANT

This application, with all supplemental data and information, must be completed in ink or typewritten, in accordance with the attached information sheet, and in accordance with the specific instructions set forth in this application and returned to the Department of Building & Development Review Services, 440 Court Street, 3<sup>rd</sup> Floor, Clearwater, FL 33756, before the same can be processed. The time, place and date of all public hearings are available at the office of BDRS. **The applicant, or his authorized representative, must be present at any public hearing. Failure to appear shall be sufficient cause to deny the request, due to lack of evidence.** All applications must be signed by the present owner of the property.

- Owner: Sutherland Crossing Condominium Association, Inc., Trustee  
Mailing Address: 311 Park Place Boulevard, #250 City: Clearwater  
Street Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: FL Zip Code: 33759 Telephone No: (727) 510-0458  
Daytime Phone: \_\_\_\_\_ Fax No. \_\_\_\_\_ Email: mboutzoukas@becker-poliakoff.com
- Representatives Name: William J. Kimpton, Esq.  
Mailing Address: 605 Palm Boulevard, Suite B City: Dunedin  
State: FL Zip Code: 34698 Telephone No: (727) 733-7500  
Daytime Phone: \_\_\_\_\_ Fax No. (727) 733-7111 Email: bill@kimptonlaw.com

- 2A. If the owner is a corporation, partnership, or trust, list all persons (i.e. partners, corporate officers, all members of the trust) who are a part to such, as well as anyone who may have a beneficial interest in the property which would be affected by any ruling in their application  
Owner is Trustee of a terminated time share project known as Sutherland Crossings
- Specify interest held: \_\_\_\_\_
- 2B. Is there an existing contract for sale on subject property? Yes  
If so, list names of all parties to the contract including all partners, corporate officers, and members of any trust Marc Rutenberg
- Is contract conditional or absolute? Conditional
- 2C. Are there any options to purchase subject property? No  
If so, list names of all parties to option including all partners, corporate officers, and members of any trust?
3. Hearing requested to consider: A ☒ Variance or B ☐ Special Exception  
To allow the following: Replacement of the now defunct condominium development with a  
platted subdivision, with a 20' setback from edge of pavement of private street, in lieu of required  
25' setback.
4. Location of Subject Property: 962 Seaview Circle, Crystal Beach, Florida 34681  
(Street Address)
5. Legal Description of Subject Property:  
  
See Attached Exhibit "A"
6. Lot Size: 60' x 100'
7. Present Zoning Classification: RPD 2.5/RPD 1.0  
Present Land Use Plan Designation: Low density residential
8. Present structures and improvements on the property: Existing outdated wood frame structures  
and amenities will be demolished and replaced with current single family structures.
9. Proposed use of property will be: 62 single family residential homes with amenities

10. (I)(We) believe that the Board of Adjustment should grant this application because: (include grounds or reasons with respect to law and fact for granting the appeal, special exception or variance). For aid in filling out this section see the information sheet supplied to you with this form. If you are applying for a zoning variance or special exception, see Pinellas County Land Development Regulations, 138-113 (This section is very important since the applicant must demonstrate to the Board through a showing of substantial and competent evidence that relevant criteria has been met to warrant approval.)

Replacement of antiquated time share project undertaken in condominium format  
will be replaced by an identical number of residential structures, generally  
located in the identical configuration, and will apply County standards, with  
minor variances requested.

11. Has any previous application or appeal been filed in connection with this property within the last two years?

(Yes) ☐

(No) ☒

If so, briefly state the nature of the application or appeal?

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12. The following data and exhibits must be submitted with this application and they become a permanent part of the public records:

- (A) Plot plan, drawn to scale showing all existing and proposed structures, use of each, dimension, spacing between structures, setbacks from all property lines, property dimensions, abutting streets and other public easements, clearly delineated off-street parking spaces and North point. (Applications for variance from the minimum construction elevation will require submission of a survey indicating the existing elevation on the property and an interior layout of proposed or existing construction.) If the plan is larger than 11" X 17", twelve copies will be required. Plot plans not containing adequate information cannot be considered by the Board.
- (B) Excavation or filling. If excavation or filling of land is involved, applicant must comply with Article II, Div. 7 of the Pinellas County Land Development Regulations.
- (C) Signs. If the application is in regard to a sign, the size, location and elevation of the proposed sign must be shown. Also see Article VII, Div. 3 of the Pinellas County Land Development Regulations.
- (D) Adult Use Variance (see Ordinance 90-65).
- (E) Concurrency Variance of Appeal (see Ordinance 89-69. Subject to annual amendment of the Concurrency Test Statement).

13. Date Property Acquired: Contract pending

14. Does applicant own any property contiguous to the subject property? (Yes) ☐ (No) ☒  
If so, give complete legal description of contiguous property:

15. If this request is for a variance from the minimum lot/parcel area requirements, please answer the following questions?

- (A) Was this land obtained from anyone who owns land contiguous to this parcel? (Yes) ☐ (No) ☒
- (B) Is contiguous land available for acquisition, and if so, have you made a diligent effort to acquire additional land so as to meet the minimum lot size required by zoning? (Yes) ☐ (No) ☒

In seeking a minimum lot/parcel size variance, you will be required to demonstrate and document to the Board of Adjustment that your purchase of the lot/parcel did not create the non-conforming lot size and that you are unable to acquire additional land to meet the minimum area requirements.

16. Have you been notified of a violation from?

Pinellas County Building? No Violation Number N/A

Pinellas County Environmental Management? No Violation Number N/A

Other? No Violation Number N/A

If there is no violation, what prompted you to file this application?

Discussions with County staff and Buyer's professional representatives have determined that a residential platted subdivision, as opposed to a replacement condominium development, would provide for beneficial County involvement, including maximization of a water quality betterment plan, proper distance from rear yard jurisdictional areas, while keeping created residential lots at minimum RPD sizes.



## CERTIFICATION

I hereby certify that I am the owner and record title holder or trustee of the property described herein; that I have read and understand the contents of this application, and that this application, together with all supplemental data and information is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature appearing below. It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; that the burden is on the undersigned to provide substantial and competent evidence to show that relevant criteria is met prior to any approval being granted; and further that if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions, and rules and regulations pertaining to the use of the subject property.

I further understand that any misrepresentation of the facts contained herein may render action on this request by Pinellas County to be null and void.

The issuance of a Flood Variance to construct a structure below the base flood level will result in an increase in insurance coverage premiums as well as increase risk to life and property. This information is provided to insure your awareness of the potential cost factors involved prior to your investment of time and money. It is suggested you contact your insurance agent to determine the effects a variance to the flood elevation requirements might have on flood insurance premiums.



Signature of Owner or Trustee

\*(See note below)

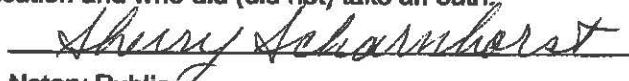
Date: 9/24/2013

STATE OF FLORIDA; COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 27th day of September,

20 13 by Ted Haines, as President who is known to me or has produced

drivers license as identification and who did (did not) take an oath.



Notary Public

(seal)

\*Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized to act on behalf of the corporation.



SHERRY SCHARNHORST  
My Commission Expires  
August 13, 2016  
St. Charles County  
Commission #12533161

BOARD OF ADJUSTMENT APPLICATION

FOR OFFICE USE ONLY

BA No. 12-13-13

Date of hearing: 11-7-13 Atlas Page Number: 75

Nature of hearing: VMA

General Description of hearing: APPRX <sup>35</sup> acres located

at the southern terminus of Seaview Dr,  
Crystal Beach

Hurricane Evacuation Zone: A

To Permit: A VARIANCE to allow for the redevelopment  
of the site having 20 FT. Front S/B'S  
from the edge of pavement where 35 FT. S/B'S  
from the edge of pavement are req. in an RPD

CHECK LIST

Zoning  
District

☐  
☐

All items on application completed unless not applicable (N/A)

Signature of current owner - notarized

If corporation - Sealed

If not the owner - a written notarized authorization from the owner is to be included in the application.

☐  
☐

Filing Fee

Plot Plan

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☐  
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☐  
☐

Scale on plan and North Point

Lot Dimensions

Setbacks

Street Names

Existing and proposed uses

Signs (size, location & elevation) if applicable

Off-street parking (if applicable)

Elevation survey for flood zone variance

Fills/Excavations (if applicable)

Engineered plans approved by Engineering & Environmental Management

HOA: Yes ☒ No ☐

Airport: Yes ☐ No ☒

Wellhead: Yes ☐ No ☒

Point Seaside + Seaside  
Sanctuary

**PURSUANT TO CONDOMINIUM BOOK 069, PAGE 100  
OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA**

**LEGAL DESCRIPTION**

**A PARCEL OF LAND BEING A REPLAY OF SEASIDE ASSEMBLY SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGES 31 AND 32 LYING IN THE NORTHWEST ¼ OF SECTION 2, TOWNSHIP 28 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE SOUTH 00°33'42" EAST, ALONG THE WEST LINE OF THE NORTHWEST ¼ OF SAID SECTION 2, FOR 360.07 FEET TO THE POINT OF BEGINNING; SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FLORIDA BOULEVARD, A 50.00 FOOT WIDE RIGHT-OF-WAY; THENCE SOUTH 89°36'57" EAST, ALONG SAID RIGHT-OF-WAY LINE FOR 770.34 FEET; THENCE SOUTH 00°01'17" EAST, FOR 190.00 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY 42.01 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 2025.00 FEET, A CENTRAL ANGLE OF 00°51'07" AND A CHORD AND CHORD BEARING OF 42.01 FEET, SOUTH 69°10'32" EAST TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY 206.45 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 69°34'49" AND A CHORD AND CHORD BEARING OF 193.99 FEET, SOUTH 34°48'42" EAST TO THE POINT OF TANGENCY; THENCE SOUTH 00°01'17" EAST, FOR 441.26 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY 137.41 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 180.00 FEET A CENTRAL ANGLE OF 43°44'19" AND A CHORD AND CHORD BEARING OF 134.10 FEET, SOUTH 21°50'52" WEST; THENCE SOUTH 00°01'17" EAST, FOR 10.88 FEET; THENCE SOUTH 89°36'25" EAST, FOR 150.00 FEET; THENCE SOUTH 00°33'00" EAST, FOR 25.00 FEET; THENCE SOUTH 54°37'43" WEST, FOR 79.44 FEET; THENCE SOUTH 41°54'22" WEST, FOR 177.75 FEET; THENCE SOUTH 12°44'33" WEST, FOR 128.54 FEET; THENCE SOUTH 02°37'16" EAST, FOR 181.85 FEET; THENCE NORTH 48°45'00" WEST, FOR 440.66 FEET; THENCE NORTH 43°45'00" WEST, FOR 255.00 FEET; THENCE NORTH 08°56'13" EAST, FOR 146.34 FEET; THENCE SOUTH 55°19'23" EAST, FOR 83.66 FEET; THENCE NORTH 64°09'02" EAST, FOR 100.00 FEET; THENCE NORTH 59°43'23" EAST, FOR 100.00 FEET; THENCE NORTH 49°58'59" EAST, FOR 85.00 FEET; THENCE NORTH 26°41'39" EAST, FOR 62.37 FEET; THENCE NORTH 07°32'46" EAST, FOR 24.21 FEET; THENCE NORTH 100°31'43" EAST, FOR 112.09 FEET; THENCE NORTH 02°00'23" EAST, FOR 120.12 FEET; THENCE NORTH 33°07'39" WEST, FOR 182.63 FEET; THENCE NORTH 86°29'52" WEST, FOR 118.53 FEET; THENCE NORTH 75°10'16" WEST, FOR 170.49 FEET; THENCE SOUTH 87°37'42" WEST, FOR 340.72 FEET; THENCE NORTH 00°33'42" WEST, FOR 130.00 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 11.47 ACRES MORE OR LESS.**

**EXHIBIT A**

PURSUANT TO CONDOMINIUM BOOK 069, PAGE 099  
OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

LEGAL DESCRIPTION

A TRACT OF LAND IN THE WEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 28 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR THE POINT OF BEGINNING, COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, THENCE NORTH 89°35'53" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 484.72 FEET TO THE MEAN HIGH WATER LINE BEING ELEVATION 1.21 FEET (USC&GS DATUM, 1929) AS SURVEYED JULY 23, 1974, ALSO BEING THE BOUNDARY OF SUBMERGED LANDS RECORDED AND CONVEYED AS PARCEL "B"; THENCE ALONG SAID MEAN HIGH WATER LINE TEN (10) CALLS: NORTH 43°38'14" WEST, 64.35 FEET; NORTH 58°35'21" WEST, 116.29 FEET; NORTH 76°05'06" WEST, 98.48 FEET; NORTH 78°43'40" WEST, 115.00 FEET; NORTH 89°59'41" WEST, 102.02 FEET; SOUTH 87°03'26" WEST, 114.08 FEET; NORTH 28°34'31" WEST, 149.42 FEET; NORTH 43°43'05" WEST, 193.00 FEET; NORTH 06°21'06" WEST, 93.95 FEET; NORTH 06°05'27" WEST, 107.02 FEET, TO A POINT OF INTERSECTION WITH PARCEL "B-1" OF PINELLAS COUNTY'S DESCRIPTION OF LANDS ZONED "AQUATIC LANDS", THENCE RUNNING LANDWARD OF PARCEL "B" SEVEN (7) CALLS ALONG SAID LINE OF PARCEL "B-1": NORTH 28°00'13" EAST, 84.18 FEET; NORTH 520.00 FEET; EAST 120.00 FEET; NORTH 120.00 FEET; WEST 120.00 FEET; NORTH 115.00 FEET; NORTH 14°55'53" EAST, 77.62 FEET; THENCE LEAVING PARCEL "B-1" NORTH 87°27'36" EAST, A DISTANCE OF 156.69 FEET, TO A POINT ON THE APPROXIMATE TOP OF BANK OF A LAKE; THENCE SOUTH 39°37'47" EAST ALONG SAID TOP OF BANK, A DISTANCE OF 91.41 FEET; THENCE SOUTH 08°56'13" WEST, A DISTANCE OF 146.34 FEET; THENCE SOUTH 43°45'00" EAST, A DISTANCE OF 255.00 FEET; THENCE SOUTH 48°45'00" EAST, A DISTANCE OF 440.66 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF A BAYOU, ALSO BEING THE BOUNDARY OF SUBMERGED LANDS RECORDED AND CONVEYED AS PARCEL "D", SAID LINE BEING THE LIMITS OF SUTHERLAND BAY (TIDAL FLATS) AS SURVEYED JULY 23, 1974, WHICH MEAN HIGH WATER (MHW) LINE BEING ELEVATION 1.21 FEET (USC&GS DATUM, 1929) AS RECORDED IN SAID PARCEL "D", THENCE ALONG SAID MHW LINE FOUR (4) CALLS: SOUTH 02°37'16" EAST, 25.51 FEET; SOUTH 33°44'21" EAST, 170.39 FEET; NORTH 62°36'14" EAST, 292.76 FEET; NORTH 84°56'24" EAST, 157.56 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, THENCE ALONG SAID EAST LINE SOUTH 00°30'31" EAST, A DISTANCE OF 824.09 FEET TO THE POINT OF BEGINNING.

MR

EXHIBIT A



# Development Review Services

440 Court Street, Clearwater, FL 33756 727 464-3888

RECEIPT NUMBER: 161403 DATE: 10/01/2013 TIME: 12:37 PM BY: LAK

Rec From: WILLIAM KIMPTON PA

The Amount of: \$375.00

Payment Method	Description	Amount
check	3049	375.00

Permit #: BA13-00094 VAR

Description	Paid
Variance	375.00

## GRAPHICS

Submitted for review and consideration:

To Pinellas County Planning Board, 310 Court Street, Clearwater, Fl. 33756

From: Mr. & Mrs. L. Lochner  
990 Osprey Court  
Crystal Beach, Fl. 34681

*Prop Line of Condo. has.*

As developer of Osprey Point, I am willing to inform you that we will receive our water from Sutherland Crossing water lines and will compensate them at the same rates in which they are charged by the Pinellas County Water system.

Sincerely,

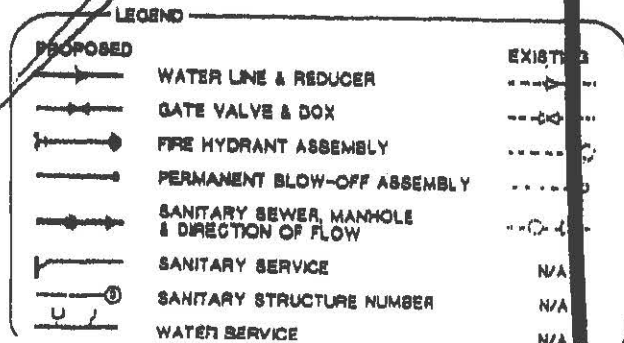
*Robert M. Schwartz*  
ROBERT M. SCHWARTZ  
President  
Schwartz Construction, Inc.

As legal representative of Sutherland Crossing Condominium Association, I agree to the above application for Osprey Point.

SEAVIEW CIRCLE 20 FT W.

*Osprey Ct.  
A 20 FT wide  
90 FT deep*

*Bayonet Lane  
B 60 FT deep  
20 FT wide*



Re.: Variance of 62 one fam. homes having 20 ft. set back where is a 35 ft. set back required on an EXISTING 20 ft wide street. If permitted major adverse condition will exist.  
1) Invieregmental: many trees will ave to be cut down. Thus damadging the habitate of the existing wild live...



SCALE 1 : 9,684



BA 12-11-13





SCALE 1 : 9,684



BA 12-11-13



10.04.2013 13:33



10.04.2013 13:30

E S







Pinalas County Planning Department

# NOTICE OF PROPOSED Land Use Action

FOR INFORMATION CALL

**(727) 464-5047**

EMAIL: [zoning@pinalascounty.org](mailto:zoning@pinalascounty.org)



10/04/2013 13:30





Development Review Services  
440 Court Street  
Clearwater, FL 33756

June 26, 2015

Turtle Beach Land Company, LLC  
Attn: Andrew Irick  
2611 Keystone Road, Suite B-4  
Tarpon Springs, FL 34688

Re: Turtle Beach (a.k.a. Sutherland Crossing)  
Site Plan 1858.10 – Sidewalk Waiver Request

Dear Mr. Irick :

The County is in receipt of your sidewalk waiver request via letter of June 18, 2015, which requests eliminating the sidewalk requirement from the "private road that is named Seaview Circle, and to certain "non lot" areas along the public roads named Seaview Drive and Florida Boulevard." According to your request, those units fronting on to public roads (specifically the 19 units, numbered 37 through 55, would be constructed with a sidewalk per County specifications. The justification provide in the letter speaks to the hardship created by the "extraordinary number of trees, and the unusual topo, on both sides of the Turtle Beach private road...Seaview Circle."

Land Development Code

The Pinellas County Land Development specifically Section 138-645 (e) (6) states, "*Sidewalks shall be required on both sides of all streets and roads where such streets and roads are adjacent to residential uses or recreational uses, and shall be required at all other locations where pedestrian and vehicular traffic may conflict. When determined unnecessary or impractical to accomplish, these requirements may be waived by the county administrator. Request for such waivers shall be submitted in writing to the zoning division.*"

As a matter of clarification, the sidewalk requirements apply to those properties within the project area. Consequently, the project as proposed has met the sidewalk requirement for the units fronting on to public streets; as a result, review of the waiver request will focus on the portion of the project area with a private street, i.e. Seaview Circle.



### Analysis and Discussion

The current sidewalk design provides public access throughout the public street portions of the project area, thereby meeting the intent of the code for accommodating pedestrians, bicyclist, etc. and providing an opportunity to recreate or visit neighboring properties in a safe and accessible manner. The private portion of the project area, although not providing sidewalk front each individual unit, provides sidewalk connections to common areas of the project, on previously developed portions of the site that had limited or no sidewalks.

Historically, the broader community was planned and constructed without the benefit of sidewalks. Previous development of this subdivision, as approved in the 1982 master plan, did not incorporate the use of sidewalks. As newer developments have come into the areas sidewalks have been required, thus creating a varied character throughout the general vicinity, as noted on Sanctuary Drive and Broadus Street.

### Determination

Development Review Services, i.e. zoning division, has reviewed the technical merits of the waiver request along with the history of the project site and the general character of the surrounding area. It has been determined that the sidewalk requirement for the private road portions of the project, specifically units 1-36, 56-62, that front on to Seaview Circle are unnecessary and therefore as the designee of the County Administrator for site plan review, the waiver request has been granted. Furthermore, the sidewalks provided on the public portions of the project and throughout the common areas of the private portions of the site plan meet all applicable safety standards.

Should you have any questions or wish to discuss this matter further, please feel free to me at 727-464-6053 or [blyon@pinellascounty.org](mailto:blyon@pinellascounty.org).

Regards,

A handwritten signature in blue ink, appearing to read 'Blake Lyon', is written over the printed name.

Blake Lyon  
Development Review Services Director

**BOARD OF COUNTY  
COMMISSIONERS**

Dave Eggers  
Pat Gerard  
Charlie Justice  
Janet C. Long  
John Morroni  
Karen Williams Seel  
Kenneth T. Welch



July 6, 2015

LMA  
31622 US Hwy 19 North  
Palm Harbor, FL 34684

Dear Sir:

RE: Sutherland Crossing/Turtle Beach  
SP# 1858.10 4<sup>th</sup> Revised Final Site Plan  
Parcel ID#: 2-28-15-88555-000-0000 & 0001  
Plan Distribution Date: 6-29-15

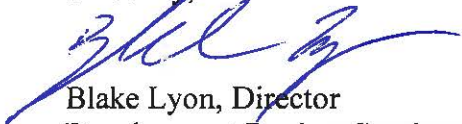
The above referenced site plan was approved by the County Administrator on July 6, 2015. Your next step is to submit ( 4 ) sealed copies of this Final Administratively approved plan to Development Review Services Department and ( 4 ) sealed copies submitted directly to Sandra McDonald, PC Engineering & Technical Support at 14 S. Ft. Harrison for site inspection purposes. Building construction drawings must be presented to the Building Department for their review and approval. This letter must be presented at the time you request any further County permits. A Habitat Management permit must be obtained before site construction can commence.

Please review the attached staff reports, since they may outline additional requirements or steps to be taken regarding this plan.

If construction of this project has not commenced within 180 days of the date of this letter, this approval will become void and a new site plan submittal will be required incorporating all requirements current at the time of resubmittal.

Please feel free to call my office at (727) 464-3888 should you have any questions.

Sincerely,



Blake Lyon, Director  
Development Review Services

BL/jm  
Enclosures

Pinellas County  
Development Review Services  
440 Court St.  
Clearwater, FL 33756  
Main Office: (727) 464-3888  
V/TDD: (727) 464-4062

[www.pinellascounty.org](http://www.pinellascounty.org)



TO: Mark Woodard, County Administrator

FROM: Blake Lyon, DRS Director

SUBJECT: Sutherland Crossing/Turtle Beach  
SP# 1858.10 4<sup>th</sup> Revised Final Site Plan  
Parcel ID#: 2-28-15-88555-000-0000 & 0001  
Plan Distribution Date: 6-29-15

DATE: July 6, 2015

RECOMMENDATION: Recommend Approval

LEGAL DESCRIPTION: Sutherland Crossing Condo lying in Section 2, Township 28S, Range 15E

The above referenced site plan has been processed through the Pinellas County site plan review system to include the following departments: Utilities Department, Planning Department, Building Department, and Development Review Services Department, and has been found to be in compliance with Pinellas County regulations.

Description: This site consists of 34 acres located on the southern portion within the Crystal Beach Development. This plan proposes the redevelopment of an existing timeshare development to include the construction of 62 single-family dwellings to be recorded as a land condominium plat. The Board of Adjustment conditionally approved setback variances throughout the entire development (BA-12-11-13). Those problems cited by the Building and Development Review Services Department have been resolved and final site plan approval is recommended. However, the Certificate of Occupancy cannot be issued until the Environmental and Engineering conditions have been satisfied. This site is zoned RPD-2.5/1.0 and identified by the Comprehensive Land Use Plan as Residential Suburban, Residential Estate, and Preservation.

The applicant received preliminary/direct final site plan review for this project on November 29, 2013 and now submits this plan for final site approval. Due to Commission action of January 26, 1974, all final site plans will be approved administratively by the Pinellas County Administrator.

#### FINAL SITE PLAN

Approved JUL 06 2015

By 

BL/jm

LMA  
31622 US Hwy 19 North  
Palm Harbor, FL 34684





Development Review Services  
440 Court Street  
Clearwater, FL 33756

July 6, 2015

The Final Administrative Approval (FAA), for the Revised Final Site Plan dated June 29, 2015, with Sheet 3 being revised on July 2, 2015 has been conditionally approved by the County. As mentioned in the previous letter, this staff report outlines additional requirements or steps to be taken regarding this plan. These items must be addressed in the manner and time indicated on the approved site plan or as stated in this letter.

### **Engineering**

1. The multiphase construction schedule necessitates a subsequent review of final lot grading and drainage for each property or cluster of properties to be constructed upon prior to obtaining a building permit. Included in the review, but not limited to, shall be details of proposed roof drainage, swale details, and site grading.

### **Environmental**

The requested note to the homeowner has been added to only Sheet 4, which reflects a small portion of the lots overall. For the CFAA plan submittal, please include the note on Sheets 3 through 9 to ensure that all sheets addressing all lots contain this note alerting future homeowners of development conditions required at the time of lot construction.

### **Habitat Protection and Preservation:**

1. The County will review and process the habitat permits as submitted per phase. Please provide all required information with each submittal.

### **Protected Species:**

2. Habitat permits will not be issued for **any** site work without FWC documentation (including demolition) ensuring that all FWC permit requirements have been met (ie. on-site or off-site relocation work completed). This has been noted in the applicant's June 29, 2015 response memo.



### Conservation Easement:

3. The "Conservation Easement" delineation and "Conservation Easement Note" must be included on the recorded legal separate instrument used in the conveyance of this easement. The limits of the wetland and upland buffer must be clearly delineated with survey points, bearings and distances. Conveyance of the "Conservation Easement" must be made to Pinellas County prior to this Department's recommendation for release of any Certificate of Occupancy associated with this project.

### **Utilities**

1. The extended lateral serving Lot 41 should not encroach upon the conservation area.
2. New meters will be furnished and installed by Pinellas County at the developer's expense.
3. The proposed lateral for Lot 59 is missing a leader line and note.
4. It has not yet been determined who will install the sewer laterals (County or developer). If the developer performs this work, construction plan approval will be required (four sets of construction plans required). If Pinellas County does the work, two sets of plans will be required.

**BOARD OF COUNTY  
COMMISSIONERS**

Dave Eggers

Pat Gerard

Charlie Justice

Janet C. Long

John Morroni

Karen Williams Seel

Kenneth T. Welch



July 22, 2015

LMA

31622 US Hwy 19 North

Palm Harbor, FL 34684

RE: Sutherland Crossing/Turtle Beach  
SP# 1858.10 4<sup>th</sup> Revised Final Site Plan  
Parcel ID#: 2-28-15-88555-000-0000 & 0001

Dear Sir:

It has come to the County's attention, through additional archive research associated with the aforementioned site plan approval, that Revised Final Site Plan issued on July 6, 2015 contains several matters that are inconsistent with County's codes. Consequently, the County is rescinding the Site Plan approval until these matters can be adequately addressed pending demonstrating full compliance with the County's applicable codes, ordinances, and regulations.

As submitted, the current site plan references 62 units; however, it appears based on additional research of the original Point Seaside RPD Land Use Plan and associated project approvals that only 61 units remain available for the proposed Turtle Beach project site plan.

County records indicate the 145.1 acre project area was comprised of 74.4 acres of aquatic lands (which afford no density), while the remaining 70.7 acres are zoned with a combination of RPD-1.0 and RPD-2.5, ultimately yielding up to 113 units. However, the Point Seaside development plan that was approved was limited to 110 units. In 1981, the County issued a site plan approval for Point Seaside included phases 1, 2, and 3. This site plan was comprised of 62 single family lots, 49 lots along Point Seaside Drive, nine lots along the west side of Seaview Drive, and four lots along the east side of Seaview Drive. Phase 4, also known as Sutherland Crossing, was approved in 1983 as a 48 unit condominium project.

Pinellas County  
Development Review Services  
440 Court St.  
Clearwater, FL 33756  
Main Office: (727) 464-3888  
V/TDD: (727) 464-4062

[www.pinellascounty.org](http://www.pinellascounty.org)



The Turtle Beach site plan calls for redevelopment of Seaside Drive (13 units) and the former Sutherland Crossing project (48 units), not include the Point Seaside units; thus, the total unit count available for this project is 61 units.

In addition to the lot count discrepancy and corresponding need for a site plan re-configuration, the County would like to discuss any other potential implications this might have on the site plan. Please feel free to contact me, 727-464-6053 or [blyon@pinellascounty.org](mailto:blyon@pinellascounty.org) at your earliest convenience so we can discuss this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Blake Lyon", with a stylized flourish extending to the right.

Blake Lyon, Director  
Development Review Services

cc: Andrew Irick (via email)  
Mark Rutenberg (via email)

**BOARD OF COUNTY  
COMMISSIONERS**

Dave Eggers  
Pat Gerard  
Charlie Justice  
Janet C. Long  
John Morroni  
Karen Williams Seel  
Kenneth T. Welch



July 24, 2015

LMA  
31622 US Hwy 19 North  
Palm Harbor, FL 34684

Dear Sir:

RE: Sutherland Crossing/Turtle Beach  
SP# 1858.10 4<sup>th</sup> Revised Final Site Plan  
Parcel ID#: 2-28-15-88555-000-0000 & 0001  
Plan Distribution Date: 7.24.15

The above referenced site plan was approved by the County Administrator on July 24, 2015. Your next step is to submit ( 4 ) sealed copies of this Final Administratively approved plan to Development Review Services Department and ( 4 ) sealed copies submitted directly to Sandra McDonald, PC Engineering & Technical Support at 14 S. Ft. Harrison for site inspection purposes. Building construction drawings must be presented to the Building Department for their review and approval. This letter must be presented at the time you request any further County permits. A Habitat Management permit must be obtained before site construction can commence.

Please review the attached staff reports, since they may outline additional requirements or steps to be taken regarding this plan.

If construction of this project has not commenced within 180 days of the date of this letter, this approval will become void and a new site plan submittal will be required incorporating all requirements current at the time of resubmittal.

Please feel free to call my office at (727) 464-3888 should you have any questions.

Sincerely,

  
Blake Lyon, Director  
Development Review Services

BL/jm  
Enclosures

Pinellas County  
Development Review Services  
440 Court St.  
Clearwater, FL 33756  
Main Office: (727) 464-3888  
V/TDD: (727) 464-4062







Development Review Services  
440 Court Street  
Clearwater, FL 33756

July 24, 2015

The Final Administrative Approval (FAA), for the Revised Final Site Plan dated July 24, 2015 (with plan sheets dated June 29, 2015 and July 23, 2015), has been conditionally approved by the County. As mentioned in the previous letter, this staff report outlines additional requirements or steps to be taken regarding this plan. These items must be addressed in the manner and time indicated on the approved site plan or as stated in this letter.

### **Engineering**

1. The multiphase construction schedule necessitates a subsequent review of final lot grading and drainage for each property or cluster of properties to be constructed upon prior to obtaining a building permit. Included in the review, but not limited to, shall be details of proposed roof drainage, swale details, and site grading.

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### Conservation Easement:

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**THE PINELLAS COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**IN RE:**

**Appeal of Site Plan #1858.11**

**June Barwick,**

**Appellant.**

---

**NOTICE OF PRE-HEARING CONFERENCE**

This cause coming on to be heard upon request for a formal hearing by the Appellant, notice is hereby given:

THAT the Appellant, or her authorized representatives, and the staff of Pinellas County, shall appear before the County Attorney, or his designee, for a pre-hearing conference on Monday, November 16, 2015, at 2:00 p.m. The pre-hearing conference shall be at the Pinellas County Planning Department, 310 Court Street, Large Conference Room, Clearwater, Florida, to consider all matters suggested therein, and to simplify the issues and expedite the hearing of this appeal set for Tuesday, December 15, 2015, at 6:00 p.m.

THE parties shall be familiar with the evidence and have full authority to make disclosure of facts, to admit and stipulate any undisputed facts and to waive technical requirements concerning the admission of evidence. No motions shall be heard at said pre-hearing conference.

EACH party shall furnish the following items in writing to the County Attorney, to-wit:

- a. A list of documentary evidence and exhibits that will be offered during the hearing and brief statement explaining their purpose;
- b. A list of all possible witnesses, which shall include the witnesses' first name, middle initial, last name and present home address, business address, home and business phones, and a brief summary of the substance of each witness' proposed testimony.
- c. The Parties must bring copies of any documents or exhibits they intend to use at the hearing, to be placed in the record for the hearing.


FAILURE to comply with the terms of this Notice may result in the Pre-Hearing Conference being continued and/or the non-complying Party's witnesses and/or exhibits being disallowed or such other relief as the Board of County Commissioners may determine.

FAILURE to appear at the scheduled pre-hearing conference shall constitute grounds for the Pinellas County Board of County Commissioners to find that the Appellant has voluntarily withdrawn the appeal.

ORDERED this 26<sup>th</sup> day of October, 2015, in Pinellas County, Florida.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Notice has been furnished by regular U.S. Mail and email to Appellant, June Barwick, P.O. Box 521, Crystal Beach, Florida 34681, and Joel R. Tew, Esquire, Attorney for the Site Plan #1858.11 Applicant, Turtle Beach Land Company, LLC, a Florida limited liability company, on this 26<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
James L. Bennett  
County Attorney  
County Attorney's Office  
315 Court Street, 6<sup>th</sup> Floor  
Clearwater, FL 33756  
(727) 464-3354

cc: Mark S. Woodard, County Administrator  
Jacob Stowers, Assistant County Administrator  
Blake G. Lyon, Director, Department of Development Review Services



**TEW & ASSOCIATES  
ATTORNEYS AT LAW**

**JOEL R. TEW, ESQUIRE**

**THE OAKS OF PALM HARBOR FINANCIAL CENTER  
2999 PALM HARBOR BOULEVARD, SUITE A  
PALM HARBOR, FLORIDA 34683**

**TELEPHONE:  
(727) 216-8575**

**LEGAL ASSISTANTS:  
CINDY R. TEW**

**LEGAL ADMINISTRATOR:  
LINDA B. SCHUMACHER**

**Email: [jtew@tewlaw.com](mailto:jtew@tewlaw.com)**

**November 2, 2015**

**James L. Bennett  
County Attorney  
Pinellas County  
315 Court Street, 6<sup>th</sup> Floor  
Clearwater, FL 33756**

**Re: Turtle Beach Site Plan # 1858.11/Barwick Appeal Notice**

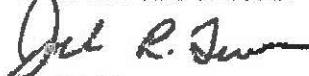
**Dear Mr. Bennett:**

I represent Turtle Beach Land Company, LLC, the property owner and applicant for the above-referenced approved site plan. In response to your Notice of Pre-Hearing Conference dated October 26, 2015, and with respect to the pending appeal referenced above, please accept this letter as a formal request/demand for intervention by Turtle Beach Land Company, LLC, as a primary interested-affected party, inasmuch as Turtle Beach Land Company, LLC, has a primary vested interest in this matter as the land owner and the applicant/developer for the project that is affected by the approved site plan.

We would request such intervention to include the right to attend and participate in both the pre-hearing conference scheduled for November 16, 2015, and the BOCC hearing scheduled for December 15, 2015, in this matter.

**Very truly yours,**

**TEW & ASSOCIATES**



**Joel R. Tew**

**Counsel for Turtle Beach Land Company, LLC**

**JRT/lbg**

**pc: Mr. Marc Rutenberg  
Mr. John Landon, P.E.**

**BOARD OF COUNTY  
COMMISSIONERS**

Dave Eggers  
Pat Gerard  
Charlie Justice  
Janet C. Long  
John Marron  
Karen Williams Seel  
Kenneth T. Welch



**James L. Bennett**  
County Attorney

November 3, 2015

Joel R. Tew, Esquire  
Tew & Associates  
2999 Palm Harbor Boulevard, Suite A  
Palm Harbor, FL 34683

**RE: Turtle Beach Site Plan #1858.11/Barwick Appeal**

This is, Mr. Tew, to acknowledge your letter dated November 2, 2015, seeking intervention in both the pre-hearing conference scheduled for November 16, 2015, and the Board of County Commissioners hearing scheduled for December 15, 2015, all in regard to the above-captioned matter.

Your letter is timely filed and your request is hereby approved by me as counsel to the Board of County Commissioners in this matter.

Sincerely,

**James L. Bennett**  
County Attorney

JLB:sme

cc: June Barwick  
Blake G. Lyon, Director, Development Review Services  
David S. Sadowsky, Sr. Asst. County Attorney  
Jacob Stowers, Assistant County Administrator  
Mark S. Woodard, County Administrator

E:\USER\PAITK206\W\DOCS\J.L.B.\Signatures\Turtle Creek\Responses\110315.Done

PLEASE ADDRESS REPLY TO:

315 Court Street  
Clearwater, Florida 33756  
Phone: (727) 464-3334  
FAX: (727) 464-4147  
TDD: (727) 464-4431  
Website: [www.pinellascounty.org](http://www.pinellascounty.org)



**THE PINELLAS COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**In Re:**

**Appeal of Site Plan #1858.11**

**June Barwick,**

**Appellant**

---

**PRE-HEARING CONFERENCE STATEMENT**

On November 16, 2015, the following Parties to this cause, or their authorized representatives, appeared before the County Attorney's designee at a pre-hearing conference and the following action was taken:

<b>Parties:</b>	<b>Appellant –</b>	<b>June Barwick</b>
	<b>Appellee –</b>	<b>Blake G. Lyon, Director, Development Review Services David Sadowsky, Sr. Assistant County Attorney Jake Stowers, Assistant County Administrator</b>
	<b>Intervenor –</b>	<b>Turtle Beach Land Company, LLC Joel R. Tew (Attorney)</b>

**1. Statement of Case: This is an appeal of Turtle Beach Site Plan #1858.11**

This appeal was filed by June Barwick via letter dated October 20, 2015 (copy attached as Exhibit 1), and addressed to Mark Woodard, the County Administrator. Ms. Barwick raised several issues in her appeal, which are summarized in paragraphs 1 through 4 in her letter. Since this is an appeal, Mr. Tew stated his position at the pre-hearing conference that testimony at the quasi-judicial hearing before the Board of County Commissioners (BCC) should be limited to those matters raised in Exhibit 1 in order to protect the due process rights on his client.

**2. Issues to be Resolved:**

- a. Whether the exemption from the provisions of Sections 166-50 and 166-51, Pinellas County Land Development Code (PCLDC) provided for in Section 166-46 is applicable to Site Plan #1858.11 (hereinafter referenced as the Site Plan). In reviewing the Site Plan, Pinellas County (County) applied the exemption provided for in Section 166-46, PCLDC. Ms. Barwick takes the position that the exemption is not applicable. Mr. Tew, representing the Intervenor/Property Owner, takes the position that the exemption does apply. Mr. Tew further takes the position that, notwithstanding the exemption, the Site Plan complies with the requirements that were waived, specifically the requirements of Sections 166-50 and 166-51, PCLDC.
- b. Whether the BCC has jurisdiction to hear an appeal to Variance BA 12-11-13, which was approved by the Board of Adjustment (BOA) following a public hearing held on

November 7, 2013. The BOA's decision was rendered via letter dated December 9, 2013. Ms. Barwick's position is set forth in paragraph #2 in Exhibit 1. The County takes the position that the BCC has no jurisdiction in this matter and that any remedy Ms. Barwick has regarding that decision is governed by Sections 138-120 or 138-122, PCLDC. Similarly, Mr. Tew maintains that the BCC is wholly without jurisdiction to hear any such appeal due to the jurisdictional limit set forth in Section 138-120, PCLDC.

- c. Whether the BCC has any authority to compel an applicant for site plan approval to comply with the State of Florida's regulatory requirements, including applying for and receiving applicable permits, if any. Ms. Barwick's complaint in this regard is set forth in paragraph #4 in Exhibit 1. At the pre-hearing conference, she confirmed that she has raised her concerns with the State of Florida. The County takes the position that it has no jurisdiction to enforce State regulatory requirements. Mr. Tew concurs with the County's position, as set forth herein, and also noted there is nothing in the PCLDC that requires issuance of any applicable State permits as a prerequisite to County approval of a site plan. He further objects to this issue being raised in the appeal due to the potential prejudicial impact it could have on his client during the quasi-judicial proceeding before the BCC.
- d. Whether the sidewalk waiver issued pursuant to Section 138-645(e)(6) was appropriately issued. See paragraph #5 below for stipulated facts pertinent to this issue. Ms. Barwick's position is that the waiver constitutes a public safety concern. The County disagrees with this position, particularly since the waiver only applies to the private roads, which are located beyond the gated entry to the Turtle Beach community. Mr. Tew agrees with the County's position and further, questions whether the BCC has jurisdiction to hear this specific issue.

3. **Documentary Evidence and Exhibits:**

At the pre-hearing conference, the Parties each submitted documentary evidence into the record and were given until 9:00 a.m., November 19, 2015, to submit additional documentary evidence in to the record. Updated evidence was provided by the deadline given. The Parties have worked cooperatively to ensure copies of the respective submittals are available to each Party.

4. **List of Witnesses and Summary of Testimony:**

The County provided a revised list of documentary evidence and exhibits, as well as all possible witnesses before the time frame set forth in paragraph 3, which is attached as Exhibit 2. Exhibit 2 provides a brief summary of each witness' anticipated testimony. Mr. Tew provided a list of documentary evidence and witnesses with an indication as to the subject matter to which each witness will testify, which is attached as Exhibit 3. Ms. Barwick provided a compilation of potential witnesses, including the subject matter to which each witness will testify. A supplemental filing included an updated list of documentary evidence submitted, which includes a list of witnesses with an indication as to the subject matter to which each witness will testify. This supplemental filing was received within the time frame set forth in paragraph 3 and is attached as Exhibit 4.

5. **Stipulated Issues and Pertinent Facts:**

The sidewalk requirement was waived only in regard to the private roads, which are located beyond the gated entry to the Turtle Beach community. Sidewalks will be required along the public roads which lead to this gated entry, as well as in various locations beyond the gated entry, primarily in and around the common areas.




6. The Parties' attention is drawn to Section 134-14, PCLDC, which pertains to quasi-judicial proceedings before the BCC. To clarify the procedure set forth therein, the following order of presentation and time limits will apply to the quasi-judicial proceeding before the BCC:

- a. County staff – 20 minutes
- b. Appellant – 20 minutes
- c. Intervenor – 20 minutes

"Affected Party," as that term is used in Section 134-14, PCLDC, shall include Ms. Barwick, County staff and Turtle Beach Land Company, LLC, as represented by Mr. Tew. Any Party who wishes to file a motion regarding any legal issues raised herein may do so no later than December 8, 2015. Such motions will be heard and disposed of prior to the presentation of any evidence or testimony.

7. The Parties have five (5) business days from receipt of this Pre-Hearing Conference Statement to file with the County Attorney exceptions to the statement, specifically, until 5:00 p.m., November 30, 2015.
8. Any documents or witnesses not disclosed herein will only be considered by the BCC upon a showing of good cause and a lack of unfair prejudice and surprise.
9. The Appeal Hearing is currently scheduled for Tuesday, December 15, 2015, after the regular meeting of the Board of County Commissioners, to be held in the Assembly Room, 5<sup>th</sup> Floor, 315 Court Street, Clearwater, FL. The Hearing shall begin as soon after 6:00 p.m. as possible.

  
Jewel White  
Counsel to the Board of County Commissioners

Date: 11.19.15

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Pre-Hearing Conference Statement has been furnished via email and U.S. Mail to Appellant, June Barwick, at [junebarwick@gmail.com](mailto:junebarwick@gmail.com), P.O. Box 521, Crystal Beach, FL 34681, and Joel R. Tew, Esquire, at [JTew@tewlaw.us](mailto:JTew@tewlaw.us), Tew & Associates, 2999 Palm Harbor Boulevard, Suite A, Palm Harbor, FL 34683, Attorney for the Site Plan #1858.11, Applicant, Turtle Beach Land Company, LLC, a Florida limited liability company, on this 19<sup>th</sup> day of November 2015.



Joel R. Tew  
Chief Assistant County Attorney  
315 Court Street, 6<sup>th</sup> Floor  
Clearwater, FL 33756  
Telephone: (727) 464-3354

cc: James L. Bennett, County Attorney  
Blake G. Lyon, Director, Development Review Services  
David Sadowsky, Sr. Assistant County Attorney  
Jake Stowers, Assistant County Administrator  
Mark S. Woodard, County Administrator

**EXHIBIT 1**

**TO: Mark Woodard, Pinellas County Administrator**

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

**Dear Mr. Woodard:**

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

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

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

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

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

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

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

**Please advise as to next steps in this process.**

**Very truly yours,**

**June Barwick**

**20 October 2015**





EXHIBIT 2

November 18, 2015

To: County Attorney's Office

From: Development Review Services  
Blake Lyon, Director

Re: Appeal of Site Plan #1858.11 – Pre-Hearing Conference Evidence Request

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The following information has been provided in response to the Notice of Pre-Hearing Conference:

**a. A list of documentary evidence and exhibits**

1. Final Administrative Approval (FAA) for SP #1858.11
2. Site Plan #1858.11
3. October 20, 2015 Appeal Letter
4. 1979 - Point Seaside Master Plan
5. 1980 - Point Seaside Master Plan
6. 1981 - Point Seaside Site Plan (Phases 1, 2, and 3)
7. 1983 - Sutherland Crossing (Phase 4)
8. 1985 - Sutherland Crossing II
9. Site Plan #1858.10
10. Variance - BA 12-11-13
11. Sidewalk Waiver
12. FAA for SP #1858.10
13. July 22, 2015 letter rescinding SP #1858.10
14. July 24, 2015 letter reinstating SP #1858.10
15. Google Earth/Street View of the Point Seaside Master Plan area and surrounds
16. Pinellas County GIS layers (i.e. zoning, land use, subdivisions, utilities, floodplain, etc)
17. Point Seaside and Sutherland Crossing Plats
18. Pinellas County Land Development Code

**b. A list of all possible witnesses**

The following addresses are for the employees listed below:

440 Court Street, Clearwater, FL 33756

1. **Blake Lyon**, Director of Development Review Services, 727-464-6053 – Discussion of the DRS site plan review process, the variance, and Pinellas County Land Development Code.
2. **Cliff Still**, Environmental Manager, 727-464-2923 – Discussion of the DRS site plan review process and environmental regulations within the Pinellas County Land Development Code.
3. **Carol Purchell**, Senior Environmental Specialist, 727-464-4016 – Discussion of field conditions, site plan review process, and environmental regulations.
4. **Gene Crossan**, Development Review Services Manager, 727-464-3642 – Discussion of Site Plan review process, land development code regulations, and subject matter expert on Public Works related items such as roadway standards, access requirements, etc.
5. **Jean Mundilk**, Plans Coordinator, 727-464-3580 – Discussion of site plan review process, specifically coordination of site plan distribution, consolidation of review comments, and zoning comments.
6. **Glenn Bailey**, Zoning Manager, 727-464-5640 – Discussion of variance process with the Board of Adjustment.
7. **Tammy Swinton**, Planning Analyst, 727-464-3583 – Discussion of variance process, specifically the notice and advertising methodology.

2221.1 US 19 N, Clearwater, FL 33765

8. **Tom Washburn**, Traffic Engineer, 727-464-8804 – Discussion of the County's roadway standards, traffic operations, and general discussion of Public Work's site plan review procedures.

14 Fort Harrison, Clearwater, FL 33756

9. **David Smith**, Professional Engineer, 727-464-3353 – Discuss of the County's stormwater and drainage regulations and regulatory review of the site plan.
10. **Sandra McDonald**, Professional Engineer, 727-464-4068 – Discussion of the County's utilities and regulatory review of the site plan for potential impacts to the utility system.

**EXHIBIT 3**

**THE PINELLAS COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**IN RE:**

**Appeal of Site Plan #1458.11**

**June Barwick,**

**Appellant.**

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**INTERVENOR/APPLICANT'S PREHEARING CONFERENCE  
COMPLIANCE DOCUMENTS/LISTS**

Intervenor/Applicant, Turtle Beach Land Company, LLC, hereby submits its list of documentary evidence and exhibits, and list of potential witnesses, for the hearing of this appeal as directed by the Notice of Pre-Hearing Conference:

**Schedule of Documentary Evidence/Exhibits:**

1. Approved Site Plan With Final Administrative Approval Notice Dated July 24, 2015 (Site Plan #1).
2. Approved Revised Site Plan With Final Administrative Approval Notice Dated September 30, 2015 (Site Plan # 2).
3. Aerial Overlay Depicting Site Plan # 1.
4. Aerial Overlay Depicting Site Plan # 2.
5. Condominium Re-Plat To Conform to Site Plan # 2.
6. Jefferis Settlement Agreement With Resident Consents/Joinders
7. Vicinity Map To Identify Location of Settlement Agreement Parties [To Be Provided Prior to Hearing]
8. FDEP Exemption Letter

Copies of all documents other than Item # 7 have been provided at the Pre-Hearing Conference; some of the foregoing exhibits may be mounted on boards for presentation purposes at the hearing. Item # 7 is in process and will be provided when available.

**Schedule of Potential Witnesses:**

**Testimony Re: Project Data & History/Site Plan Approval Process/Technical Compliance Matters:**

John Landon, P.E., Landon, Moree & Associates  
Don Richardson, Ph.D., Biologist/Environmental Consultant  
Trey Shimp, Shimp Surveying  
Christy Jones, Esquire  
Randy Austin, Landon, Moree & Associates

Joel R. Tew, Esquire  
Marc Rutenberg  
Blake Lyon  
Jake Stowers  
Al Navaroli  
John Cueva  
David Scott, P.E.  
Cliff Still  
Gene Crosson  
David Smith, P.E.

Testimony Re: Settlement Agreement/Revised Site Plan Process:

Audrey A. Jefferis, Esquire  
Mathew Poling, Esquire  
Joel R. Tew, Esquire

Others:

All Witnesses Listed or Called by the Appellant  
All Witnesses Listed or Called by the County  
Rebuttal Witnesses As Needed

Respectfully Submitted,



Joel R. Tew, Esquire  
Counsel for Intervention/Applicant  
Turtle Beach Land Company, LLC

Date: November 16, 2015



**EXHIBIT 4**

**Turtle Beach Appeal Book  
Site Plan # 1858.11**

**List of potential witnesses**

**Maps**

- The 1979 Series Scale map of 'Sutherland Crossing Area' in Pinellas County, FL-Arial view prepared by Kucera & Associates
- Jan 7 1980 Point Seaside RPD Land Use Plan, with enlarged notes section on following page.
- September 1980 preliminary plan for point seaside, including note about county requirement of min. 5.3 ac of park in the 26.5 "condominium" area
- August 25, 1982 Final Site Plan Point Seaside East A Condominium, by SM & K, Inc., with enlarged notes on following page
- June 29, 1983, Plat for Sutherland Crossing A Condominium
- May 18, 2013, Existing Conditions/Demolition Plan prepared by LMA
- September 23, 2015, Turtle Beach Site Plan, final administrative site plan approval, with land unit owner notes on following page
- Two maps with color-coded comparison between existing and planned housing density
- Color-coded plan showing inadequate upland buffers

**Pinellas County Code (used, but not included in this document)**

- Sec. 138-151, 152 zoning clearance
- Sec. 138-176, 177, 178, 179 site plan requirements and review procedures
- Sec. 138-180 time limits on site plans
- Sec. 166-46 Site Plan exemptions
- Sec. 166-50 updated buffers adjacent to wetlands
- Sec. 166-51 Upland preservation area

**Pinellas County Comprehensive Plan (used but not included in this document)**

## **Documents**

- June 5, 2-15, Environmental Assessment of the Turtle Beach Project by Donald Richardson, Ph.D.
- File of early 1980 environmental assessment letters
- Comprehensive Conservation and management plan for Clearwater Harbor and St. Joseph Sound-pp 24-26
- Sales Brochure of Crystal Beach that includes community character and other historical information – to be provided by Dec 8th
- Article with illustration of Crystal Beach Spring for Crystal Beach
- Excerpt from draft overlay document
- BOA # BA-12-11-13: application, recommendation, minutes, decision letter, and attachment with complaint letter and correspondence
- Impervious surface comparison for Sutherland Crossing and Turtle Beach projects
- Excerpt from argument that site plan review is required for condo project, March 19, 2015
- December 21, 1989 letter from county on number of units: 48 condominium units plus 13 single family lots (62 for point seaside, 49 used). Also approval rescission letter calculating number of units.
- Transcript of Blake Lyon testimony at the Palm Harbor Street vacation hearing (BCC 11/10/15, item 20) on importance of community history and character – to be provided by December 8th.

**Excerpts from Pinellas County Staff responses to submitted site-plans**

## **Pictures**

**DEP and other state agency communication – to be provided by Dec 8th**

**Petitions – format enclosed, signatures provided by December 8<sup>th</sup>**

#### **POTENTIAL WITNESS LIST—**

**testimony on history and character of Crystal Beach, applicability of site plan as "revision" of 1982 plan, environmental issues, and other examples of inadequacy of the current site plan from the perspective of both subject professionals and members of the community.**

- 1. Gregg Bachman, PhD – 520 Indiana Ave CB**
- 2. Debbie Barasso – 415 Henry Lane CB**
- 3. June Barwick – 613 Tennessee Ave CB**
- 4. Kent Barwick – 613 Tennessee Ave CB**
- 5. Robin Bleier RN – 530 Tennessee Ave CB**
- 6. Sue Conlon – 609 Pennsylvania Ave CB**
- 7. Alicia Donohue – 600 Tennessee Ave CB**
- 8. William W Falls, PhD – 187 Sage Circle CB**
- 9. Paul Ford – 45 Lorraine St CB**
- 10. William C. Gibson – 510 Avery St CB**
- 11. Kerry Glem – 530 Tennessee Ave CB**
- 12. Linda Henry – 200 Vincent St CB**
- 13. Marie Henry – Henry Lane CB**
- 14. Jerri Hill – 357 Henry Lane CB**
- 15. Robert A. Hill – 357 Henry Lane CB**
- 16. Jon A. Hull – 204 Charleston Ave CB**
- 17. John P McMahon, Jr – 253 Georgia Ave CB**
- 18. Barb McNeil – 200 Vincent St CB**
- 19. Robert P Murray, AIA – 407 Maryland Ave CB**
- 20. Claudette Otto – 205 Vincent St CB**
- 21. Sherrie Teddy MD – 520 Indiana Ave CB**
- 22. Unique Engineering Solutions, LLC – 4177 Corporate Court PH**
- 23. Dale Wallace, certified arborist – 609 Pennsylvania Ave CB**
- 24. Barb Witlin, 562 Ontario Ave CB**
- 25.**

**THE PINELLAS COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**In Re:**

**Appeal of Site Plan # 1858.11**

**June Barwick,**

**Appellant**

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**INTERVENOR TURTLE BEACH LAND COMPANY LLC'S  
MOTION TO DISMISS AND/OR MOTION TO STRIKE,  
AND MOTION IN LIMINE**

Intervenor, Turtle Beach Land Company, LLC, pursuant to Section 6 of the Pre-Hearing Conference Statement, hereby files and serves its Motion to Dismiss and/or Motion to Strike, and its Motion in Limine, and in support thereof, says:

**I. Motion to Dismiss and/or Motion to Strike**

**A. Intervenor moves to dismiss and/or strike Paragraph 2 of the Appellant's "appeal letter" dated October 20, 2015, and all matters asserted therein, in their entirety. The grounds for the motions are as follows:**

- (i) pursuant to the County's Land Development Code and applicable Florida law, all such matters are time-barred as the time period for asserting any such argument(s) expired more than two (2) years ago. Moreover, such time limitations are jurisdictional and cannot be waived; therefore such claims cannot be asserted as a matter of law; and**
- (ii) Independent of the absolute time bar set forth in (i) above, the Board of County Commissioners lacks any legal jurisdiction to hear such matters, as exclusive jurisdiction over any appeal, interpretation, revocation, modification or any other matter whatsoever related to such variance(s) lies exclusively with the Board of Adjustments and Appeals, under the County's Land Development Code and applicable law; therefore the County Commission is precluded from consideration of any such claims as a matter of law.**

**B. Intervenor moves to dismiss and/or strike Paragraph 3 of the Appellant's "appeal letter" dated October 20, 2015, and all matters asserted therein, in their entirety. The grounds for the motions are that any such alleged statements or conduct by staff to the Appellant are not legally material to whether the Intervenor's site plan approval was required by the Land Development Code, and therefore such claims are impertinent and not legally relevant to the subject matter at hand. Any such claims may be the subject to internal**



policy review by the County Administration, but are not material or relevant to any substantive, legal appeal of the Intervenor's site plan approval.

- C. Intervenor moves to dismiss and/or strike Paragraph 4 of the Appellant's "appeal letter" dated October 20, 2015, and all matters asserted therein, in their entirety. The grounds for the motions are as follows:

- (i) as a matter of Florida law, exclusive jurisdiction over all such matters is reserved to the Florida Department of Environmental Protection, and Pinellas County has no jurisdiction to enforce any such permit requirements of FDEP or any other state agency; and
- (ii) independent of (i) above, the County has no such provision in its Land Development Code, nor any policy, practice or procedure that requires any such permit or approval from independent state agencies prior to issuance of any site plan approval, and has never applied or enforced any such policy, practice or procedure in Pinellas County.

- D. Intervenor moves to dismiss and/or strike that portion of Paragraph 1 which asserts that traffic is a valid subject for this appeal, on the following grounds: the Intervenor's site plan is for only 61 single-family units, which density already was contained in the project's prior zoning, master plan and site plan approvals. Taking into consideration the prior units of density which exist in the overall project, and with the 61 pre-existing units that are contained in the Intervenor's approved site plan, the overall project still has exactly the same number of units of residential density (110 units), as prior to the Intervenor's site plan approval. Consequently, as a matter of law, the Intervenor's site plan does not create any additional traffic impact, and pursuant to Florida law, the Intervenor cannot be required to mitigate for any pre-existing impacts which may exist, as a result of any prior approvals. Consequently traffic is not a legally applicable subject to this appeal.

## II. Motion in Limine

### A. Limitation of Issues to be Argued:

Intervenor moves in limine for the Board of County Commissioners to expressly limit Appellant's presentation of evidence (both witness testimony and any documentary evidence) solely to those matters specifically contained within Paragraph 1 of the Appellant's "appeal letter" dated October 20, 2015, other than traffic (as stated above), as follows: (i) "environmental regulations," (ii) "safety," and "water quality" (actually a sub-set of "environmental regulations"). Therefore, Appellant must be instructed not to seek to introduce any evidence (oral or written) that is not directly relevant and pertinent to said matters.

### B. Limitation of Parties to Speak:

Intervenor also moves in limine to restrict those who are allowed to speak or address the Board of County Commissioners to only those who are "parties" to the appeal, to wit: The County, the Appellant (June Barwick), and the Intervenor. No other persons or entities filed any appeal within the jurisdictional time period, nor has any other party been granted intervenor or other party status in this proceeding, within the time period allowed. Consequently, only the Appellant, June Barwick, has any legal right to

introduce evidence or to make oral argument in this appeal. Any other determination will violate the Intervenor's due process rights herein.

**C. Limitation/Qualification of Expert Witness Testimony:**

Finally, because this is a quasi-judicial proceeding under applicable Florida law, Intervenor moves the Board of County Commissioners to require the pre-qualification of any proposed witness who is proffered to address any technical issue (including "environmental regulations," "traffic," "traffic safety" and/or "water quality"), as any such witness on such technical subject must have sufficient expert qualifications to provide legally competent evidence on such subject(s).

Wherefore, Intervenor requests a pre-appeal hearing determination on the foregoing matters.



Joel R. Tew, Esquire  
Counsel for Intervenor  
Turtle Beach Land Company, LLC  
Date: 11/23/2015

**Copies Provided To:**

David Sadowsky, Esquire  
Jewel White, Esquire  
Mrs. June Barwick

**TO:** The Honorable Chair and Members of the  
Board of County Commissioners

**FROM:** Jewel White, Chief Assistant County Attorney 

**SUBJECT:** Appeal of Site Plan #1858.11  
Turtle Beach Land Company, LLC

**DATE:** December 4, 2015

The above referenced matter is currently scheduled to come before the Board at its December 15, 2015 meeting. The appeal was filed in a timely manner by Ms. June Barwick, a nearby resident. The County Attorney's Office conducted a Pre-Hearing Conference in an attempt to clearly define the issues that will be before the Board in this appeal. The resulting Pre-Hearing Conference Statement is now available for your review, together with the Exceptions submitted by Ms. Barwick and motions that have been filed by both Parties. The documentary evidence submitted by each of the Parties, including County staff, is also available. All of the referenced documents are available for your review in Board Records.

Ms. Barwick has requested that this matter be continued and the Property Owner, through its attorney Joel Tew, has indicated it does not object. In addition, there are a number of other procedural matters that will ultimately be before the Board and Mr. Tew has requested that these matters be acted upon at this month's meeting. County staff will be recommending you continue this appeal at your December 15, 2015 meeting, but that you also decide the other matters that have been raised by Mr. Tew.

Please keep in mind that this is a quasi-judicial matter and you should not discuss this case with anyone.

**cc:** June Barwick, Appellant  
Blake G. Lyon, Director, Development Review Services  
David Sadowsky, Sr. Assistant County Attorney  
Jake Stowers, Assistant County Administrator  
Joel R. Tew, Esquire

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