

**Planning Commission Agenda Draft
November 2, 2023 - 5:30 p.m.**

**Daniel Grannan – Chair
Tonia Herring – Vice Chair
Richard Laxton
Deborah MacArthur Anderson
Karen Cunningham**



**Terry Thompson
Larry Schenavar
Alternate 1 – Gregory Acker
Alternate 2 – Kimberly Salter
Chuck Dixon – School Board***

- 1) Call to Order
- 2) Roll Call
- 3) Moment of Silence
- 4) Pledge of Allegiance
- 5) Adoption of Agenda
- 6) Approval of Minutes: **October 5th, 2023**
- 7) Organizational Meeting – Appoint Chair and Vice Chair
- 8) Citizen Input: 3 minutes
- 9) Public Hearings:
 - A.) **Conduct a Quasi-Judicial Public Hearing for APPLICATION NO. PV23-0002 – WILLIAM NICELY**, A Variance request of the City of Crystal River Land Development Code (LDC) to allow for a residential access (driveway apron) and driveway exceeding the maximum width requirements, pursuant to Section 6.04.02 Access and driveway design requirements, of the LDC, for property which address is 1433 SE 4th Avenue. A complete legal description of the property is on file with the Growth Management Department.
 - B.) **Conduct a Quasi-Judicial Public Hearing for APPLICATION NO. PV23-0003 – CASEY AND KATHERINE DAMRON** – A two-part variance request of the City of Crystal River Land Development Code (LDC) to allow for a residential swimming pool addition 1) exceeding the maximum allowed height of two feet when encroaching in the required building setback of a water adjacent yard pursuant to Section 4.02.02 Standards for building and building placement (setbacks); and 2) exceeding the maximum allowed impervious surface ratio (ISR) in a RW, Residential Waterfront zoning district pursuant to Section 4.02.01 Standards for lot design, of the LDC, for property which address is 256 NW Magnolia Circle. A complete legal description of the property is on file with the Growth Management Department.

NOTICE TO PUBLIC

Any person who decides to appeal any decision of the Planning Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to provide that a verbatim record of the proceeding is made, which record includes testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

Any person requiring reasonable accommodation at this meeting because of a disability or physical impairment should contact the City of Crystal River, City Manager's Office, 123 N. W. Highway 19, Crystal River, FL 34428 (352) 795-4216, at least two (2) days prior to the meeting.

C.) **Conduct a Quasi-Judicial Public Hearing for APPLICATION NO. PZMA23-0003 – CRYSTAL RIVER PLANTATION CORPORATION** – An amendment of the Official Zoning Map by changing the zoning on 0.90 acres from Planned Unit Development (PUD) TO Neighborhood Business Residential (NBR), and by changing the zoning on 60.73 acres from PUD to High Intensity Commercial (CH), for a total of 61.63 acres, for property which address is 9520 W Fort Island Trail, Crystal River, Florida. A complete legal description of the property is on file with the Growth Management Department.

10) Unfinished Business

11) New Business

A.) Review of By Laws

12) Citizen Input: 5 minutes

13) Staff Comments

14) Commissioner’s Comments

15) Chairman’s Comments

16) Adjournment

*Appointed by School Board pursuant to §163.3174, Florida Statutes.

NOTICE TO PUBLIC

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Any person requiring reasonable accommodation at this meeting because of a disability or physical impairment should contact the City of Crystal River, City Manager's Office, 123 N. W. Highway 19, Crystal River, FL 34428 (352) 795-4216, at least two (2) days prior to the meeting.

**Planning Commission Minutes
October 5, 2023 - 5:30 p.m.**

**Daniel Grannan – Chair
Tonia Herring – Vice Chair
Richard Laxton
Deborah MacArthur Anderson
Karen Cunningham**



**Terry Thompson
Larry Schenavar
Alternate 1 – Gregory Acker
Alternate 2 – Kimberly Salter
Chuck Dixon – School Board***

- 1) Call to Order
- 2) Roll Call

Commissioners Present: Daniel Grannan, Tonya Herring, Terry Thompson, Karen Cunningham, Larry Schenavar, Richard Laxton

Commissioners Absent: Deborah MacArthur Anderson, Kimberly Salter, Chuck Dixon, Gregory Acker

Staff Present: James Hartley City Attorney, Michael Manning Assistant City Manager, Jenette Collins Growth Management Director, Heather Lacey Associate Planner

- 3) Moment of Silence was led by Chairman Grannan
- 4) Pledge of Allegiance was led by Chairman Grannan
- 5) Motion to adopt the agenda was made by Commissioner Grannan, seconded by Commissioner Thompson. **Motion carried 6-0 .**
- 6) Motion to approve the minutes of June 1st, 2023, was made by Commissioner Thompson, seconded by Commissioner Herring. **Motion carried 6-0.**
- 7) Citizen Input: None.
- 8) Public Hearings:
 - a) **Conduct a public hearing for APPLICATION NO. PUD23-0002 – CLARK A. STILLWELL, ESQ. ON BEHALF OF CR19 HOLDINGS LLC** – Consideration of an amendment of the Official Zoning Map by changing the zoning on 67.43 acres from High Intensity Commercial (CH) to Planned Unit Development (PUD) establishing a Master Plan of Development to allow for multi-family use and commercial use; and by modifying the Crystal River Mall Development of Regional Impact (DRI), which address is generally known as 1801 NW US Highway 19, Crystal River, Florida. A complete legal description is on file in the Planning and Community Development Department.

Chair opened the (quasi-judicial) meeting.

Conflict of Interest: None.

Ex Parte Communication: None.

Staff Presentation: Jenette Collins, Growth Management Director, presented the application to the commission. This is a request to amend the Official Zoning Map of the City of Crystal River by rezoning 67.43 acres from CH, High Intensity Commercial to PUD, Planned Unit Development, and by establishing a new Master Plan of Development for the subject property that is part of the Crystal River Mall DRI, effectively amending the former master plan of development.

Applicant Presentation:

Clark Stillwell 320 S highway 19. Discussed DRI's in Citrus County. The traffic report indicates diminishment in traffic. Proposed that golf carts will be used to access the commercial district opposed to adding vehicle traffic on US 19. Applicant advised FDOT would not approve multiple lights along the frontage of this project. The applicant was concerned that additional public traffic would use the crossroad through the residential community. Applicant suggested deferring decision on cross through until site approval. Applicant advised that this project will be a reduction to traffic on road by 65%

Spencer Bartram Owner Developer: Proposed max utilization with fewer units. Affordable (nonsubsidized) housing project fits HUD criteria of affordable housing. Addressed cross access. Advised town homes would not be gated but apartments would be gated. Tonya Herring asked about sidewalks on Crystal Street. Applicant advised not opposed to working with sidewalks. Proposed multiple public and private sidewalks. Proposed on US 19 side multimodal path.

Commissioner questions:

Commissioner Herring asked about the drainage. **Mr. Stillwell** responded all structures will meet flood elevations.

Commissioner Thompson advised the planning commission would like to see the public cross access included.

Commissioner Cunningham suggested a gate on the cross access for residents only.

Chairman Grannan questioned if the lack of a cross access would exclude this development from the rest of the town and cause additional traffic trips on US 19.

Public Comment: None.

Rebuttal: None.

Commissioner Discussion: A motion to recommend City Council approve APPLICATION NO. PUD23-0002 brought by SPENCER BARTRAM, was made by Commissioner Thompson made motion for approval with amended conditions as recommended by staff that an internal vehicular cross-access shall be provided (as

was in the original DRI) to allow connection from N Turkey Oak Drive to the interior commercial component of the project, seconded by Commissioner Schenevar. **Motion carried 6-0.**

- 9) Unfinished Business: None
- 10) New Business: None
- 11) Citizen Input: None
- 12) Staff Comments: Jenette advised new name for Growth Management Department; Advised 2024 Planning Commission meeting dates approved by City Council. November agenda will include the organizational meeting, three planning commission members coming to term and qualify for re appointment. November meeting will have three applications. One rezoning and two variances. Mr. Grannan asked for attorney presentation Sunshine Law and Quasi-judicial proceedings.
- 13) Commissioner’s Comments: None
- 14) Chairman’s Comments: None
- 15) Motion to adjourn was made by Commissioner Thompson, seconded by Commissioner Grannon. **Motion carried 6-0.** Meeting adjourned at 6:32 pm

ATTEST:

Recording Secretary Heather Lacey

Chairman Dan Grannan



CITY OF CRYSTAL RIVER PLANNING COMMISSION

ADDENDUM TO THE STAFF REPORT

GROWTH MANAGEMENT DEPARTMENT

MEETING DATE:	NOVEMBER 2, 2023
VARIANCE APPLICATION NO. PV23-0002 – WILLIAM NICELY	

TO: Planning Commission
FROM: Jenette Collins, AICP, Growth Management Director
SUBJECT: REVISED SITE PLAN TO ELIMINATE NEED FOR THE DRIVEWAY APRON VARIANCE
DATE: October 18, 2023

This addendum memorandum follows the staff's report which provides an analysis of the original request for a two-part variance of Section 6.04.02 Access and driveway design requirements, of the LDC. The owner-applicant has since worked with staff to minimize the request by removing the request for two driveway aprons with a total width of 26 feet. Instead, the applicant proposes a single driveway apron having a maximum 24-foot width. Specifically, that Section 9.03.00 Administrative waivers, of the LDC, allows a twenty percent administrative adjustment of certain standard requirements of the LDC, including driveway apron. Using this waiver, the apron may be administratively considered at the discretion of the city's supervisory planner to allow a maximum 24-foot width without the need for a variance.

The second part of the variance requests a driveway width of 34 feet rather than the maximum 20-foot width (or an administrative 24-foot width) allowed when located between the lot line and the carport, garage, or parking area under the house. This request requires consideration by the Planning Commission.

REQUIRED FINDINGS FOR GRANTING A VARIANCE: Pursuant to Section 9.02.02 of the Crystal River Land Development Code, in order for an application for a variance to be approved or approved with conditions, the planning commission shall make a positive finding, based on the evidence submitted, with regard to each of the following findings of fact based on a re-analysis of the modified variance request.

- 1. *There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC;*** The lot is 8,984 square feet (0.20 acre) which is non-conforming as the minimum lot size in the R-W Residential waterfront zoning district is 10,000 square feet, however, the proposed home meets the required setbacks. The FEMA Base Flood Elevation requires the residence to be elevated so that parking will be provided below the house. The design of the residence with the garages and the additional carport are the basis for variance requests based on the non-conforming lot size.
- 2. *The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs;*** The additional driveway and larger width of the driveway apron are required to accommodate the split garage design and an additional carport. The applicant states on the application the request is to have "safe access to park correctly and maneuver" and is not based on a desire to reduce development costs.
- 3. *The need for the proposed variance is due to the physical shape, configuration, or topographical condition of the lot in such a manner as to distinguish it from other adjacent or nearby lots or from***

other lots in the district; The lots within the Pretty Springs subdivision are similar in size and shape. However, this lot requires two street building setbacks and a waterfront setback which limits the location of the house footprint to the presented location. The driveway variance request is made based on the residence meeting the required setbacks of the LDC. If the residence was moved back on the lot to increase the driveway length and turning radius, then a waterfront variance would be required. The driveway variance represents a compromise to maintaining the required waterfront setback.

- 4. The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby lots or other lots in the zoning district;** The applicant could reduce the width of the proposed internal drive to the home to eliminate the requested variance. The homes in the immediate area have driveway apron widths that vary in size between 16-22 feet and no driveway widths exceeding 20 feet. The proposed driveway configuration is not consistent with the existing driveways in the immediate area. The requested variance represents a 41.66 percent increase of the maximum allowed driveway width when considering the administrative waiver.
- 5. The grant of the proposed variance does not confer on the applicant any special privilege that is prohibited by this LDC to other lands, buildings, or structures in the same zoning district;** Granting the requested variance would not convey a special privilege available to other property owners in immediate neighborhood, provided all other requirements of the LDC are met.
- 6. The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard, and is not otherwise detrimental to the health, safety, or general welfare of the public;** The variance request will not impact congestion in the neighborhood or otherwise be detrimental to the public health safety or welfare.
- 7. The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the district;** The existing development pattern predates current flood management requirements. Most homes are developed with a single driveway apron and a width more in line with what is allowed by Section 6.04.02 F. However, new homes must now meet the increased elevation requirements required by FEMA as of January 15, 2021, so that they are built on raised pilings with parking underneath, which typically results in a split garage with a staircase in the center.
- 8. The variance granted is the minimum variance that results in reasonable use of the land, building, or structure;** The applicant has modified the driveway request to one driveway apron. The driveway width within the property could be reduced but has been requested to provide safe maneuverability of the vehicles. Most homes in the subdivision are developed on lots of similar size, but on traditional foundations and served by a single driveway apron.
- 9. The effect of the proposed variance is consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria; and** The requested variance has been modified to one driveway apron however the driveway width from the lot line to the garage requires variance consideration to exceed the minimum width requirement. The width is requested to allow for maneuverability for the vehicles entering and leaving the garage area. The residence is required to

meet two side street setbacks and a waterfront setback which limits the location of the house footprint to the current location.

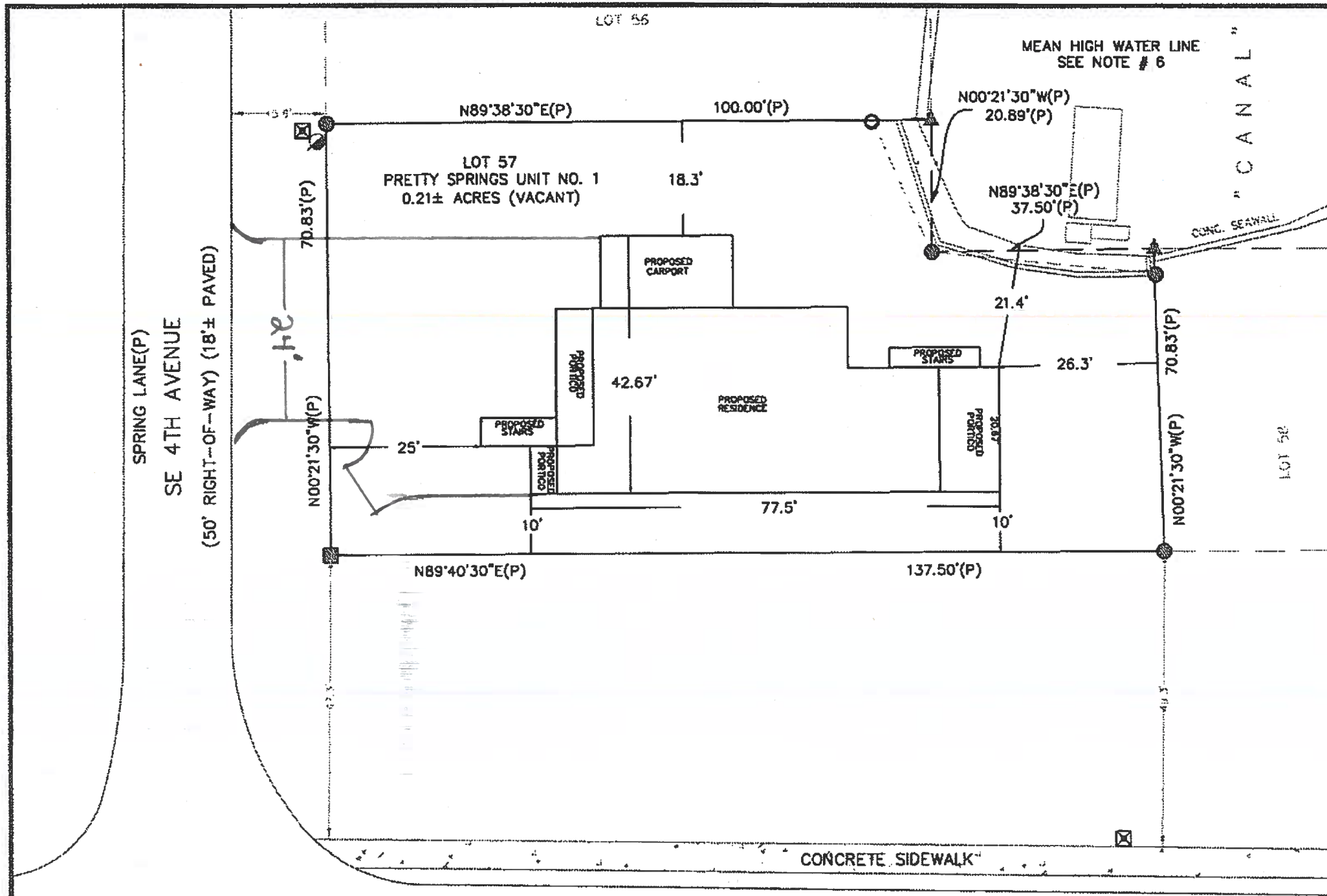
10. *The effect of the proposed variance is consistent with the comprehensive plan.* The request is consistent with the Comprehensive Plan. The Comprehensive Plan is silent to the design of driveways.

In summary, staff finds that the requested 34-foot driveway width located between the lot line and the carport, garage, or parking area under the house, although it could be reduced, does support the reasonable use of the subject property based on the design of the house to meet FEMA standards.

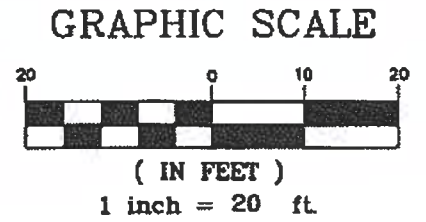
PLANNING COMMISSION ACTION: The Planning Commission shall approve, deny, or approve with conditions the application for variance, based upon making positive findings regarding conditions set forth in subsection 9.02.02. A., of the LDC.

ATTACHMENTS:

1. PowerPoint
2. Variance Application
3. Site Plan/Application submittal with Backup

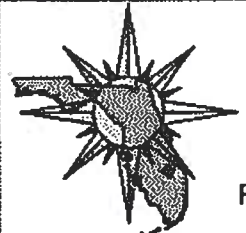


LEGAL DESCRIPTION:
Lot 57, of PRETTY SPRINGS, UNIT No. 2, according to the map or plat thereof as recorded in Plat Book 7, page 19, Public Records of Citrus County, Florida.



FLOOD STATEMENT:
The land bound by this survey is located in Flood Zone AE (Base Flood Elevation 11.0'), per Flood Insurance Rate Map number 12017C0189E, EFFECTIVE DATE: January 15, 2021.

SITE PLAN FOR
William Nicely and Donna Walker
Citrus County, Florida
Project No.: 20498 | Field Book: N/A | Drawn By: CEB
Scale: 1" = 20' | Field Date: N/A | Sheet 1 Of 1



GulfWest Surveying, Inc.
Professional Surveyors and Mappers
9469 W. Green Bay Lane
Crystal River, Florida 34428
Ph: 352.563.1252 Fax: 352.563.1253



CITY OF CRYSTAL RIVER PLANNING COMMISSION

STAFF REPORT

GROWTH MANAGEMENT DEPARTMENT

MEETING DATE:	NOVEMBER 2, 2023
VARIANCE APPLICATION NO. PV23-0002 – WILLIAM NICELY	
VARIANCE REQUESTED:	A Variance request of the City of Crystal River Land Development Code (LDC) to allow for a residential access (driveway apron) and driveway exceeding the maximum width requirements, pursuant to Section 6.04.02 access and driveway design requirements, of the LDC.
SUBJECT PROPERTY:	Section 28, Township 18S, Range 17E; specifically, Lot 57 of Pretty Springs subdivision which address is 1433 SE 4 th Avenue. A complete legal description of the property is on file with the Growth Management Department.
ACREAGE:	Approximately 8,984 square feet (0.21 acres).
ZONING DISTRICT:	R-W (Residential Waterfront)
FLOOD ZONE:	According to the Flood Insurance Rate Map (FIRM), the subject property is in Flood Zone AE with a Base Flood Elevation (BFE) of 11.0 feet, as found on FIRM Panel Number 12017C0189E. (Effective date: January 15, 2021)
SURROUNDING AREA:	North – Single family residence on a double lot South – Single family residence East – Single family residence West – Single family residence and canal
PREPARED BY:	Jenette Collins, AICP, Growth Management Director

BACKGROUND INFORMATION: This residential variance request is made to develop a single-family residential lot per the submitted site plan having a driveway apron and driveway width that exceed the requirements of the Section 6.04.02 Access and driveway design requirements, of the LDC as follows:

- Requesting two driveway aprons with a total width of 26 feet rather than the maximum 20-foot width allowed when no sidewalk is present or planned.
- Requesting driveway width of 34 feet rather than the maximum 20-foot width allowed when located between the lot line and the carport, garage, or parking area under the house.

The driveway apron is described as that part of the driveway located between the lot line and the finished surface of the road right-of-way (row), whereas the driveway is that part located inside of the lot typically situated between the lot line and the carport, garage, or parking area under the house.

The subject lot is 70.83 feet wide located along SE 4th Circle, a 50-foot, city maintained local road. The lot has an average depth of 137.50 feet lying contiguous to a canal. The property owner intends to develop the property with a two-story elevated single-family residence.

ANALYSIS: Section 6.04.02 Access and driveway design requirement, of the LDC, requires that if no sidewalk is present or planned in the row, then the width of the driveway apron may be a minimum of 12 feet and a maximum of twenty feet. Furthermore, the standard residential driveway may be a minimum

of twelve feet in width and a maximum of twenty feet in width when located between the lot line and the carport, garage, or parking area under the house.

The applicant is requesting two driveway aprons, a 16-foot apron to serve one garage and the carport and a secondary 10-foot apron to serve a second garage. A four-foot grass strip is provided between the two driveway aprons and a portion of the driveway to provide a physical separation to accommodate proposed stairs. The requested driveway parking area is approximately 966 square feet (34 feet wide by 30 feet deep) of impervious surface. The total impervious surface ratio is 36%. A maximum ISR of 45% is allowed in the R-W district.

The proposed driveway area is of sufficient size to accommodate 3 vehicles. Driveways serving single family homes are generally designed to accommodate 1-2 vehicles. The driveways in the immediate neighborhood vary in size between 14 feet and 20 feet as demonstrated in the table.

Lot Number	Address	Driveway Apron Width (ft)	Driveway Width (ft)
Lot 20	1432 SE 4 th Avenue	18	16
Lot 21	1424 SE 4 th Avenue	22	18
Lot 24	1400 SE 4 th Avenue	18	16
Lot 25	1316 SE 4 th Avenue	18	16
Lot 52	1317 SE 4 th Avenue	19	18
Lot 53	1401 SE 4 th Avenue	22	20
Lot 54	1409 SE 4 th Avenue	17	15
Lot 55	1417 SE 4 th Avenue	16	14

Note: Driveway Apron Widths and Driveway Widths are approximated based on Citrus County Property Appraiser’s GIS.

Only two homes in the immediate area have driveway apron widths more than 20 feet. No neighboring homes have driveway widths more than 20 feet. The proposed driveway is out of character for the immediate neighborhood.

It is noted that Section 9.03.00 Administrative waivers, of the LDC, allows a twenty percent administrative adjustment of certain standard requirements of the LDC, including driveway apron and driveway widths. Using this waiver, the apron and driveway may be administratively considered at the discretion of the city’s supervisory planner to allow a maximum 24-foot width without the need for a variance. The requested variance represents a 41.66 percent increase of the maximum allowed apron and driveway width when considering the administrative waiver.

REQUIRED FINDINGS FOR GRANTING A VARIANCE: Pursuant to Section 9.02.02 of the Crystal River Land Development Code, in order for an application for a variance to be approved or approved with conditions, the planning commission shall make a positive finding, based on the evidence submitted, with regard to each of the following findings.

- 1. There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC;** The applicant has provided no substantial competent evidence demonstrating a physical hardship of the property to support the driveway apron variance request. The lot is 8,984 square feet which is non-conforming as the minimum lot size in the R-W Residential waterfront zoning district is 10,000 square feet, however, the proposed home meets the required setbacks. The design of the garages and the additional carport are the basis for variance requests.

2. ***The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs;*** The hardship is being created by the applicant's choice of house design. The additional driveway and larger width of the driveway apron are required to accommodate the garage design and an additional carport. The applicant states on the application the request is to have "safe access to park correctly and maneuver."
3. ***The need for the proposed variance is due to the physical shape, configuration, or topographical condition of the lot in such a manner as to distinguish it from other adjacent or nearby lots or from other lots in the district;*** The lots within the Pretty Springs subdivision are similar in size and shape. The lot size and shape are not the basis for the request. The variance request is the strictly result of the home, garage and carport design.
4. ***The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby lots or other lots in the zoning district;*** The proposed variance is not necessary to preserve a property right generally enjoyed by adjacent property owners. The applicant could redesign the home to eliminate the requested variance. The homes in the immediate area have driveway apron widths that vary in size between 16-22 feet and no driveway widths exceeding 20 feet. The proposed driveway configuration is not consistent with the existing driveways in the immediate area.
5. ***The grant of the proposed variance does not confer on the applicant any special privilege that is prohibited by this LDC to other lands, buildings, or structures in the same zoning district;*** Granting the requested variance would convey a special privilege not available to other property owners in immediate neighborhood.
6. ***The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard, and is not otherwise detrimental to the health, safety, or general welfare of the public;*** The variance request will not impact congestion in the neighborhood or otherwise be detrimental to the public health safety or welfare.
7. ***The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the district;*** The proposed variance is not consistent with the existing development pattern. Most homes are developed with a single driveway apron and a width more in line with the maximum allowed by Section 6.04.02 F.
8. ***The variance granted is the minimum variance that results in reasonable use of the land, building, or structure;*** The applicant could modify the driveway to reduce the request. Most homes in the subdivision are developed on lots of similar size and served by a single driveway apron.
9. ***The effect of the proposed variance is consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria; and*** The requested variance exceeds the allowance in the land development code for driveway aprons and drive widths. The variance request is not supported by substantial competent evidence. The applicant has not demonstrated a physical hardship of the land. The design of the home is the basis for the variance request which is not a sufficient hardship.

10. The effect of the proposed variance is consistent with the comprehensive plan. The request is consistent with the Comprehensive Plan. The Comprehensive Plan is silent to the design of driveways.


In summary, staff finds that the requested 26-foot apron/ 34-foot driveway width could be reduced, and that the request is not a minimum variance of the LDC.

SUPPORTING DIAGRAMS ILLUSTRATIONS & TABLES: Please see Staff's PowerPoint presentation.

PLANNING COMMISSION ACTION: The Planning Commission shall approve, deny, or approve with conditions the application for variance, based upon making positive findings regarding conditions set forth in subsection 9.02.02. A., of the LDC.

ATTACHMENTS:

1. Variance Application
2. Notification Letter
3. Site Plan/Application submittal with Backup

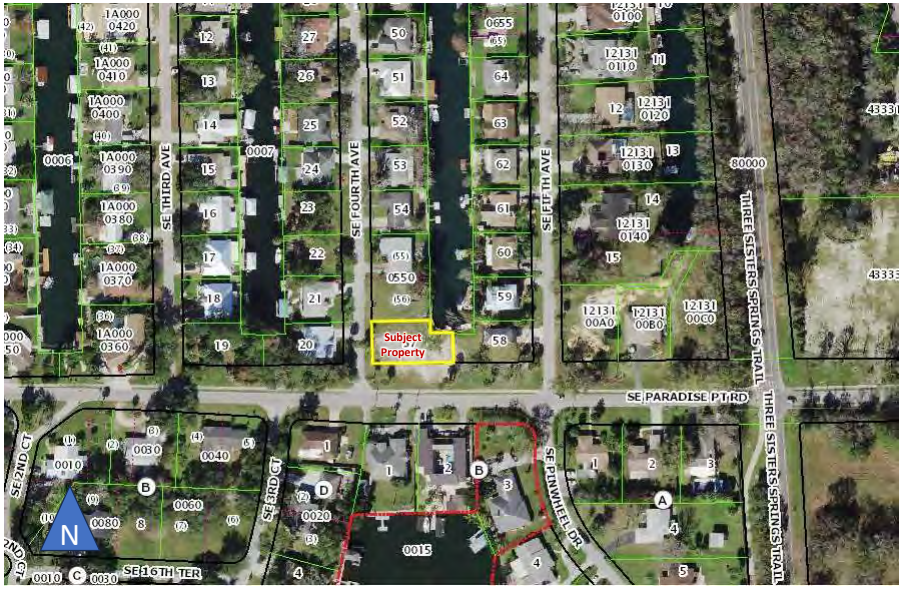


PV23-0002 VARIANCE

WILLIAM NICELY
1433 SE 4th AVENUE

Crystal River Planning Commission Meeting of November 2, 2023

1



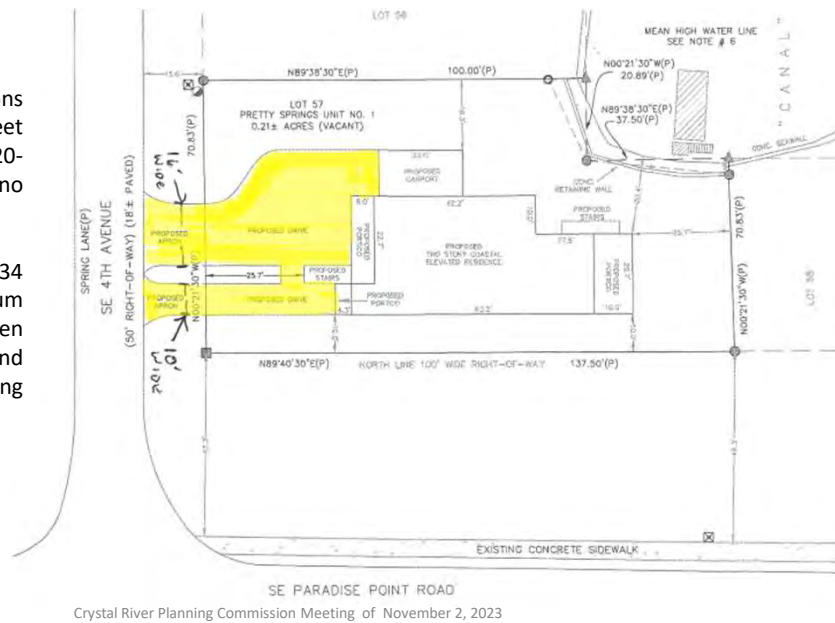
Subject Property

Crystal River Planning Commission Meeting of November 2, 2023

2

Variance request

- Requesting two driveway aprons with a total width of 26 feet rather than the maximum 20-foot width allowed when no sidewalk is present or planned.
- Requesting driveway width of 34 feet rather than the maximum 20-foot width allowed when located between the lot line and the carport, garage, or parking area under the house.

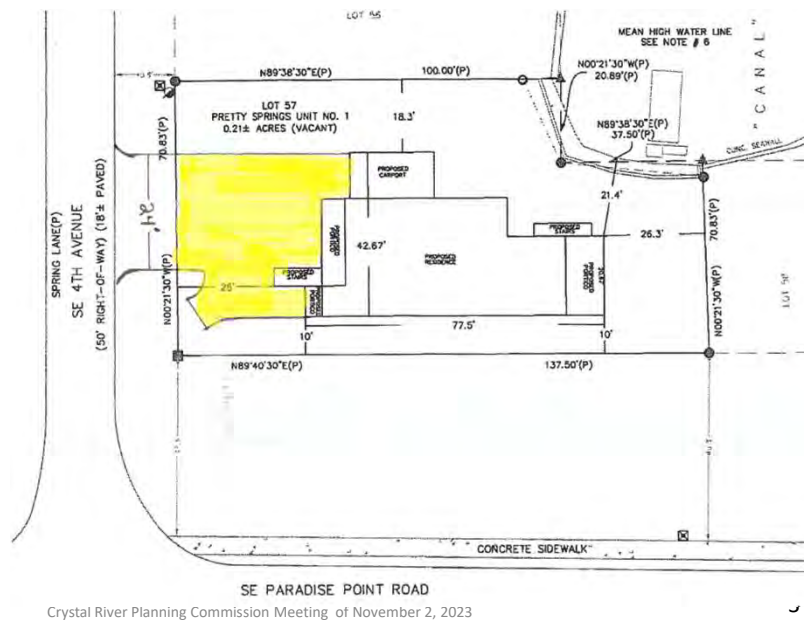


3

Variance request – revised by applicant

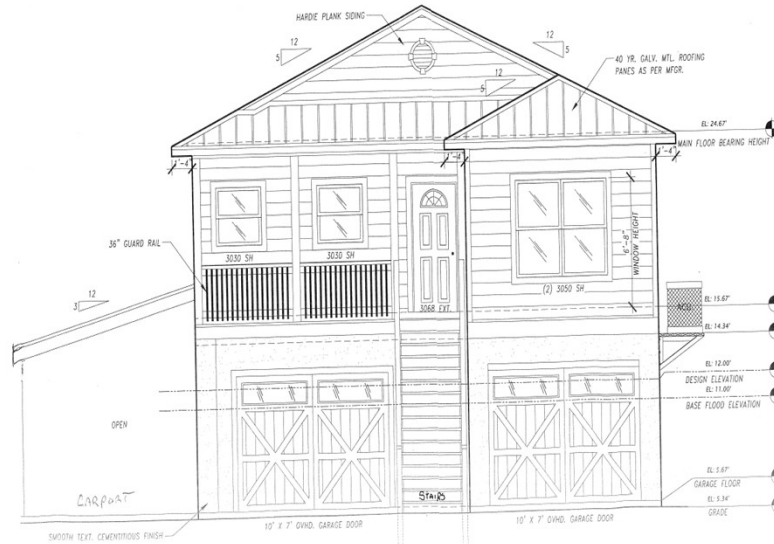
REVISED SITE PLAN ELIMINATING THE NEED FOR THE DRIVEWAY APRON VARIANCE

- Requesting driveway width of 34 feet rather than the maximum 20-foot width allowed when located between the lot line and the carport, garage, or parking area under the house.



4

Building elevation provided by applicant



Crystal River Planning Commission Meeting of November 2, 2023

3

5

Subject property posted on 10-16-2023



Crystal River Planning Commission Meeting of November 2, 2023

3

6

Subject property located on NE corner of SE 4th Ave and SE Paradise Pt



{

Crystal River Planning Commission Meeting of November 2, 2023

3

7

Looking east on SE Paradise Pt



{

Crystal River Planning Commission Meeting of November 2, 2023

3

8

Looking north on SE 4th Ave



Driveway
gains access
From SE 4th
Ave

Subject
Property

{

Crystal River Planning Commission Meeting of November 2, 2023

3

9

Across the street on SE 4th Ave




{

Crystal River Planning Commission Meeting of November 2, 2023

3

10



QUESTIONS?

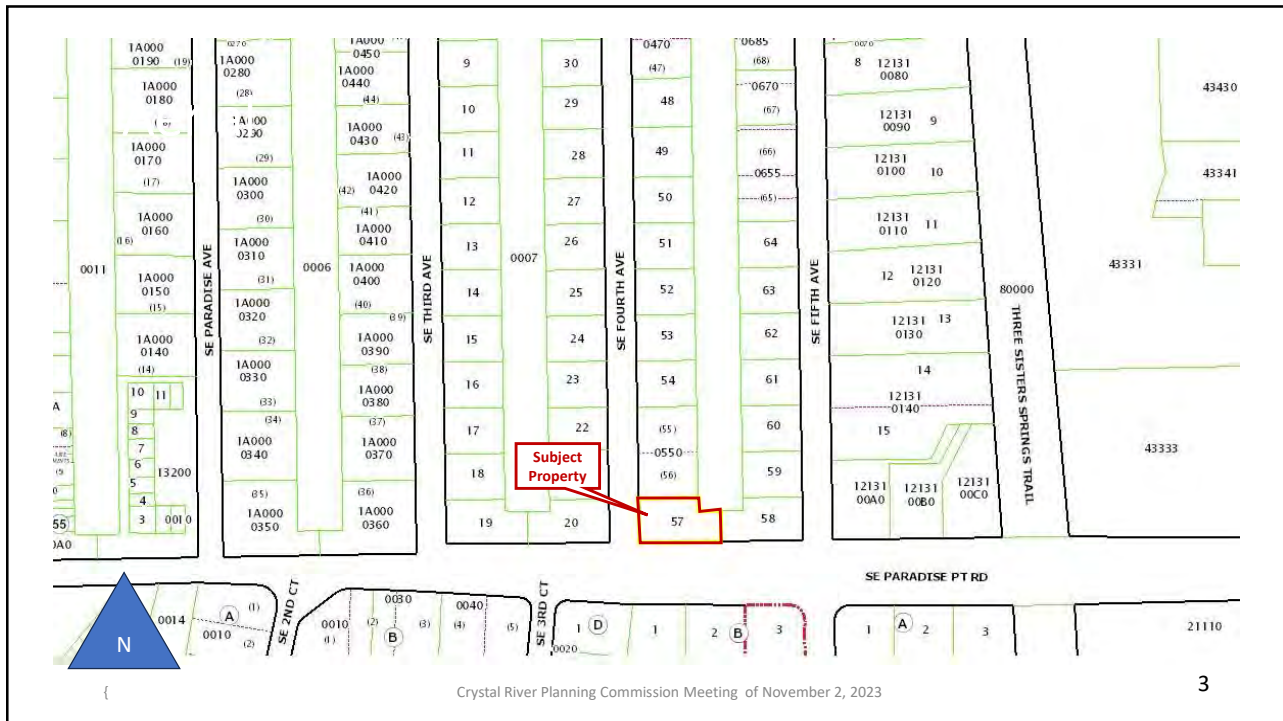
PV23-0002 VARIANCE

**WILLIAM NICELY
1433 SE 4TH AVENUE**

Crystal River Planning Commission Meeting of November 2, 2023

4

11



12



VARIANCE APPLICATION

RECEIVED
AUG 21 2023

Dept. of Planning & Community
Development Services
123 NW Highway 19
Crystal River, FL 34428
352-795-4216, ext. 306
Fax: 352-795-6245

Return to: zciciera@crystalriverfl.org

PV23-0002

Office Use Only: Paid _____	Date _____
Residential - \$400	Commercial - \$600
ATF - DOUBLE FEE	

Applicant Information:

Name: William Nicely Phone 904-955-3027
 Street Address: 470 US Hwy 90 W Jacksonville FL 32234
CITY ST ZIP
 Email Address: wnicely@gmail.com

Site Information:

Site Address: 1433 SE 4th Ave
 Alt Key #: 3523017 Parcel ID # 17E18S2801500570
(AVAILABLE AT THE CITRUS COUNTY PROPERTY APPRAISER'S WEBSITE: www.citruspa.org)

Legal Description: Lot 57, of Pretty Springs, unit #2 according to the map or plat thereof as recorded in Plat Book 7, pg 19, Public Records of Citrus County
or attach description on a separate page)

Subdivision: Pretty Springs Unit 2 Lot: 57 Block: _____

Current Zoning District: _____

Flood Zone: AE Base Flood Elevation: _____
(This information shall be based on the latest Flood Insurance Rate Maps)

The applicant for a variance has the burden of proof of demonstrating that the application for a variance complies with each of the requirements of Section 9.02.02(A).

Variance Request: Please enter a description of request and Land Development Code Sections that pertain to the requested action.
https://library.municode.com/fl/crystal_river/codes/code_of_ordinances?nodeId=PTIICOOR_APXALADE_CO_CH9VACORE_9.02.00VA

The way home is designed with separate GARAGES and carport, home is needing two DRIVEWAYS to have safe access to park correctly and maneuver. SEE attached survey.

Variance Provisions

In order for an application for a variance to be approved or approved with conditions, the Planning Commission shall make a positive finding, based on the evidence submitted, with regard to each of the following provisions. Submit an explanation to each of the provisions below.

Findings	Provisions (Sec. 9.02.02(A))
	1. There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC. <i>(Explain how you will be deprived of reasonable use of the land, building, or structure, equivalent to the use made of lands, buildings or structures in the same neighborhood. Show that you have an unnecessary hardship, more than mere inconvenience or a preference for more lenient standards.)</i>
	2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs. <i>(It is not enough to say that the development will cost more in order to comply. You must show the substantial and undue nature of that additional cost as compared to others subject to the same restriction.)</i>
	3. The need for the proposed variance is due to the physical shape configuration, or topographical condition of the lot in such a manner as to distinguish it from other adjacent or nearby lots or from other lots in the district. <i>(An example would be a pie shaped lot where the lot narrows dramatically towards the front yard and the side yard setback prohibits you from building an addition.)</i>
	4. The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby lots or other lots in the zoning district. <i>(Explain that if the variance is not approved would any development of the proposed property be possible?)</i>
	5. The grant of the proposed variance does not confer on the applicant any special privilege that is prohibited by this LDC to other lands, buildings, or structures in the same zoning district. <i>(Is what you want to do something that other properties in the same zoning district have been allowed to do? If so, how does the ordinance prevent you from doing so?)</i>
	6. The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard, and is not otherwise detrimental to the health, safety, or general welfare of the public. <i>(Will granting the variance harm public safety? (Example: A property owner may prove an unnecessary hardship exists from limitations on on-site drives and parking for a commercial use. The increased traffic and stormwater effects could prove to harm public safety)</i>
	7. The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the district. <i>(Will the variance cause the character of your neighborhood to change?)</i>
	8. The variance granted is the minimum variance that results in reasonable use of the land, building, or structure. <i>(Have you looked at all other</i>

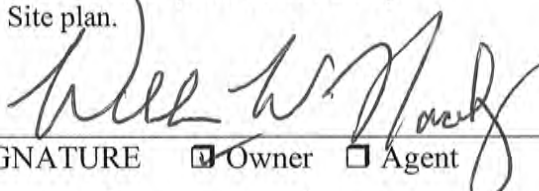
	<i>options to do what you want to do and found that the variance you are seeking is for the least amount necessary?)</i>
	9. The effect of the proposed variance is consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria. <i>(Will what you are proposing have any negative effects on your neighbors or any other property or to public property?)</i>
	10. The effect of the proposed variance is consistent with the comprehensive plan. <i>(City staff will assist with this.)</i>

Notes:

1. Any variance authorized by the Planning Commission, and not used and acted upon by the applicant, or the applicant's successor in interest, within one (1) year from the date on which the decision of the Planning Commission is reduced to a written order, or if appealed, the date on which the order becomes final, shall be deemed abandoned and be void and of no further force and effect.
2. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
3. A variance shall not be granted which authorizes any use or standard that is expressly prohibited by this LDC.
4. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

Attachments:

1. Deed or other proof of ownership.
2. Site plan.


 SIGNATURE Owner Agent 8/21/23
 Date

William W Nively
 PRINT NAME

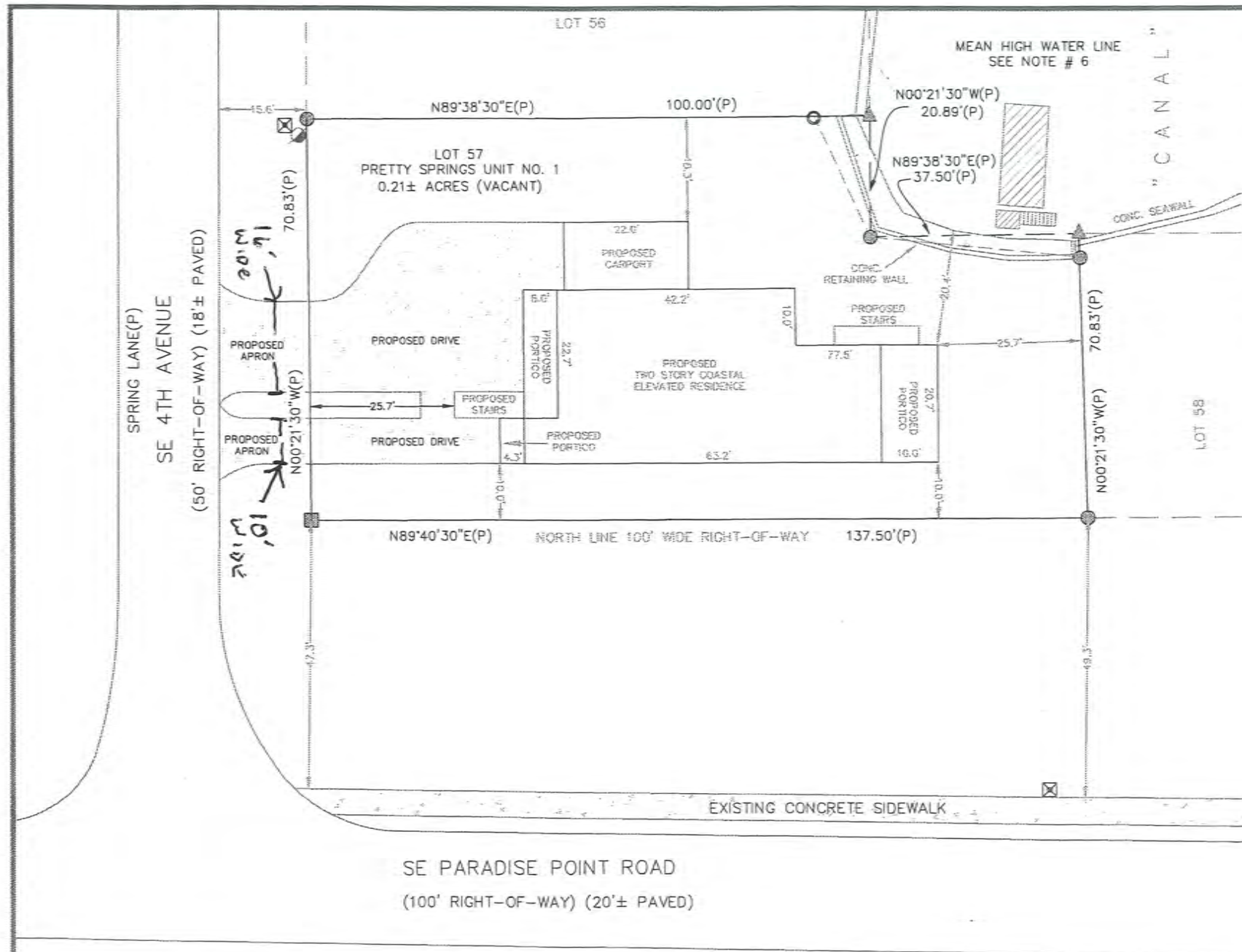
STATE OF FLORIDA

COUNTY OF Duval

The foregoing instrument was acknowledged (Or Affirmed) before me this 21st day of August, 2023, who is/are personally known to me or has/have produced _____ as identification.

Marjorie Smith Wright
 Notary Public
Marjorie Smith Wright (SEAL)





LEGAL DESCRIPTION:

Lot 57, of PRETTY SPRINGS, UNIT No. 2, according to the map or plat thereof as recorded in Plat Book 7, page 19, Public Records of Citrus County, Florida.

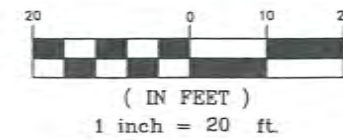
SURVEYOR'S NOTES:

1. This is not a boundary survey.
2. The bearings shown hereon are based on PRETTY SPRINGS, UNIT No. 2, according to the map or Plat thereof as recorded in Plat Book 7, page 19, Public Records of Citrus County, Florida.

LEGEND:

- 4"x4" CONCRETE MONUMENT (NO IDENTIFICATION) Except as noted.
- 5/8" IRON ROD & CAP (NO IDENTIFICATION) Except as noted.
- IRON PIPE (Sized as noted)
- ▲ DESCRIPTIVE POINT (NOT FOUND, NOT SET)
- ⊗ TELEPHONE WIRE BOX
- UTILITY POLE
- (P) PLAT

GRAPHIC SCALE



FLOOD STATEMENT:

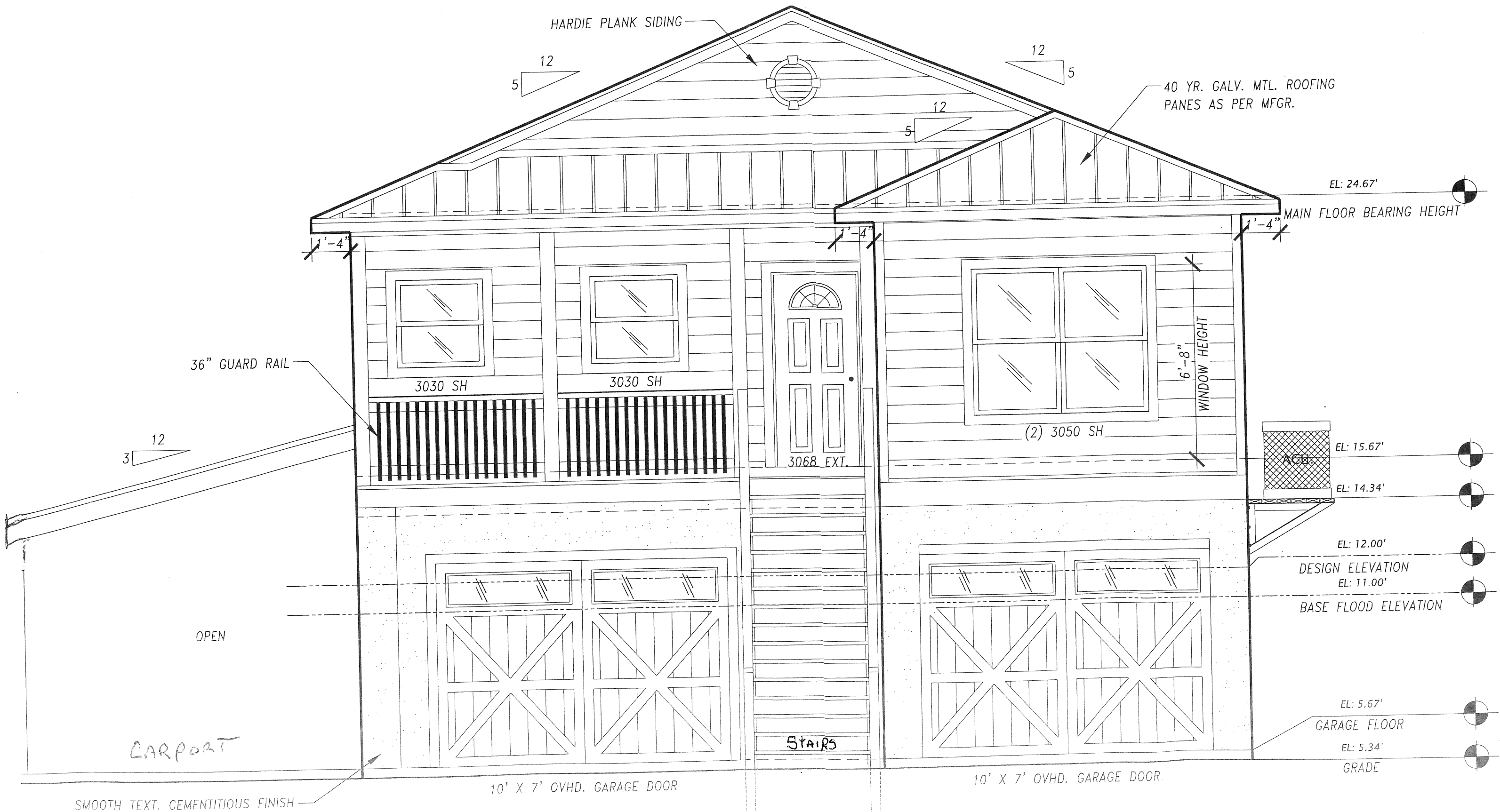
The land bound by this site plan is located in Flood Zone AE (Base Flood Elevation 11.0'), per Flood Insurance Rate Map number 12017C0189E, EFFECTIVE DATE: January 15, 2021.

<p>SITE PLAN FOR William Nicely and Donna Walker</p>			<p>GulfWest Surveying, Inc. Professional Surveyors and Mappers 9469 W. Green Bay Lane Crystal River, Florida 34428 Ph: 352.563.1252 Fax: 352.563.1253</p>
<p>Citrus County, Florida</p>	<p>Project No.: 20498 Field Book: N/A Scale: 1" = 20' Field Date: N/A</p>		<p>Drawn By: JWS Sheet 1 Of 1</p>

RECEIVED

AUG 21 2023

BY: pb23-0002





CITY OF CRYSTAL RIVER PLANNING COMMISSION

STAFF REPORT

Growth Management Department

MEETING DATE:	November 2, 2023
VARIANCE APPLICATION NO. PV23-0003 - Casey & Katherine Damron	
VARIANCE REQUESTED:	A two-part variance request of the City of Crystal River Land Development Code (LDC) to allow for a residential swimming pool addition 1) exceeding the maximum allowed height of two feet when encroaching in the required building setback of a water adjacent yard pursuant to Section 4.02.02 <u>Standards for building and building placement (setbacks)</u> ; and 2) exceeding the maximum allowed impervious surface ratio (ISR) in a RW, Residential Waterfront zoning district pursuant to Section 4.02.01 <u>Standards for lot design</u> , of the LDC.
SUBJECT PROPERTY:	Section 20, Township 18S, Range 17E; specifically, Block A, Lot 13 of Magnolia Shores (AK 2402491), which address is 256 NW Magnolia Circle. A complete legal description of the property is on file with the Growth Management Department.
ACREAGE:	Approximately 13,723 square feet (0.315 acres).
ZONING DISTRICT:	RW, Residential Waterfront
FLOOD ZONE:	According to the Flood Insurance Rate Map (FIRM), the subject property is in Flood Zone CAZ with a Base Flood Elevation (BFE) of 12.00 feet and partly 13.00 feet, as found on FIRM Panel Number 12017C0188E. (Effective date: January 15, 2021)
SURROUNDING AREA:	North – Single Family Residential (RW District) South – Waterfront (Kings Bay) East – Single Family Residential (RW District) West – Single Family Residential (RW District) Situated in the residential subdivision known as Magnolia Shores.
PREPARED BY:	Jenette Collins, AICP, Growth Management Director

BACKGROUND INFORMATION: The applicant makes a two-part variance request as follows:

- The first part of the request is to allow for a residential swimming pool addition on deck to be eight-feet above the natural pre-construction grade rather than the maximum allowed two-foot deck height that may encroach within the required 25-foot setback of a water adjacent yard.
- The second part of the request is to allow for a 49.61% total impervious surface (ISR) area rather than the maximum allowed 45.0% ISR for lots in an RW zoning district.

The pool/deck addition is proposed to setback the minimum 10 feet allowed as measured from the outer edge of the existing seawall (mean high water line) pursuant to section 5.01.13. The subject property is approximately 100 feet wide by 130 feet deep and is located on the southern end of NW Magnolia Circle (a local road), abutting King's Bay. The residential lot is currently being developed to

erect a single-family residence pursuant to building permit number PB22-0118. The subject property also has an existing dock waterward of the seawall. The owner purchased the property in June 2018.

In the owner's submittal they advise... "Our living area is an elevation of 12' above the first finished floor, having a pool height elevation at 8' would guarantee that we would have no flooding or storm damage with typical weather we see in Crystal River." The applicant previously requested a variance (PZ22-0082) to allow for a reduced waterfront setback to 8.5 feet, and to exceed the ISR by allowing 49.61% impervious coverage of the lot. At its October 6, 2022, meeting, the Planning Commission denied the variance.

ANALYSIS:

Height Variance - In the R-W, Residential-Waterfront District, the LDC requires a minimum building setback of 25 feet from the rear lot line or waterfront, whichever the case may be. All setbacks are measured at the shortest distance from the exterior building wall to the property line. A waterfront yard is defined in the LDC, Section 1.07.00 B. *List of defined terms*, as "the yard extending between lot lines and along a waterway, including open water, bays, bayous, lakes over five (5) acres in area, *manmade canals*, and similar navigable water."

On February 13, 2023, section 5.01.13 *Swimming pools and pool enclosures*, of the LDC, was amended (Ordinance 23-O-12) to allow for the placement of swimming pools that lack enclosures to be a minimum of ten feet from the mean high-water line of a water adjacent yard. However, pursuant to section 4.02.02, the encroachment of pool decks and related equipment within the water adjacent yard is limited to a maximum height of two (2) feet as measured from the natural pre-construction grade. According to the boundary and Topographic Survey (dated June 18, 2021), provided by the applicant, the property grade lies approximately four (4) feet above mean sea level (MSL). The maximum 2-foot height is found relevant when considering the visual impact that a raised and/or enclosed pool would have on the immediate vicinity of the structure. This standard serves to implement the following objective, and policy of the Future Land Use Element of the Comprehensive Plan:

OBJECTIVE 3.2: The Character and quality of existing residential neighborhoods will be maintained or upgraded.

POLICIES: A) The City will permit only residential developments, residential accessory uses, and limited specified uses which are compatible with residential uses in residential neighborhoods. Limited specified uses will be allowable only for those uses which meet the supplemental standards of being residential support uses, or uses which are compatible with residential character of the surrounding neighborhoods and otherwise consistent with the Comprehensive Plan. Compatibility shall be determined by intensity of use as well as similarity in scale, bulk, and other aspects of site design.

The request to maintain an 8-foot height versus the maximum 2-foot height represents a 400 percent increase over the maximum allowed height requirement.

ISR Variance: The proposed swimming pool and patio, together with the single-family residence, and driveway will have a total ISR of 49.61 percent, which is greater than the maximum allowed 45 percent ISR for lots in the RW District per Section 4.02.02 of the LDC. It is noted that Section 9.03.00 Administrative waivers, of the LDC, allows a ten percent administrative adjustment of certain standard requirements of the LDC, including maximum ISR for lots. Using this waiver, the lot coverage may be administratively

considered at the discretion of the city's supervisory planner to allow a maximum 49 percent ISR without the need for a variance. However, staff is not amenable to applying an administrative variance for a lot in a Flood Zone CAZ (Coastal A Zone). As such the request represents a 10.2 percent increase over the maximum allowed 45 percent ISR. The subject properties within the Kings Bay area are prone to storm surge, and the ISR criteria serves as a mechanism to mitigate the extent of flooding within the subject area. It is noted that the applicant has provided a stormwater drainage plan for the subject property to address stormwater runoff.

REQUIRED FINDINGS FOR GRANTING A VARIANCE: Pursuant to Section 9.02.02 of the Crystal River Land Development Code, in order for an application for a variance to be approved or approved with conditions, the planning commission shall make a positive finding, based on the evidence submitted, with regard to each of the following findings.

1. ***There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC;*** The applicant has not demonstrated substantial and relevant evidence to warrant granting of the variance requests. The applicant has not demonstrated a physical hardship of the land.
2. ***The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs;*** The hardship is being created by the applicant's choice of development design, and is not based on the desire to reduce development costs.
3. ***The need for the proposed variance is due to the physical shape, configuration, or topographical condition of the lot in such a manner as to distinguish it from other adjacent or nearby lots or from other lots in the district;*** The proposed variance is not due the physical shape, configuration, or topographical condition of the lot, other than the proposed development exceeds the requirements of the LDC.
4. ***The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby lots or other lots in the zoning district;*** The proposed swimming pool and patio is not necessary for the reasonable development of this property. Surrounding properties with swimming pools have developed consistent to the standards of this LDC. The applicant is constructing a 4,968 square foot, 2-story over garage, single family residence. The size of the home limits further development of this property creating a self-imposed hardship.
5. ***The grant of the proposed variance does not confer on the applicant any special privilege that is prohibited by this LDC to other lands, buildings, or structures in the same zoning district;*** The proposed swimming pool and patio is an allowed structure that is considered accessory and incidental to the residential use of the property, and would not be a prohibited use to other lands, buildings, or structures in the same zoning district when constructed in strict conformance to the LDC.
6. ***The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard, and is not otherwise detrimental to the health, safety, or general welfare of the public;*** The proposed swimming pool and raised deck does not increase traffic impacts and should not create any health, safety, and welfare concerns to the surrounding area, however, excessive impervious surface area could contribute to flooding from storm events.

7. ***The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the district;*** The proposed swimming pool and patio is not consistent with the character of the R-W district exclusive to the waterfront setback regulations.
8. ***The variance granted is the minimum variance that results in reasonable use of the land, building, or structure;*** A swimming pool addition is not necessary to make reasonable use of the property, The swimming pool could be developed to meet the requirement of the LDC.
9. ***The effect of the proposed variance is consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria; and*** The request is found inconsistent with the design principles of the LDC to avoid unnecessary impervious surface cover and to adhere to bulk standards that promote compatibility within the zoning district in which the development is located.
10. ***The effect of the proposed variance is consistent with the comprehensive plan.*** The request is found inconsistent with Objective 2, Policy 3. A. of the Future Land Use Element of the Comprehensive Plan, as the visual effect of the proposed swimming pool addition having an 8-foot height within the required 25-foot setback of a water adjacent yard is found to be inconsistent with the character of the neighborhood.


Based on the analysis and findings above, staff is unable to support the requested variances.

SUPPORTING DIAGRAMS ILLUSTRATIONS & TABLES: Please see Staff's PowerPoint presentation.

PLANNING COMMISSION ACTION: The Planning Commission shall approve, deny, or approve with conditions the application for variance, based upon making positive findings regarding conditions set forth in subsection 9.02.02. A., of the LDC.

ATTACHMENTS:

1. PowerPoint
2. Variance Application
3. Site Plan/Application submittal with Backup



PV23-0003 VARIANCE

CASEY & KATHERINE DAMRON
256 NW MAGNOLIA CIRCLE

Crystal River Planning Commission Meeting of November 2, 2023

1

1

Aerial –
Subject
Property



Kings Bay

Crystal River Planning Commission Meeting of November 2, 2023

2

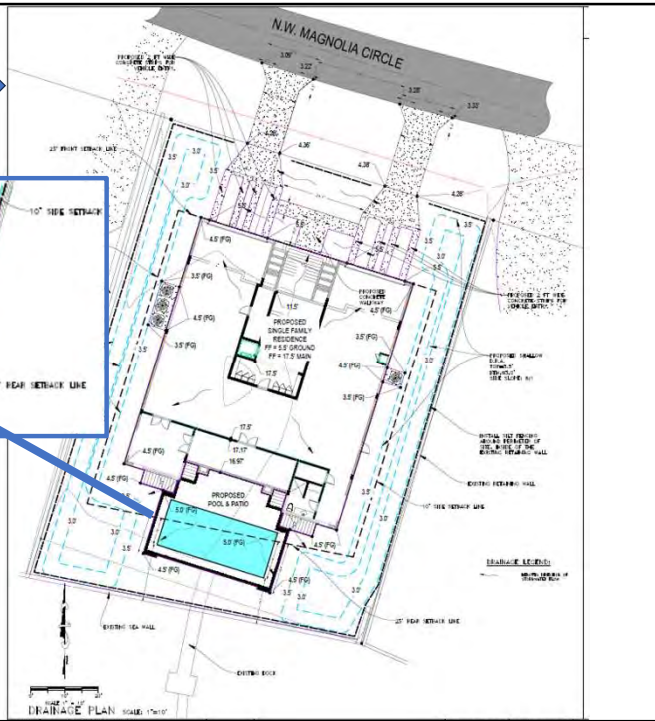
2

Site plan as provided by the applicant



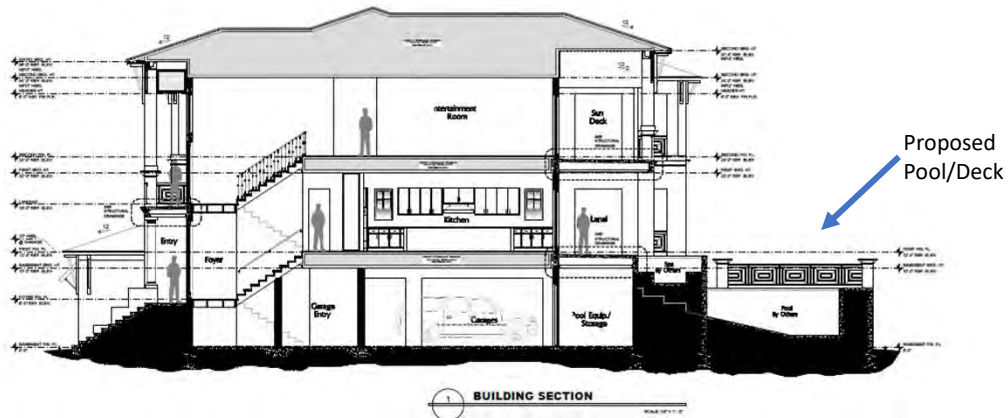
The "yellow" area represents the 25-foot setback. Section 5.01.13 of the LDC allows a swimming pool without enclosure to encroach within the required 25-foot setback of a water adjacent yard provided the deck does not exceed 2 feet above the natural pre-construction grade per section 4.02.02.

Crystal River Planning Commission Meeting of November 2, 2023



3

Building elevation provided by applicant



{

Crystal River Planning Commission Meeting of November 2, 2023

4

4

Subject property posted 10-16-2023



5

Location of proposed swimming pool



6

Looking from seawall to back of residence



7

Looking east from the property on Kings Bay



8

Looking west from the property on Kings Bay



Crystal River Planning Commission Meeting of November 2, 2023

9

Below looking east from the property on NW Magnolia Circle




Below looking west from the property on NW Magnolia Circle



Crystal River Planning Commission Meeting of November 2, 2023

10



QUESTIONS?

PV23-0003 VARIANCE

CASEY & KATHERINE DAMRON
256 NW MAGNOLIA CIRCLE

Crystal River Planning Commission Meeting of November 2, 2023 4

11



Crystal River Planning Commission Meeting of November 2, 2023 2

12



VARIANCE APPLICATION

Dept. of Planning & Community
Development Services
123 NW Highway 19
Crystal River, FL 34428
352-795-4216, ext. 306
Fax: 352-795-6245

Return to: zciciera@crystalriverfl.org

Office Use Only: Paid _____	Date _____
Residential - \$400	Commercial - \$600 ATF - DOUBLE FEE

Applicant Information:

Name: Casey & Katherine Damron Phone 352-400-9313
 Street Address: 3415 W. Shadow Creek LP Lecanto FL 34461
CITY ST ZIP
 Email Address: casey@sodiumusa.com

Site Information:

Site Address: 256 NW Magnolia Cir, Crystal River, FL 34428
 Alt Key #: 2402491 Parcel ID # 17E18S200050000A0 0130
(AVAILABLE AT THE CITRUS COUNTY PROPERTY APPRAISER'S WEBSITE: www.citruspa.org)
 Legal Description: Magnolia Shores pb2, pg 143, Lot 13, BLK A

_____ (or attach description on a separate page)
 Subdivision: Magnolia Shores Lot: 13 Block: A
 Current Zoning District: _____
 Flood Zone: _____ Base Flood Elevation: _____
 (This information shall be based on the latest Flood Insurance Rate Maps)

The applicant for a variance has the burden of proof of demonstrating that the application for a variance complies with each of the requirements of Section 9.02.02(A).

Variance Request: Please enter a description of request and Land Development Code Sections that pertain to the requested action.
https://library.municode.com/fl/crystal_river/codes/code_of_ordinances?nodeId=PTIICOOR_APXALADE_CO_CH9VACORE_9.02.00VA

Requesting that the pool deck be allowed to be 8 feet above natural grade rather than the allowed 2 foot height restriction. It will not interfere with either of our neighbor's bay views and it will be beneficial to have the pool raised out of the flood plain to avoid future storm damage. We would appreciate this consideration.

Variance Provisions

In order for an application for a variance to be approved or approved with conditions, the Planning Commission shall make a positive finding, based on the evidence submitted, with regard to each of the following provisions. Submit an explanation to each of the provisions below.

Findings	Provisions (Sec. 9.02.02(A))
	1. There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC. <i>(Explain how you will be deprived of reasonable use of the land, building, or structure, equivalent to the use made of lands, buildings or structures in the same neighborhood. Show that you have an unnecessary hardship, more than mere inconvenience or a preference for more lenient standards.)</i>
	2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs. <i>(It is not enough to say that the development will cost more in order to comply. You must show the substantial and undue nature of that additional cost as compared to others subject to the same restriction.)</i>
	3. The need for the proposed variance is due to the physical shape configuration, or topographical condition of the lot in such a manner as to distinguish it from other adjacent or nearby lots or from other lots in the district. <i>(An example would be a pie shaped lot where the lot narrows dramatically towards the front yard and the side yard setback prohibits you from building an addition.)</i>
	4. The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby lots or other lots in the zoning district. <i>(Explain that if the variance is not approved would any development of the proposed property be possible?)</i>
	5. The grant of the proposed variance does not confer on the applicant any special privilege that is prohibited by this LDC to other lands, buildings, or structures in the same zoning district. <i>(Is what you want to do something that other properties in the same zoning district have been allowed to do? If so, how does the ordinance prevent you from doing so?)</i>
	6. The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard, and is not otherwise detrimental to the health, safety, or general welfare of the public. <i>(Will granting the variance harm public safety? (Example: A property owner may prove an unnecessary hardship exists from limitations on on-site drives and parking for a commercial use. The increased traffic and stormwater effects could prove to harm public safety)</i>
	7. The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the district. <i>(Will the variance cause the character of your neighborhood to change?)</i>
	8. The variance granted is the minimum variance that results in reasonable use of the land, building, or structure. <i>(Have you looked at all other</i>

**Filing Requirements
Checklist**

1.	Completed application form available from the city.
2.	Applicable filing fee as required by the city. The applicant will also be billed at a later date for advertising and postage fees for costs incurred due to <u>required</u> notification to abutting property owners by mail and advertising in a newspaper of general circulation. Applicants are billed actual costs incurred for public notification. No application shall be processed for final adoption until all fees are paid.
3.	Proof of ownership and legal description of property (tax notice or copy of deed will suffice).
4.	Site Plan (DRAWN TO SCALE). All site plans and drawings for application shall clearly readable and be prepared at the same scale. The sheet size shall not be less than <u>11" x 17"</u> and not be larger than 36' x 48'. Where site plans are larger than 11" x 17", electronic copies must be provided as part of submittal. SITE PLANS SHALL SHOW THE FOLLOWING INFORMATION:
A.	Lot dimensions along all property lines. Include North arrow to indicate orientation.
B.	Lot area and percentage of lot covered (impervious surface area).
C.	Driveway access location with dimensions and parking space arrangement. (For commercial, must delineate internal aisle and parking with dimensions.)
D.	All rights-of-way and easements adjacent to and crossing the subject property.
E.	All watercourses, waterbodies, canals, and/or jurisdictional wetlands adjacent to or on property.
F.	Proposed or existing source of potable water/well or sewer/septic system.
G.	Existing and proposed location of building/structures including heights and separation.
H.	All setbacks (measured in feet) must be shown between buildings/structures and property lines.
I.	Any existing or proposed walls/fences – show location, height, and material types.
J.	Existing and/or proposed stormwater management systems as applicable.
K.	Signs (show location and dimensions) as applicable.
L.	Loading (show location and dimensions) as applicable.
5.	A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed by a surveyor licensed in the State of Florida and shall have been performed not more than two (2) years prior to the date of application. (Not required for residential applications.)
6.	When the applicant is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.

I HEREBY ACKNOWLEDGE THAT FAILURE TO SUBMIT THE ABOVE INFORMATION ALONG WITH THE RETURN OF THIS FORM, AND/OR THAT THE INFORMATION SUBMITTED IS INSUFFICIENT FOR REVIEW AND MAY DELAY PROCESSING CAUSING THE APPLICATION TO BE SCHEDULED TO A LATER HEARING DATE. APPLICATIONS FOUND INCOMPLETE WILL BE RETURNED TO THE APPLICANT.

Return this application to:

City of Crystal River
Planning and Development Services Department
123 Northwest Highway 19
Crystal River, Florida 34428
zdciera@crystalriverfl.org

Applicant Signature: _____

Date: _____

[Handwritten Signature]
8/6/23

PROVISION EXPLANATIONS

1. Our lot is primarily square in dimension. However, when the sea wall was constructed, it was built at an angle which restricts the set back on the pool deck. Our living area is at an elevation of 12' above the first finished floor, having a pool height elevation at 8' would guarantee that we would have no flooding or storm damage with typical weather we see in Crystal River. We are open to constructing the pool deck lower than the lower finish floor height.
2. It will cost us considerably money to elevate the pool deck rather than leaving it in the flood plain like it was currently approved.
3. The lot is primary square in nature expect for the rear boundary which is the sea wall.
4. Our neighbor's property to the north was granted permission to build an elevated pool. The shape of our pool deck has been approved so we are only asking to raise it up out of the flood plain to avoid future storm damage.
5. Other property owners have been granted this variance. The ordinance currently only allows the pool deck height of 2' above natural grade, we are simply trying to elevate it out of the flood damage to avoid future storm damage.
6. Correct, the proposed variance **does not** substantially increase congestion on surrounding streets, **does not** increase the danger of fire or other hazard, and **is not** otherwise detrimental to the health, safety, or general welfare of the public
7. Correct, the development following the proposed variance **is compatible** with adjacent and nearby development and **does not** alter the essential character of the district.
8. Correct, the variance granted is the minimum variance that results in reasonable use of the land, building, or structure.
9. Correct, the effect of the proposed variance **is** consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria.
10. The effect of the proposed variance **is** consistent with the comprehensive plan. This is consistent with the original submit al and approved plan we submit ed with the city of crystal river building department.

DAMRON RESIDENCE DRAINAGE PLAN

SITE DATA:

SITE AREA: 13,723 S.F. = 0.315 AC
 OWNER: CASEY DAMRON
 ADDRESS: 256 NW MAGNOLIA CIRCLE
 CRYSTAL RIVER, FL 34428

CONTACT: (352)-400-9313
 PARCEL: 1718200050000A00130
 ZONING: RW
 LAND USE: MDR
 SETBACKS: 25 FT FRONT
 10 FT SIDE
 25 FT REAR
 25 FT WATERFRONT

PROPOSED COVERAGE

SITE AREA: 13,723 S.F. (100%)
 PROPOSED BUILDING: 4,968 S.F. (36.20%)
 PROPOSED CONCRETE: 782 S.F. (5.17%)
 PROPOSED DECK & POOL: 1,058 S.F. (7.71%)
 TOTAL IMPERVIOUS AREA: 6,808 S.F. (49.61%)
 TOTAL PERVIOUS AREA: 6,915 S.F. (50.39%)

DRAINAGE BASIN #1 VOLUME CALCULATION:

TOTAL SITE AREA LESS AREA UNDER ROOF = 8,755 S.F.

$(0.75" \times 8,755 \text{ S.F.}) / (1\text{FT}/12") = 547.20 \text{ C.F.}$
 TOTAL VOLUME REQUIRED = 548 C.F.
 TOTAL VOLUME PROVIDED = 1,011 C.F.

PROPOSED DRA VOLUME					
STAGE	AREA (SF)	PERIMETER	AREA (ACRE)	VOLUME(FT^3)	VOLUME(CY)
3.5	3213	623	0.0738	1011	37.4
3	831	563	0.0191	0	0.0

FLOOD ZONE NOTE:

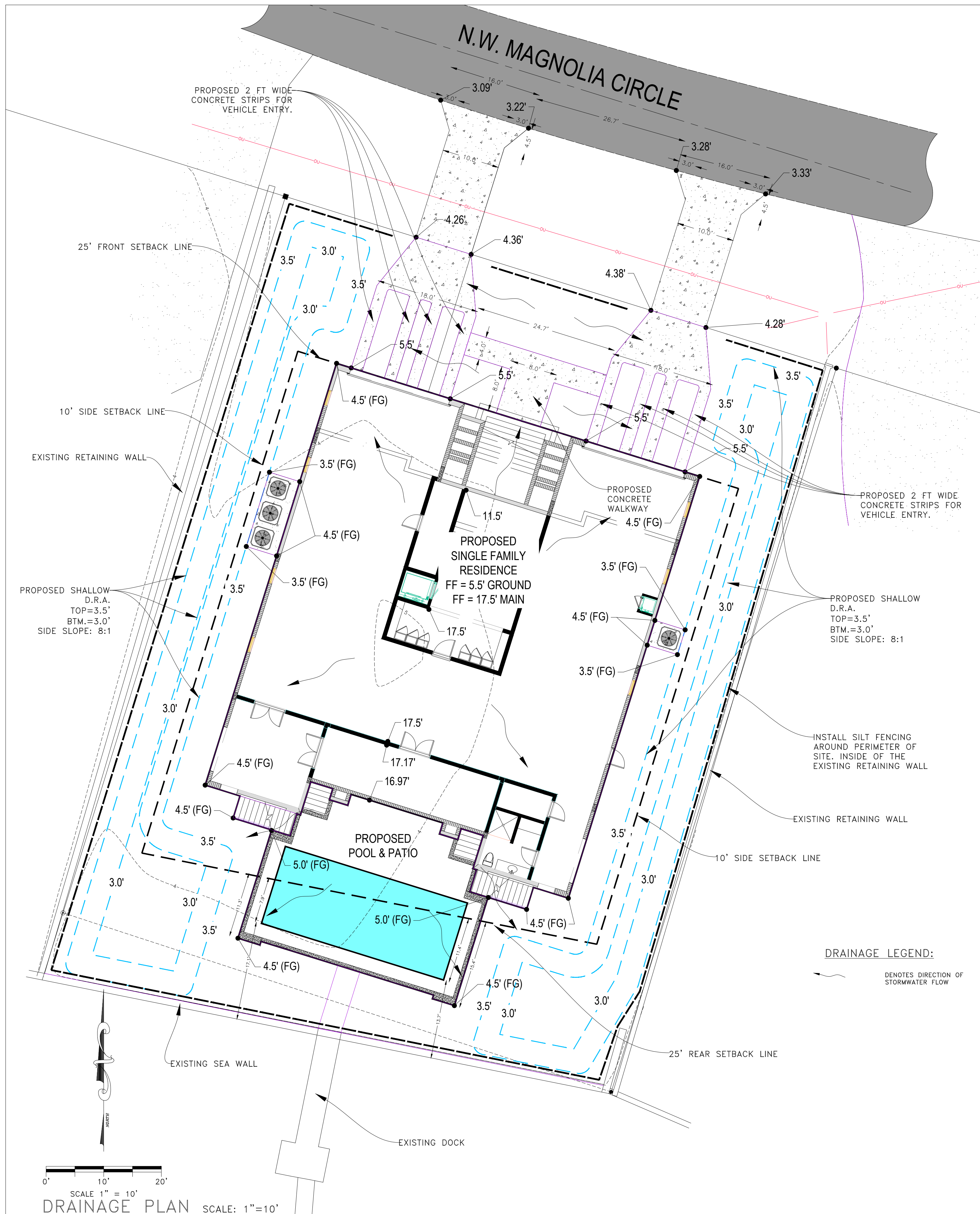
FLOOD ZONE ON SITE = 13.00'
 LOWER FLOOR ELEVATION = 5.50'
 MIDDLE FLOOR ELEVATION = 17.50'
 UPPER FLOOR ELEVATION = 29.50'

NOTE:

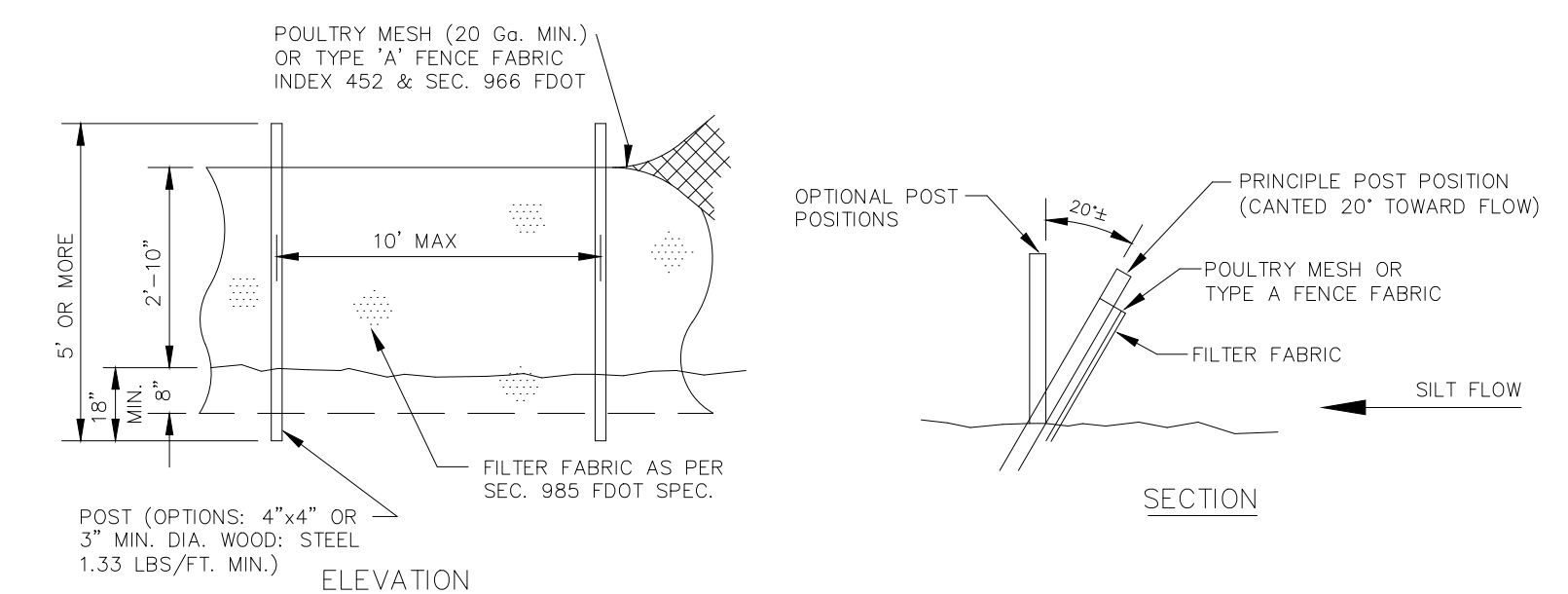
AN ELECTRONIC COPY OF THIS PLAN WILL BE PROVIDED TO THE CONTRACTOR FOR SURVEYING & STAKING.



LOCATION MAP
 SCALE: 1"=100'



DRAINAGE LEGEND:
 DENOTES DIRECTION OF STORMWATER FLOW



TYPE III SILT FENCE DETAIL "A"
 N.T.S.
 FDOT INDEX #102

SCALE 1"=10'
 DRAINAGE PLAN SCALE: 1"=10'

DATE:	REVISION DESCRIPTION:
08-25-22	REVISED DRAINAGE/DRIVEWAY/GRADING

SCALE:
 1"=10'
 (ON 24X36')



MASTROSERIO ENGINEERING, INC
 CIVIL * ENVIRONMENTAL * SITE DESIGN
 170 SE 32ND PLACE
 OCALA, FL 34471
 PH: (352)433-2185
 PAOLO@MASTROSERIOENG.COM

DRAWING FILE: MASTER.DWG
 DESIGNED BY: PM
 DRAWN BY: PM
 CHECKED BY: PM
 DATE: 04-23-2022

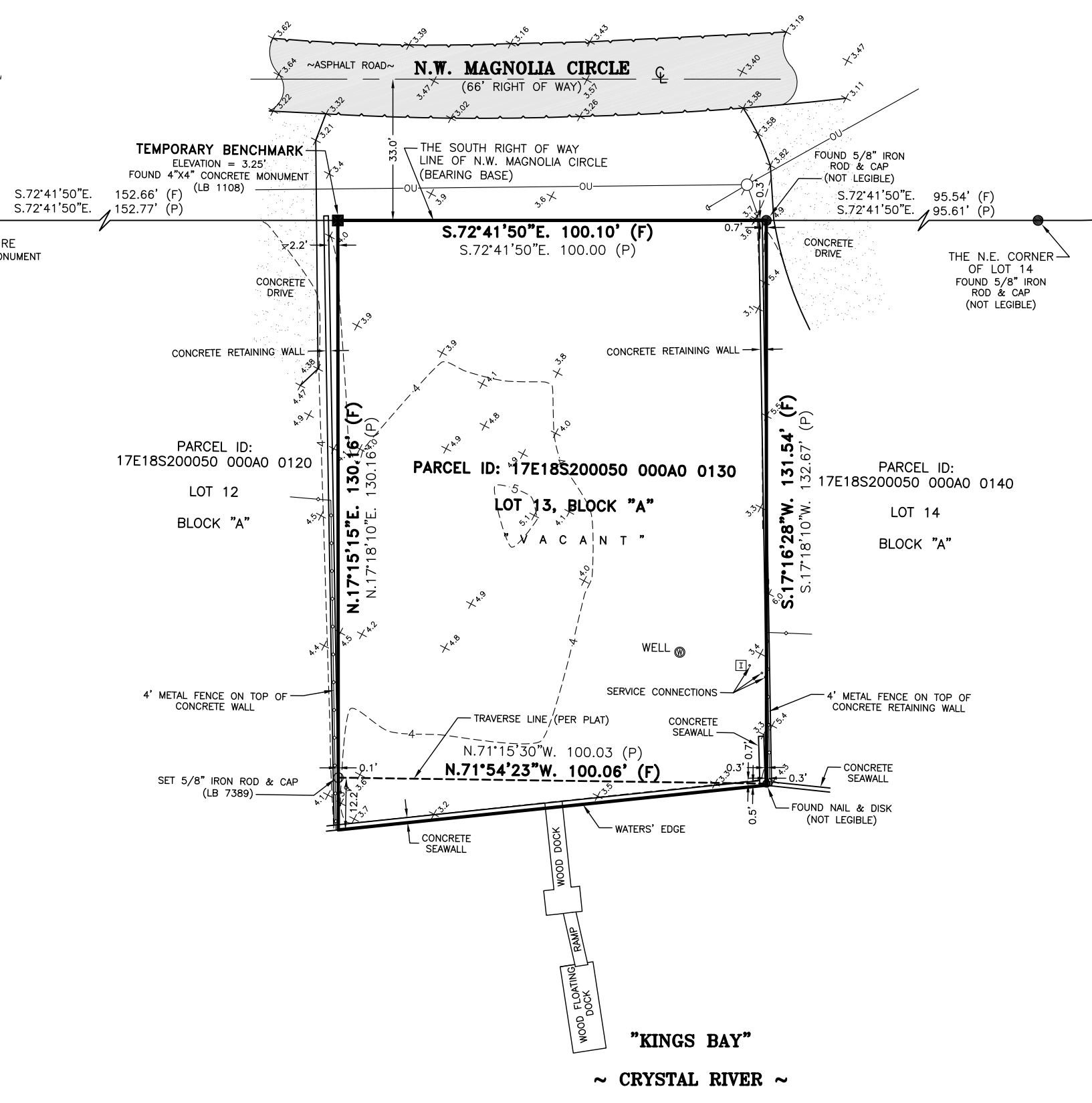
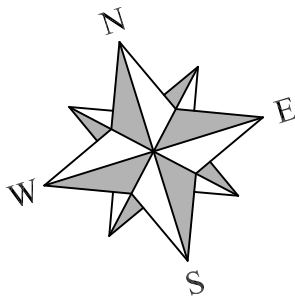
ENGINEER'S CERTIFICATION:
 DATE:
 PAOLO MASTROSERIO, P.E. 58691
 MASTROSERIO ENGINEERING, INC. C.A.#26159
 170 SE 32ND PLACE
 OCALA, FL 34471

PROJECT: DAMRON RESIDENCE- DRAINAGE PLAN
 LOCATION: CITRUS COUNTY, FLORIDA

TITLE: DRAINAGE PLAN

JOB#: 22-14

SHEET
 1 OF 1



LEGEND

(P) = PLAT DIMENSION	☐ = WATER METER
(F) = FIELD MEASUREMENT	☐ = TELEPHONE RISER BOX
(D) = DEED DIMENSION	☐ = ELECTRIC BOX
(C) = CALCULATED DIMENSION	⊙ = UNDERGROUND GAS MARKER
R/W = RIGHT OF WAY LINE	☐ = IRRIGATION CONTROL BOX
C.B. = CHORD BEARING	⊙ = WOOD POWER POLE
O.R.B. = OFFICIAL RECORDS BOOK	⊙ = GUY ANCHOR
P.C. = POINT OF CURVATURE	⊙ = FIRE HYDRANT
P.R.C. = POINT OF REVERSE CURVATURE	⊙ = WATER VALVE
P.T. = POINT OF TANGENCY	⊙ = SEWER VALVE
CL = CENTERLINE OF RIGHT OF WAY	⊙ = SANITARY MANHOLE
R.C.P. = REINFORCED CONCRETE PIPE	⊙ = STORM DRAINAGE MANHOLE
C.M.P. = CORRUGATED METAL PIPE	⊙ = TELEPHONE MANHOLE
V.C.P. = VITRIFIED CLAY PIPE	⊙ = STORM INLET
P.V.C. = POLYVINYL CHLORIDE	⊙ = WELL
OU = OVERHEAD UTILITY	⊙ = MONITORING WELL
● = FOUND 5/8" IRON ROD & CAP	⊙ = LIGHT POLE
○ = SET 5/8" IRON ROD & CAP - LB 7389	⊙ = SIGN POST
■ = FOUND 4"x4" CONCRETE MONUMENT	⊙ = MAILBOX
□ = SET 4"x4" CONCRETE MONUMENT - LB 7389	⊙ = SANITARY CLEAN-OUT
⊙ = FOUND 8" OCTAGONAL CONCRETE MONUMENT	⊙ = DEPICTS CONCRETE
⊙ = BROKEN LINE; NOT DRAWN TO SCALE	

STATE CERTIFIED SDVBE

**BOUNDARY & TOPOGRAPHIC SURVEY
FOR:
CASEY & KATHERINE DAMRON**

DESCRIPTION: (PER OFFICIAL RECORDS BOOK 2907, PAGE 575)
LOT 13, BLOCK "A" OF MAGNOLIA SHORES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 143, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.

- SURVEYOR'S NOTES:**
1. THE FIELD MEASURED BEARINGS DEPICTED HEREON ARE ASSUMED, BASED ON THE SOUTH RIGHT OF WAY LINE OF N.W. MAGNOLIA CIRCLE, TO BEAR S.72°41'50"E.
 2. UNLESS OTHERWISE SHOWN, UNDERGROUND IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY.
 3. THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA WERE NOT SEARCHED BY PREECE LAND SURVEYING, INC.
 4. THE LANDS DEPICTED HEREON ARE SUBJECT TO RECORDED AND UNRECORDED RIGHTS OF WAY, RESTRICTIONS, EASEMENTS AND RESERVATIONS THAT MAY OR MAY NOT APPEAR WITHIN THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.
 5. ADDITIONS OR DELETIONS TO THIS MAP OF SURVEY AND/OR REPORT BY OTHER THAN THE SIGNING PARTY(IES) IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY(IES).
 6. THIS SURVEY HAS BEEN PREPARED FOR SOLE AND EXCLUSIVE BENEFIT OF THE PARTY(IES) NAMED HEREON, AND SHALL NOT BE RELIED UPON BY ANY OTHER INDIVIDUAL OR ENTITY WITHOUT THE CONSENT OF SAID PARTY(IES) AND THE SIGNING SURVEYOR.
 7. THIS MAP OF SURVEY IS NOT VALID AND IS TO ONLY BE USED FOR REFERENCE PURPOSES ONLY, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER INDICATED HEREON.
 8. THE SYMBOLS USED TO REPRESENT PHYSICAL FEATURES ARE FOR GRAPHIC ILLUSTRATION ONLY AND MAY OR MAY NOT REFLECT THE ACTUAL SIZE AND SHAPE OF THE FEATURE BEING REPRESENTED.
 9. THE SIGNING PARTY(IES) SIGNATURE DATE DOES NOT REPRESENT THE ACTUAL DATE OF SURVEY.
 11. THE SURVEYED LANDS DEPICTED HEREON LIE WITHIN FLOOD ZONE "AE" - AN AREA OF WITHIN THE 100-YEAR FLOOD, BASED ON GRAPHIC INTERPRETATION OF THE FLOOD INSURANCE RATE MAP, FOUND IN COMMUNITY PANEL NUMBER 12017C 0188 E, EFFECTIVE JANUARY 15, 2021.
 12. THE MOST CURRENT ABUTTING RECORDED INSTRUMENTS FOR ADJOINERS TO THE LANDS SURVEYED WERE NOT FURNISHED.
 13. THE VERTICAL DATUM ESTABLISHED FOR THIS SURVEY WAS BASED ON N.G.S. CONTROL POINT "CR 52", PUBLISHED ELEVATION = 7.37', NAVD-88.

SURVEYOR'S CERTIFICATION:
THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FOR A BOUNDARY SURVEY.

DATE _____
GLEN H. PREECE, JR., P.S.M. - LS 5427

BELLWETHER PROFESSIONAL PARK
2201 S.E. 30TH AVENUE, SUITE 102
OCALA, FL 34471
PHONE: (352) 351-0091
FAX: (352) 351-0093 FAX
EMAIL: glen@plsinc.us

PREECE
LAND SURVEYING, Inc.
(LICENSED BUSINESS NO. 7389)

DATE OF SURVEY: JUNE 18, 2021				
DRAWN:	C.L.B.	REVISIONS	BY	DATE
CHECKED:	G.H.P.			
F.B./PG.	106/60			
FILE INFO:				
MAGNOLIA SHORES				
SCALE: 1" = 30'	COPYRIGHT © 2021	JOB ORDER # 21-128		

LUETGERT

DEVELOPMENT CORPORATION

State Certified General Contractor • CGC 1508026 • Since 2004

August 8, 2023

TO: Planning & Community Development Services
City of Crystal River

RE: Variance Request Hearing
Casey and Katherine Damron
Property ID: 17E18S20050 000A0 0130
Address: 256 NW Magnolia Cir, Crystal River, FL 34482

To whom it may concern:

We, Casey and Katherine Damron, authorize Christopher Luetgert, to be our agent to represent us at the hearing to address our variance request from the City of Crystal River. Thank you

By: [Signature]
Casey Damron, Owner

By: [Signature]
Katherine Damron, Owner

STATE OF FLORIDA
COUNTY OF Citrus

Sworn to (or affirmed) and subscribed before me this 8th day of August, 2023 by
Casey Damron + Katherine Damron (Name of Person(s) Making Statement)

(SEAL)



[Signature]

Signature of Notary Public

Lynn M. Stoppelli
Print, Type or Stamp Name of Notary Public

Personally Known: X
OR Produced Identification: _____

Type of Identification Produced: _____



CITY OF CRYSTAL RIVER PLANNING COMMISSION

STAFF REPORT

Growth Management Department

MEETING DATE:	November 2, 2023
APPLICATION NO. PZMA23-0003 – CRYSTAL RIVER PLANTATION CORPORATION	
PROPOSED AMENDMENT:	An amendment of the Official Zoning Map by changing the zoning on 0.90 acres from Planned Unit Development (PUD) TO Neighborhood Business Residential (NBR), and by changing the zoning on 60.73 acres from PUD to High Intensity Commercial (CH), for a total of 61.63 acres.
SUBJECT PROPERTY:	Section 33, Township 18 S, Range 17 E; specifically, Parcel 41300 (AK #2333537), Parcel 42000 0060 (AK #3522576), and Part of Parcel 14000 0050 (AK#3522575), as identified in the records of the Citrus County Property Appraiser, and which address is known as 9520 W Fort Island Trail, Crystal River, Florida. A complete legal description of the property is on file with the Growth Management Department.
PROPERTY OWNER:	Crystal River Plantation Corporation
LAST OCCUPANT:	Plantation Golf Course (existing)
EXISTING FUTURE LAND USE:	HC, Highway Commercial (60.73 acres) and MDR, Medium Density Residential (0.90 acre) categories. No change is proposed.
EXISTING ZONING:	PUD, Planned Unit Development (61.63 acres).
FLOOD ZONE:	According to the Flood Insurance Rate Map (FIRM), the subject property is in Flood Zone AE with a Base Flood Elevation (BFE) of 12 feet, as found on FIRM Panels Numbered 12017C0301E and 12017C0302E. (Effective date: January 15, 2021)
SURROUNDING AREA:	North: County zoned GNC, General Commercial (retail store with gas pumps, storage units/apartments and vacant), CLR, Coastal and Lakes Residential (single-family residential) located across W Fort Island Trail; and City zoned CW, Waterfront Commercial (vacant) abutting the subject property. South: County zoned CLR, Coastal and Lakes Residential (single-family residential). East: City zoned CH, Highway Commercial (golf course) West: County zoned GNC, General Commercial (house of worship). The area comprises a mix of residential and commercial uses.
PREPARED BY:	Jenette Collins, AICP, Director, Growth Management Department

BACKGROUND INFORMATION: This is a request to rezone the subject property that is part of the existing Plantation Golf Course from Planned Unit Development (PUD) to Neighborhood Business Residential (NBR) on 0.90 acres and High Intensity Commercial (CH) on 60.73 acres. The subject property was zoned PUD subject to an approved master plan on August 13, 2018 (Ordinance No. 18-O-07). The 2018 PUD master plan for 294-RV lots has expired pursuant to section 10.00.04 of the Crystal River Land Development Code (LDC).

In 2021, the applicant submitted for a PUD renewal and modification, which application has now been withdrawn. The present request is made to remove the PUD designation and return the property to the zoning that existed prior to the 2018 rezoning to PUD. The existing Future Land Use designation remains unchanged. No development has been proposed as part of this request.

ANALYSIS: The following items have been evaluated by staff to prepare findings and a recommendation to the Planning Commission.

Future Land Use Map (FLUM) – The Comprehensive Plan’s FLUM is designated as MDR, Medium Density Residential land use category for the 0.90 acres and HC, Highway Commercial land use category for the remaining 60.73 acres.

The Future Land Use Element of the Comprehensive Plan states that the FLUM’s MDR category is to provide a location for single- and multi-family residential development use as a mix of residential uses, except for resort housing units, and compatible small-scale business, commercial and institutional uses in transitioning neighborhoods. Residential density shall be from 3.1 to 8 units per acre. Maximum impervious surface shall not exceed 55 percent. The MDR category allows for NBR as a zoning district used to implement the Future Land Use. As such, no amendment is necessary to the FLUM.

The FLUM’s HC land use category generally allows for retail and service uses, professional offices, and lodging. The HC category allows CH as a zoning district used to implement the Future Land Use. As such, no amendment is necessary to the FLUM.

Zoning Considerations – The following table provides a summarized comparison of the existing PUD zoning district and the proposed (rezonings) NBR and CH zoning districts as specified in Chapter 2 of the Crystal River Land Development Code (LDC).

Zoning District:	From: PUD, Planned Unit Development	To: NBR, Neighborhood Business Residential (0.90 acres)	To: CH, High Intensity Commercial (60.73 acres)
Allowed Use:	Established for creative and responsible development projects that may include compatible residential use and related public facilities that shall be unified by a master development plan, as further described in Section 4.04.00. Standards for Planned Unit Developments.	Mix of residential uses, except for resort housing units, and compatible small-scale business, commercial, and institutional uses in transitioning neighborhoods, including associated accessory structures, and essential public services.	Large-scale business, commercial, light assembly and institutional uses, associated accessory structures, and essential public services
Max ISR:	Per approved master plan	50%	65% (waterfront); 75% (non-waterfront)
Max FAR:	Per approved master plan	0.3	0.7
Max Density:	Per approved master plan	8.0 du/ac	n/a

du/ac – dwelling unit(s) per acre ISR – Impervious Surface Ratio FAR – Floor Area Ratio
 Source: Crystal River Zoning Ordinance (Ord. No. 05-O-08)

The request to rezone the property as proposed is found to be consistent with the existing Future Land Use categories.

Compatibility with Adjacent Land Uses – The subject property is bounded by a collector road to the north, a local road and residential neighborhood to the south, the balance of the golf course to the east that is currently zoned as CH, and a church to the west. Future development will require adherence with LDC requirements to establish buffers to assist in mitigating aesthetic differences between adjacent uses. The following perimeter buffer/spacing requirements are required pursuant to current standards of Section 4.05.03 *Standards for buffer, landscaping, and tree landscaping*, of the LDC.

Side to Adjacent Zoning Districts	Adjacent Land Use	LDC Required Perimeter Buffering (per 100 liner feet prop. Line)
North abutting collector road Ft Island Trail and (County) CLR, Coastal Lakes Residential/GNC, General Commercial	SF Residential/ Commercial Strip Center	Type C – 15 feet having 4 canopy trees, 4 understory trees, & continuous hedge, in a double-staggered row.

Side to Adjacent Zoning Districts	Adjacent Land Use	LDC Required Perimeter Buffering (per 100 liner feet prop. Line)
North Abutting CW, Commercial Waterfront	Parcel 14400 - Vacant	Type B – 15 feet having 4 canopy trees and 4 understory trees; No buffer required abutting wetlands where its width exceeds Type B requirement.
South abutting local street W Plantation Ln and (County) CLR	Single-family residential	Type C – 15 feet (see above)
East abutting CH	Golf Course (same owner)	Type A – 10 feet having 2 canopy trees and two understory trees
West abutting (County) GNC	Parcel 43200 – House of Worship	Type B – 15 feet (see above)

Additional landscaping requirements will be required for parking lots and building foundations. Preservation requirements for existing trees on site will be required pursuant to code requirements of the LDC.

Flood Plain Management – The subject property lies in an AE Flood Hazard Zone, having a required base flood elevation of 12 feet above mean sea level (MSL). According to the Digital Federal Emergency Management Agency (FEMA) FIRM Map, elevation contours for the property vary from 1 to 7 feet above MSL, dropping to 2 feet around the existing ponds and with the elevation grade increasing to 7 feet central to the site. Significant fill and/or flood proofing of commercial buildings will be required to meet the flood elevation requirement.

Environmental Factors: Soil Types and Indications – According to the USDA soil resource report, the site contains the following soil types:

Map Unit Symbol	Acres	%	Map Unit Name	Parent Material	Typical Profile	Drainage Class	Depth to Water Table
2	7.9	12.9%	Adamsville fine sand, 0 to 2 percent slopes	Sandy marine deposits	0-80" ; Fine Sand	Somewhat poorly drained	About 18" to 42"
11	2.1	3.0%	Tavares fine sand, 0 to 5 percent slopes	Eolian or sandy marine deposits	0-80": Fine Sand	Moderately well drained	42" to 72"
13	3.0	5.0%	Okeelanta Muck	Herbaceous organic material over sandy marine deposits	0-38": Muck; 38-80": Fine sand	Very poorly drained	Surface (about 0 inches)
22	3.1	5.0%	Quartzipsamments, 0 to 5 percent slopes	Sandy marine deposits	0-80": Fine Sand	Well drained	More than 80"
58	42.6	69.4%	Myakka, limestone substratum-EauGallie, limestone substratum complex	Sandy marine deposits	0-62":fine sand; 62-66" unweathered bedrock	Poorly drained	6" to 18"
99	2.6	4.2%	Water	-	-	-	-
Totals	61.3	100.0%					

Source: United States Department of Agriculture, Natural Resources Conservation Service, (USDA Soil Survey for Citrus County, Florida)

Based on the information provided by the USDA soil survey, approximately 59.5 percent of the site (51.8 acres) contains soil that indicates the depth of water table is 6" to 18" below the soil surface.

Proximity to Crystal River Airport - The LDC (reference Section 10.01.01 *Submittal for all applications*), requires that any development application for development proposed within the airport height notification

zone established for the Crystal River Airport shall provide notification to the Federal Aviation Administration (FAA) as required by Title 14, Code of Federal Regulations, Part 77 Subpart C. The site appears to be located north and outside of the approach slope for the airport, however the FAA Notice Criteria Tool indicates that the applicant shall file with FAA for a letter of “No Hazard to Air Navigation.”

INFRASTRUCTURE:

Transportation (Ingress/Egress) – The property fronts on W Fort Island Trail and backs up to W Plantation Lane. Fort Island Trail is a county-maintained right-of-way designated as a minor collector on the county’s Functional Classification Map Series. The county does not require transportation concurrency but does review for traffic ingress and egress lane requirements. West Plantation Lane is a local road maintained by the County.

Water – City potable water is available and there is adequate capacity to serve future development.

Sewer – City sewer is available and there is adequate capacity to serve future development.

Stormwater Management – Stormwater management requirements must be approved as established by the Southwest Florida Water Management District (SWFWMD) for a commercial project. All stormwater treatment systems shall meet the latest SWFWMD and State standards for water quality and peak discharge. This requires that the rate of post-development runoff conditions shall not exceed pre-development runoff conditions.

CONSISTENCY WITH THE COMPREHENSIVE PLAN: The following Goal, Objective and Policies of the Comprehensive Plan are relevant:

GOAL 2: Crystal River will be a balanced and well-planned community.

OBJECTIVE 2.1: Provide for reasonable use of property while protecting, conserving, and maintaining the natural resources and systems identified in this and other elements of this plan.

POLICIES:

D) The City will ensure that all proposed development and redevelopment is consistent with the Comprehensive Plan, and the implementing land development regulations.

E) Land development regulations shall continue to be implemented which ensure the compatibility of the proposed use with adjacent uses; regulations shall include provisions designed to mitigate incompatibility, such as setbacks, landscaped buffers, building orientation, scale, parking lot, landscaping, or driveway location.

Staff Comment: The subject property is designated MDR (0.90 acres) and CH (60.73 acres) on the FLUM. The proposed NBR and CH zoning districts may be used to implement the MDR and HC land use categories respectively. For that reason, the request is found consistent with the Comprehensive Plan provided the development standards of the LDC are strictly adhered to for development.

SUMMARY OF PUBLIC COMMENTS: Public comments have not been received as of this writing of the Staff Report.

FINDINGS: As conveyed in Subsection (B.) of 8.02.03 of the Crystal River Land Development Code, the Planning Commission shall have the role and responsibility to hear, consider, and make recommendations to the City Council regarding applications to amend the Official Zoning Map (rezoning).

Based on the analysis provided, the following findings of fact are presented:

1. The request is to amend the Official Zoning Map from PUD to NBR (0.90 acres) and CH (60.73 acres), which are implementing zoning districts of the respective MDR and HC land use categories that are depicted on the Future Land Use Map of the Comprehensive Plan.
2. The request is to remove the PUD designation and return the property to the zoning that existed prior to the 2018 rezoning to PUD.
3. The request is found consistent with the Comprehensive Plan provided the development standards of the LDC are strictly adhered to for development.
4. The project will be served by central water and sewer.
5. New development shall be designed to comply with current development standards of the Land Development Code (LDC) and other code standards for flood plain and stormwater management.

STAFF RECOMMENDATION: Staff finds that the proposed zoning map amendment is consistent with the Comprehensive Plan, and therefore recommends approval. Development standards as required by the Land Development Code shall assist to mitigate aesthetic conflicts where the subject property abuts the single-family residentially committed neighborhood. Development design must meet all state requirements to address stormwater management and environmental conditions on site.


SUPPORTING DIAGRAMS ILLUSTRATIONS & TABLES: Please see Staff's PowerPoint presentation.

PLANNING COMMISSION ACTION: As conveyed in Subsection (C.) (#4) of 10.03.04. (Procedures for action by the Planning Commission), the Planning Commission shall recommend to the City Council that the application(s) be approved or denied. The recommendation shall include findings to support the recommendation.

- 1) PSMA23-0003 Zoning Map Amendment

ATTACHMENTS:

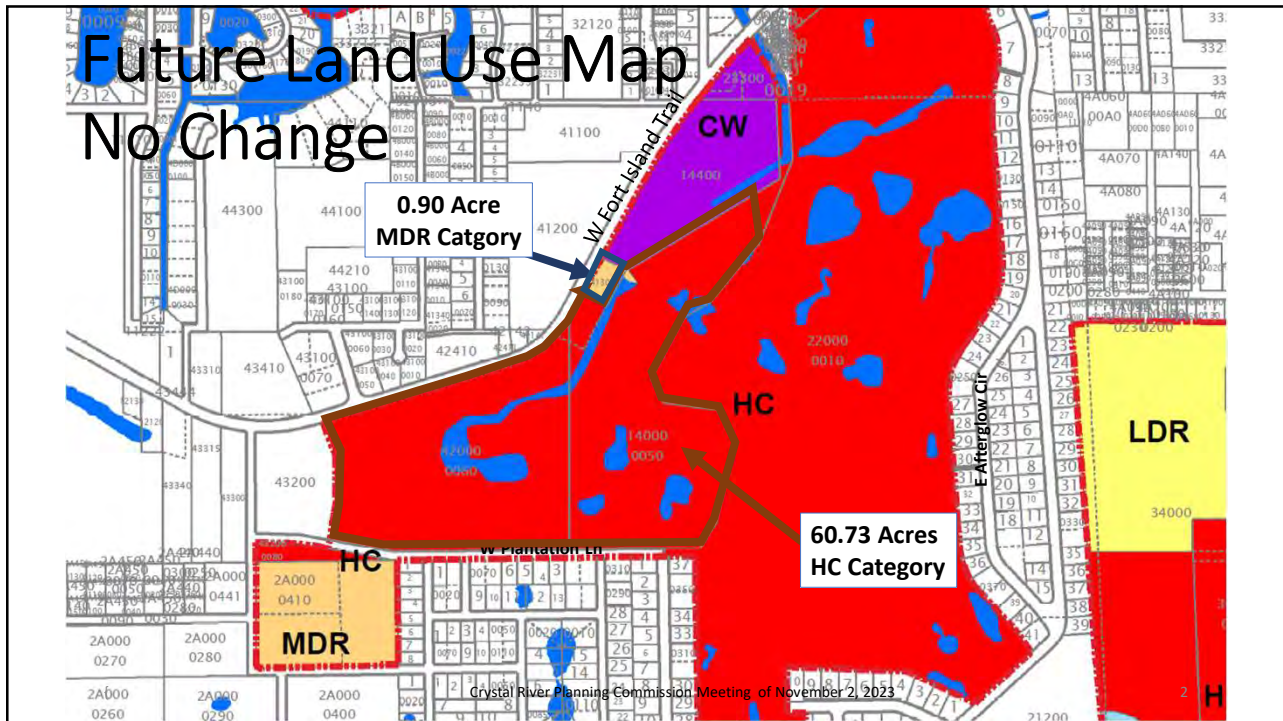
1. Staff PowerPoint Presentation
2. Draft Ordinance
3. Applicant's Submittal.



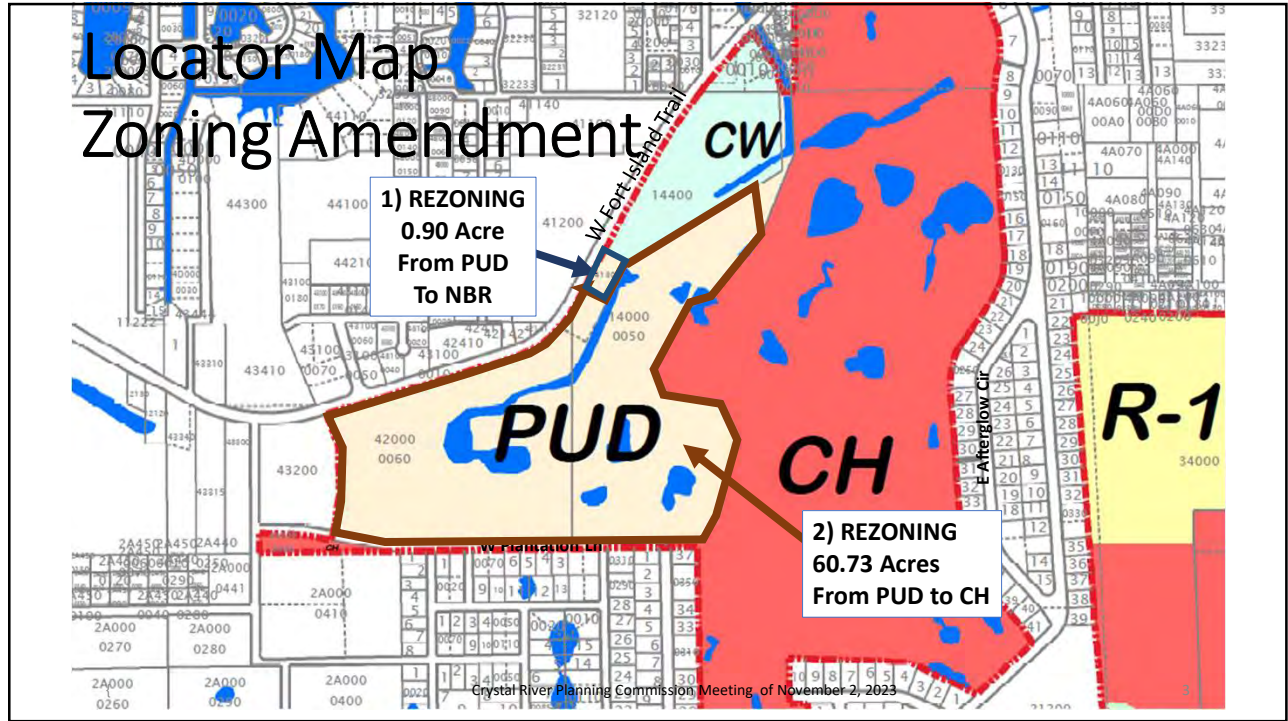
PZMA23-0003 REZONING
Daniel Baker, ACP-Communities,
LLC for Crystal River Plantation
Corporation

Crystal River Planning Commission Meeting of November 2, 2023

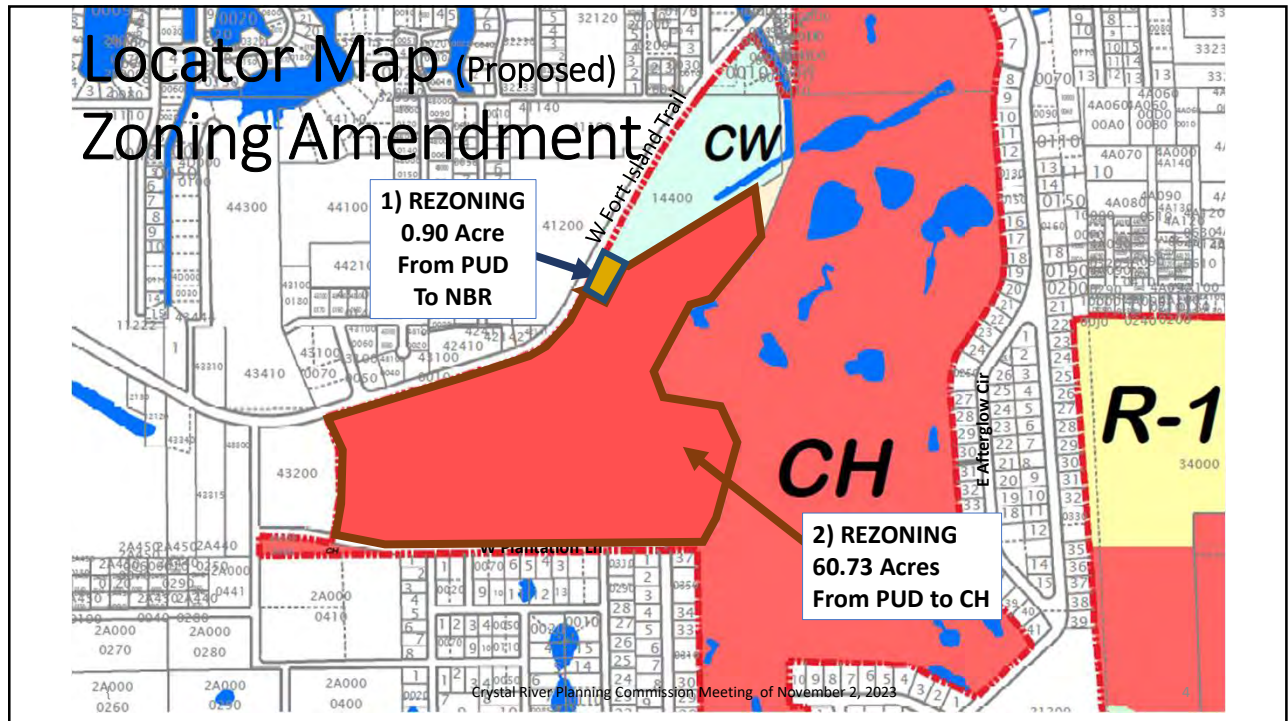
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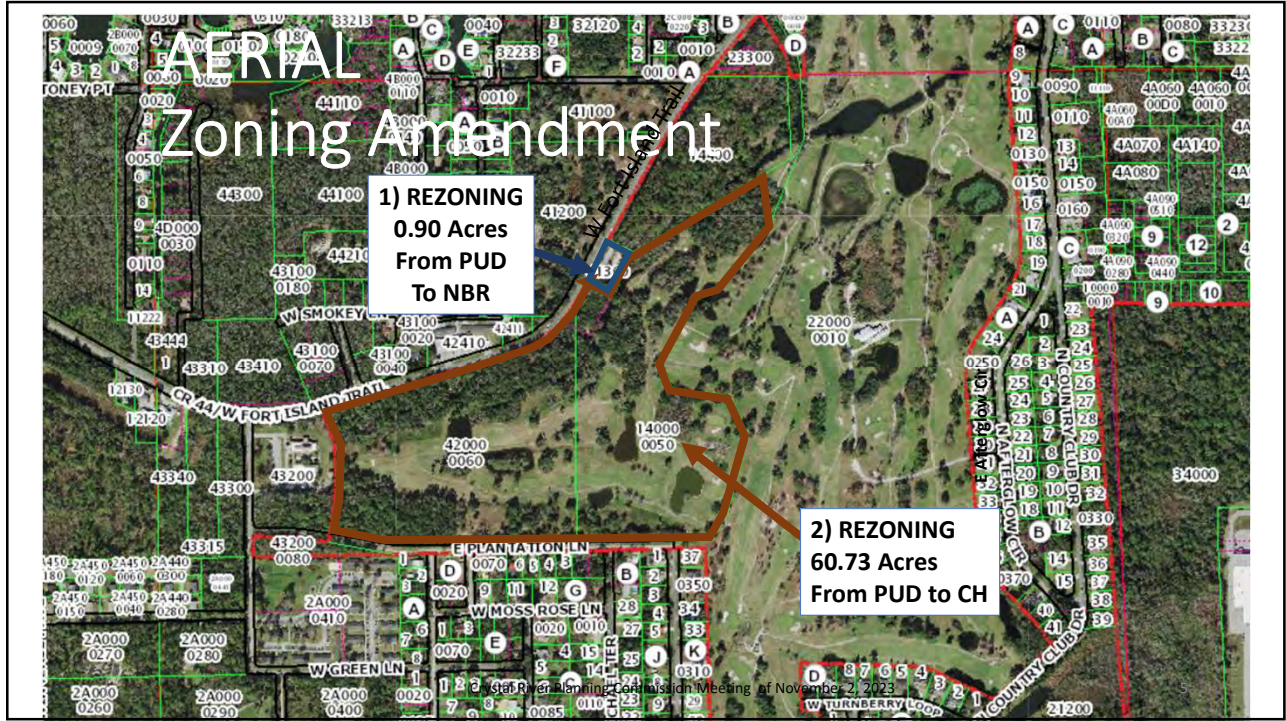
2



3



4



5

Subject property posted 10-16-2023

On W Fort Island Trail



On W Plantation Lane



Crystal River Planning Commission Meeting of November 2, 2023

6

6

Pictures of area under consideration



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Crystal River Planning Commission Meeting of November 2, 2023

7

7

Looking northeast from the southern perimeter of Subject Property



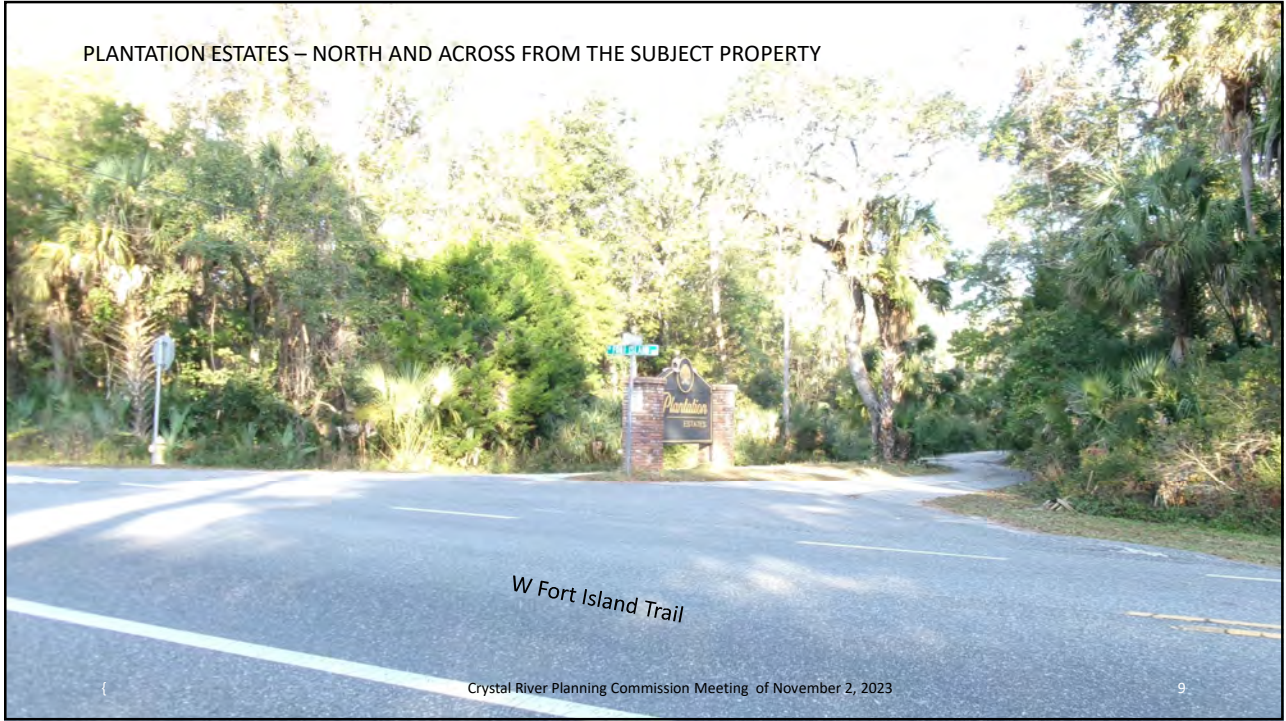
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Crystal River Planning Commission Meeting of November 2, 2023

8

8

PLANTATION ESTATES – NORTH AND ACROSS FROM THE SUBJECT PROPERTY



Crystal River Planning Commission Meeting of November 2, 2023

9

9

Looking west on Ft Island Trail



Looking east on Ft Island Trail



Crystal River Planning Commission Meeting of November 2, 2023

10

10

Looking west on W Plantation Lane




Looking east on W Plantation Lane



Crystal River Planning Commission Meeting of November 2, 2023

11

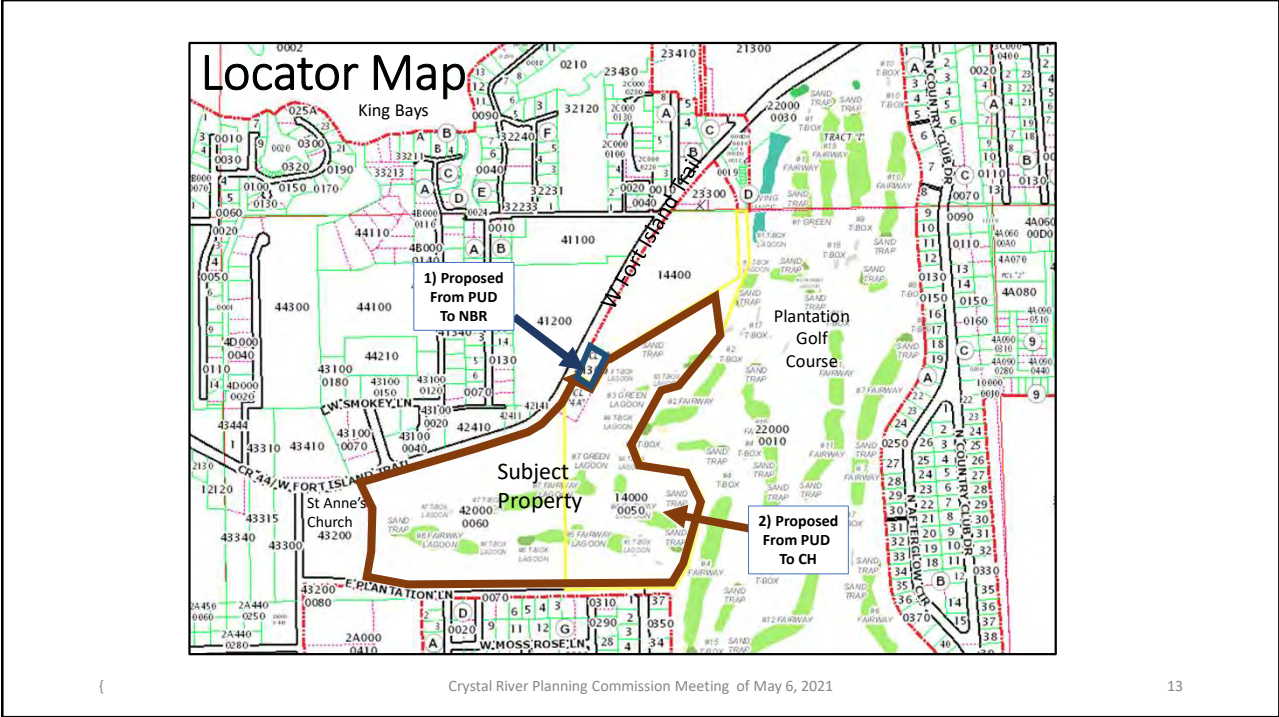


QUESTIONS?

PZMA23-0003 REZONING
Daniel Baker, ACP-Communities,
LLC for Crystal River Plantation
Corporation

Crystal River Planning Commission Meeting of November 2, 2023

12



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Crystal River Planning Commission Meeting of May 6, 2021

13

ORDINANCE 23-O-29

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CRYSTAL RIVER FOR CERTAIN REAL PROPERTY LYING IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 17 EAST, BY REZONING PARCEL ID. 17E18S33 41300 (ALT KEY 2333537), BEING 0.90 ACRES (MOL), FROM PUD, PLANNED UNIT DEVELOPMENT TO NBR, NEIGHBORHOOD BUSINESS RESIDENTIAL, AND REZONING PARCEL IDS. 17E18S33 42000 0060 (ALT KEY 3522576) AND PART OF 17E18S33 14000 0050 (ALT KEY 3522575), BEING 60.73 ACRES (MOL), FROM PUD TO CH, HIGH INTENSITY COMMERCIAL, WHICH PARCELS ARE AS IDENTIFIED IN THE RECORDS OF THE CITRUS COUNTY PROPERTY APPRAISER, AND OWNED BY CRYSTAL RIVER PLANTATION CORPORATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS on May 17, 2005, the City Council of the City of Crystal River, Florida, adopted the Crystal River Zoning Ordinance No. 05-O-08, and subsequent amendments, and

WHEREAS certain rezonings are necessary to maintain consistency with the Crystal River Comprehensive Plan; and

WHEREAS this rezoning was considered subsequent to the annexation of said real property as referenced and described herein, and which annexation was duly considered in a public hearing conducted pursuant to published notice; and

WHEREAS the proposed rezoning was advertised as required by the Florida Statutes, and the City of Crystal River Land Development Code; and

WHEREAS the City of Crystal River Planning Commission on **<date>**, voted ___-___ to recommend to the City Council that the request to amend the official zoning map be _____; and

WHEREAS the City Council of the City of Crystal River, Florida, after publication of a notice of its consideration of this ordinance, held two readings of this ordinance and public hearing as required by law; and

WHEREAS the City Council of the City of Crystal River, Florida, has determined that the requested change of zoning is consistent with the City of Crystal River Comprehensive Plan and Future Land Use Map, and

WHEREAS the City Council of the City of Crystal River, Florida has further determined that approval of the requested zoning change is in the best interests of the health, safety, and welfare of the citizens of Crystal River, Florida.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL RIVER, FLORIDA, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to amend the official zoning map of the City of Crystal River, Florida, by rezoning certain properties owned by Crystal River Plantation Corporation from PUD, Planned Unit Development district to NBR, Neighborhood Business Residential and CH, High Intensity Commercial districts for the reasons set forth in the above "WHEREAS" clauses, which are incorporated herein, in haec verba.

SECTION 2. AUTHORITY

The City of Crystal River City Council is authorized to amend the Crystal River Code of Ordinances pursuant to Article III of the City Charter of the City of Crystal River and Part II, Code of Ordinances, Chapter 1, General Provisions of the Code of Ordinances of the City of Crystal River, and as otherwise authorized by applicable Florida Statutes.

SECTION 3. ZONING MAP AMENDMENT

APPLICATION NO. PZMA23-0003 CRYSTAL RIVER PLANTATION CORPORATION

The official zoning map of the City of Crystal River is hereby amended to change the zoning designation from PUD, Planned Unit Development to NBR, Neighborhood Business Residential district on property legally described as shown in **EXHIBIT "A"** attached hereto and incorporated herein by reference; and to change the zoning designation from PUD, Planned Unit Development to CH, High Intensity Commercial district on property legally described as shown in **EXHIBIT "B"** attached hereto and incorporated herein by reference.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 5. CODIFICATION/INSTRUCTIONS TO CODE CODIFIER/EXHIBITS

It is the intention of the City Council of the City of Crystal River, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the City of Crystal River, Florida, Official Zoning Map. The actual text of the Sections to this Ordinance need not be codified. The Code codifier of the City of Crystal River, Florida, is given broad and liberal authority to appropriately codify the Exhibits into the provisions of the City of Crystal River Official Zoning Map in a format that can be readily published and distributed in a useable and manageable format. The City Manager, in conjunction with the City Clerk and the City Attorney, are hereby granted the authority to take any and all necessary and appropriate actions to accomplish the provisions of this Section. The Exhibits to this Ordinance are hereby incorporated herein by the references thereto as if fully set forth herein verbatim.

SECTION 6. SEVERABILITY

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by the Crystal River City Council.

THIS ORDINANCE was introduced and placed on first reading on the _____ day of _____, 2023.

THIS ORDINANCE was introduced and placed on a second reading on the _____ day of _____, 2023, and upon motion duly made and seconded was passed on second reading.

ATTEST:

CITY OF CRYSTAL RIVER

MIA FINK, CITY CLERK

JOE MEEK, MAYOR

APPROVED AS TO FORM AND LEGALITY:

VOTE OF COUNCIL:

Joe Meek _____

Ken Brown _____

Cindi Frink _____

Ken Frink _____

Robert Holmes _____

**ROBERT W. BATSEL, JR., ESQUIRE
CITY ATTORNEY**

EXHIBIT "B"

LAND DESCRIPTION FOR AMENDMENT TO THE CRYSTAL RIVER ZONING MAP

For real property lying in Section 33, Township 18 South, Range 17 East, Citrus County, Florida, specifically Parcel IDS: 17E18S33 42000 0060 (ALT KEY 3522576) and part of 17E18S33 14000 0050 (ALT KEY 3522575) as identified in the records of the Citrus County Property Appraiser, more particularly described as follows:

PARCEL 500: A PARCEL OF LAND, LYING IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 17 EAST, CITRUS COUNTY, FLORIDA, BEING COMPRISED OF A PORTION OF PARCELS 1B, 4A, 4B AND 4C, OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2392, PAGES 1418 THROUGH 1428, OF THE PUBLIC RECORDS OF CITRUS COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 4A AND THE SOUTHWEST CORNER OF PARCEL 2, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2392, PAGES 1418 THROUGH 1428, OF THE PUBLIC RECORDS OF CITRUS COUNTY FLORIDA; THENCE ALONG THE NORTHEASTERLY LINE OF PARCEL 4A AND THE SOUTHWESTERLY LINE OF PARCEL 2, S61°36'31"E, 158.92 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL 4A, THE SOUTHEAST CORNER OF SAID PARCEL 2, AND BEING ON THE WESTERLY LINE OF PARCEL 1B; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 2 AND THE WESTERLY LINE OF SAID PARCEL 1B, N27°16'50"E, 250.00 FEET, TO AN INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 385.00 FEET; THENCE NORTHEASTERLY, ALONG THE NORTHERLY LINE OF SAID PARCEL 1B AND SAID CURVE, 152.21 FEET, THROUGH A CENTRAL ANGLE OF 22°39'08" AND A CHORD BEARING AND DISTANCE OF N47°23'15"E, 151.22 FEET; THENCE CONTINUE ALONG THE WESTERLY LINE OF SAID PARCEL 1B, N58°29'24"E, 888.54 FEET; THENCE S17°27'58"W, 387.72 FEET; THENCE S38°58'30"W, 439.67 FEET; THENCE S59°17'13"W, 173.82 FEET; THENCE S28°20'34"W, 392.05 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY, ALONG SAID CURVE, 195.20 FEET, THROUGH A CENTRAL ANGLE OF 111°50'34" AND A CHORD BEARING AND DISTANCE OF S27°34'43"E, 165.65 FEET; THENCE S83°30'00"E, 313.82 FEET; THENCE S26°35'38"E, 220.01 FEET; THENCE S13°57'59"W, 485.97 FEET TO THE NORTHEAST CORNER OF AFOREMENTIONED PARCEL 4C; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 4C THE FOLLOWING TWO COURSES AND DISTANCES: S13°56'44"W, 34.11 FEET; and S32°37'22"W, 140.53 FEET, TO THE INTERSECTION WITH THE EASTERLY PROJECTION OF THE NORTH RIGHT-OF-WAY LINE OF WEST PLANTATION LANE AS PER OFFICIAL RECORD BOOK 251, PAGE 162; THENCE S89°07'51"W, 183.42 FEET ALONG SAID EASTERLY PROJECTION TO THE NORTHEAST CORNER OF SAID NORTH RIGHT-OF-WAY OF WEST PLANTATION LANE; THENCE CONTINUE S89°07'51"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 572.67 FEET; THENCE N00°00'00"E, 1303.07 FEET TO A POINT ON THE WESTERLY LINE OF PARCEL 4A AND THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST FORT ISLAND TRAIL (ALSO KNOWN AS STATE ROAD 44 AND KINGS BAY ROAD, RIGHT-OF-WAY WIDTH VARIES); THENCE ALONG SAID LINES, N57°25'17"W, 3.00 FEET, TO AN INTERSECTION WITH A NON-TANGENT CIRCULAR CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 606.69 FEET; THENCE CONTINUE ALONG SAID LINES, NORTHEASTERLY, AN ARC DISTANCE OF 44.23 FEET, THROUGH A CENTRAL ANGLE OF 04°10'38" AND A CHORD BEARING AND DISTANCE OF N30°29'21"E, 44.22 FEET, TO THE POINT OF TANGENCY THEREOF; THENCE CONTINUE ALONG SAID LINE, N28°24'03"E, 117.00 FEET TO THE POINT OF BEGINNING. CONTAINING 31.047 ACRES (1,352,400 SQUARE FEET), MORE OR LESS.

Reference: Sketch of Description of Plantation Parcel 500, prepared by Greenman-Pedersen, Inc. dated June 23, 2017, Job # FOC-2016809.01, File #3M/1481-500.

AND

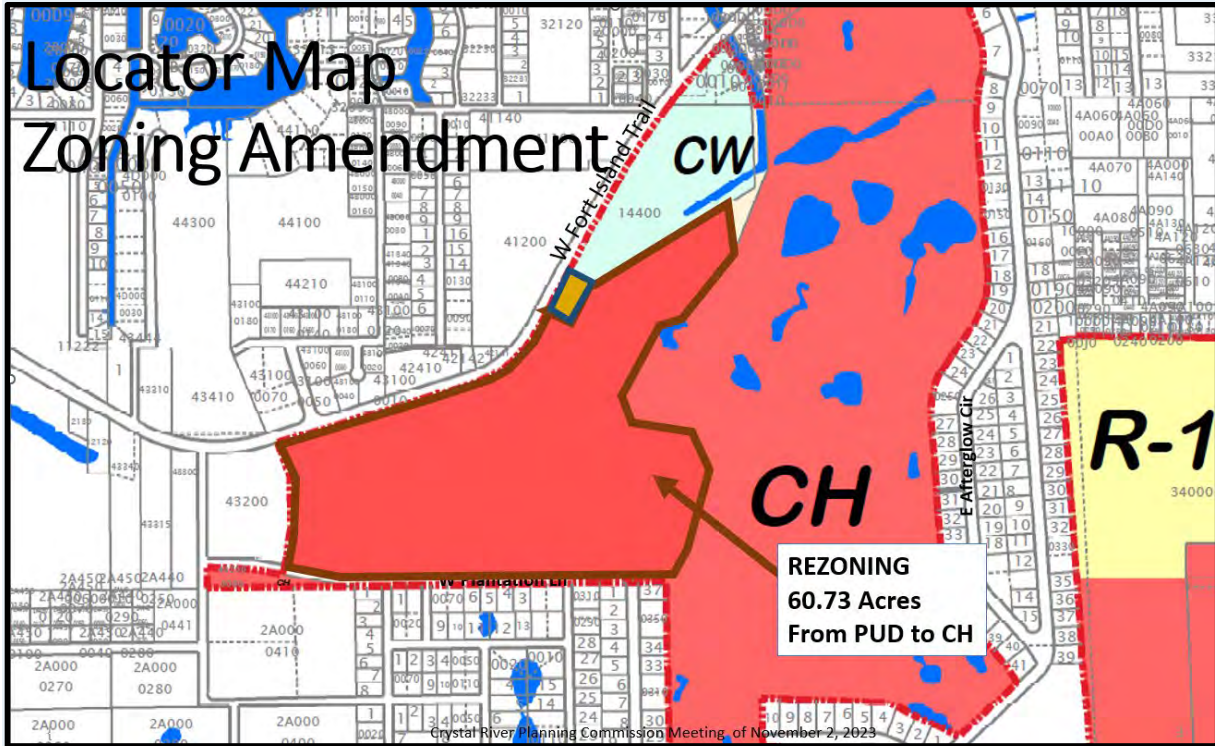
PARCEL 600: A PARCEL OF LAND, LYING IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 17 EAST, CITRUS COUNTY, FLORIDA, BEING COMPRISED OF A PORTION OF PARCELS 1B, 4A, 4B AND 4C, OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2392, PAGES 1418 THROUGH 1428, OF THE PUBLIC RECORDS OF CITRUS COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 4A AND THE SOUTHWEST CORNER OF PARCEL 2, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2392, PAGES 1418 THROUGH 1428, OF THE PUBLIC RECORDS OF CITRUS COUNTY FLORIDA; THENCE S28°24'03"W, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST FORT ISLAND TRAIL (ALSO KNOWN AS STATE ROAD 44 AND KINGS BAY ROAD, RIGHT-OF-WAY WIDTH VARIES) AND ALONG THE WESTERLY LINE OF SAID PARCEL 4A, 117.00 FEET TO THE POINT OF TANGENCY OF A CIRCULAR CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 606.69 FEET; THENCE CONTINUE ALONG SAID LINES, SOUTHWESTERLY, AN ARC DISTANCE OF 44.23 FEET, THROUGH A CENTRAL ANGLE OF 04°10'38" AND A CHORD BEARING AND DISTANCE OF S30°29'21"W, 44.22 FEET TO THE END OF THE CURVE; THENCE ALONG SAID LINES, S57°25'20"E, 3.00 FEET TO THE POINT OF BEGINNING; THENCE S00°00'00"W, 1303.07 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF AFOREMENTIONED PARCEL 4C AND THE NORTH RIGHT-OF-WAY LINE OF WEST PLANTATION LANE (50 FOOT WIDE RIGHT-OF-WAY); THENCE S89°07'51"W, ALONG SAID SOUTH LINE OF PARCEL 4C AND NORTH RIGHT-OF-WAY LINE, 980.55 FEET; THENCE ALONG SAID LINES, N79°26'30"W, 398.90 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 4C; THENCE N10°33'56"E, 150.08 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 4C AND A POINT ON THE WESTERNMOST LINE OF AFOREMENTIONED PARCEL 1B; THENCE CONTINUE N10°33'56"E, ALONG SAID WESTERNMOST LINE OF PARCEL 1B, 63.57 FEET; THENCE ALONG SAID WESTERNMOST LINE, N00°39'25"W, 269.07 FEET TO THE SOUTHWEST CORNER OF AFOREMENTIONED PARCEL 4B; THENCE N16°56'49"W, 200.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 4B AND THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST FORT ISLAND TRAIL (ALSO KNOWN AS STATE ROAD 44 AND KINGS BAY ROAD, RIGHT-OF-WAY WIDTH VARIES); THENCE N73°03'02"E, ALONG THE NORTH LINE OF SAID PARCEL 4B AND SAID SOUTHERLY RIGHT-OF-WAY LINE, 910.69 FEET; THENCE ALONG SAID LINES, S16°56'58"E, 3.00 FEET; THENCE ALONG SAID LINES, N73°03'02"E, 195.24 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 609.69 FEET; THENCE CONTINUE ALONG SAID LINES, NORTHERLY, AN ARC DISTANCE OF 311.10 FEET, THROUGH A CENTRAL ANGLE OF 29°14'09" AND A CHORD BEARING AND DISTANCE OF N58°25'57"E, 307.74 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 4B AND THE SOUTHWESTERLY CORNER OF AFOREMENTIONED PARCEL 4A; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE WESTERLY LINE OF SAID PARCEL 4A, NORTHERLY, AN ARC DISTANCE OF 119.57 FEET, THROUGH A CENTRAL ANGLE OF 11°14'13" AND A CHORD BEARING AND DISTANCE OF N38°11'46"E, 119.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 29.685 ACRES (1,293,100 SQUARE FEET), MORE OR LESS.

Reference: Sketch of Description of Plantation Parcel 600, prepared by Greenman-Pedersen, Inc. dated June 23, 2017, Job # FOC-2016809.01, File #3M/1481-600.

LOCATOR MAP
Section 33, Township 18 South, Range 17 East



End of EXHIBIT "B"



VIA ELECTRONIC DELIVERY

August 29, 2023

Mrs. Jenette Collins, AICP
Growth Management Director
City of Crystal River
123 North West Highway 19
Crystal River, FL 34428

RE: Plantation at Crystal River
Rezoning Application

Dear Mrs. Collins:

Please find attached a Rezoning Application for a portion of the property owned by the Crystal River Plantation Corporation, consisting of approximately 61.63 acres.

The property is currently zoned Planned Unit Development in accordance with Ordinance No. 18-O-07. The enclosed application proposes returning the subject property to a Zoning Classification of Commercial High Intensity, the zoning that existed prior to the 2018 rezoning to Planned Unit Development. The existing Future Land Use Designation of Highway Commercial will remain unchanged.

Thanks in advance for your review and processing of the enclosed application. Please contact us if you have any questions (dbaker@acpcommuniites.com, phone – 386.931.6462).

Respectfully,

Daniel Baker
Authorized Representative

Enc.

Cc (by email):
Douglas Baber, City Manager
Kami Corbett, Esq., Hill Ward Henderson
Kenneth Metcalf, AICP, Stearns Weaver
Fred Zohouri, Kingwood International Resort



REZONING APPLICATION

Department of Planning & Community Development
123 Northwest Highway 19
Crystal River, FL 34432
Telephone: (352) 795-4216
Facsimile: (352) 795-9351
development@crystalriverfl.org

Applicant Information:

Name: Crystal River Plantation Corporation
Address: 400 Curie Drive, Alpharetta, GA 30005
Phone #: 706.951.9576 Fax#: _____ Cell#.: _____
Email Address: nucinvest@yahoo.com

Property Description:

Parcel Account#: 17E18S33 42000 0060, 17E18S33 14000 0050 & 17E18S33 41300, AND A PORTION OF 17E18S33 14000 0050
Alt Key # _____
Address (or street & avenue location): Along West Fort Island Trail and West Plantation Lane
Legal Description: See attached

(or attachment)

Property Acreage: 61.63 Sq. ft: _____
Present F.L.U.M. Designation: Highway Commercial (60.73 AC) and Medium Density Residential (0.90 AC)
Present Zoning Designation: Planned Unit Development
Requested Zoning Designation: Commercial High Intensity (60.73 AC), and Neighborhood Business Residential (0.90 AC)
Reason for the Request: Prior PUD expired, return to designation prior to 2018 Rezoning; Assign MDR FLUM property a zoning classification of NBR

Explain Consistency with the Future Land Use Plan: Approved zoning designation under City Comprehensive Plan, Future Land Use Map, and Land Development Code

Additional Contact Information (other than Owner or Agent)

Name: Daniel Baker
Address: 200 Ocean Crest Drive, Suite 31, Palm Coast, FL 32137
Phone #: 386.246.5845 Fax#: _____ Cell #: 386.931.6462
Email Address dbaker@acpcommunities.com

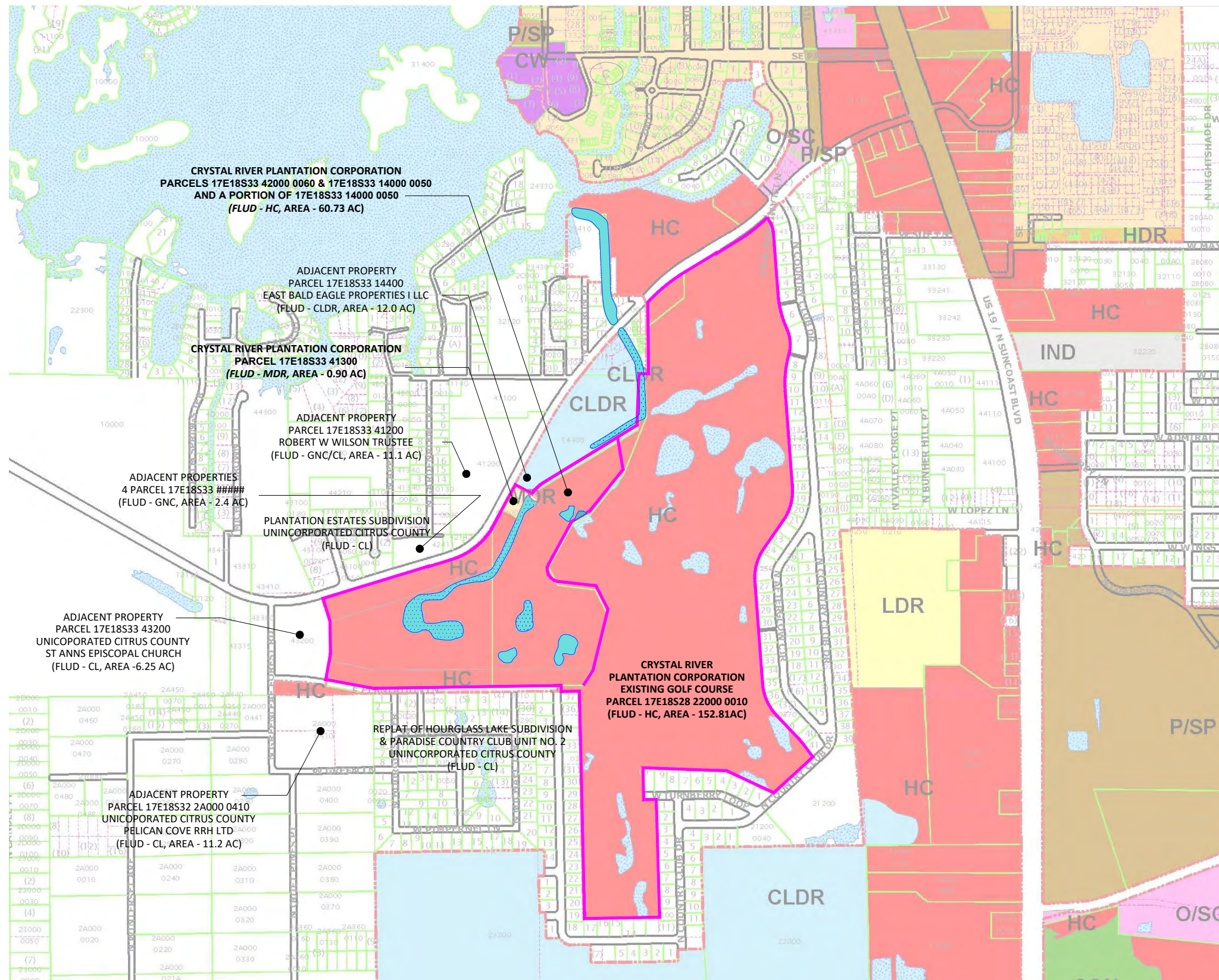
Fee: \$500- To be paid at time of application

Attachments:

1. Survey & Legal Description
2. Deed, or other proof of ownership
3. Map (see Checklist)

The City of Crystal River may, within reason, request additional information, if the information provided by the applicant is insufficient to analyze the proposed change in zoning. Information submitted by the applicant at either the Planning Commission or City Council public hearing(s), which is beyond the scope of that submitted to the City in the original application, shall be grounds for a continuation of the public hearing until such time that the Planning Commission and Staff can review and analyze such information.

Check	Requirements (Sec. 10.01.06)
	A. The application shall include a map of the area that can be found on the Citrus County Property Appraiser website (www.citruspa.org)
	1. The current zoning district designations for the subject property and all adjacent properties. The zoning map can be found at www.crystalriverfl.org
	2. The land use categories from the Future Land Use Map that can be found at www.crystalriverfl.org
	B. A statement shall be provided including the following information:
	1. A justification for the proposed zoning.
	2. Deed, or other proof of ownership



Project Name

**REZONING APPLICATION
PLANTATION ON CRYSTAL RIVER**
FUTURE LAND USE MAP

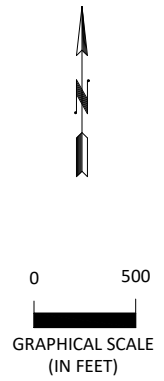
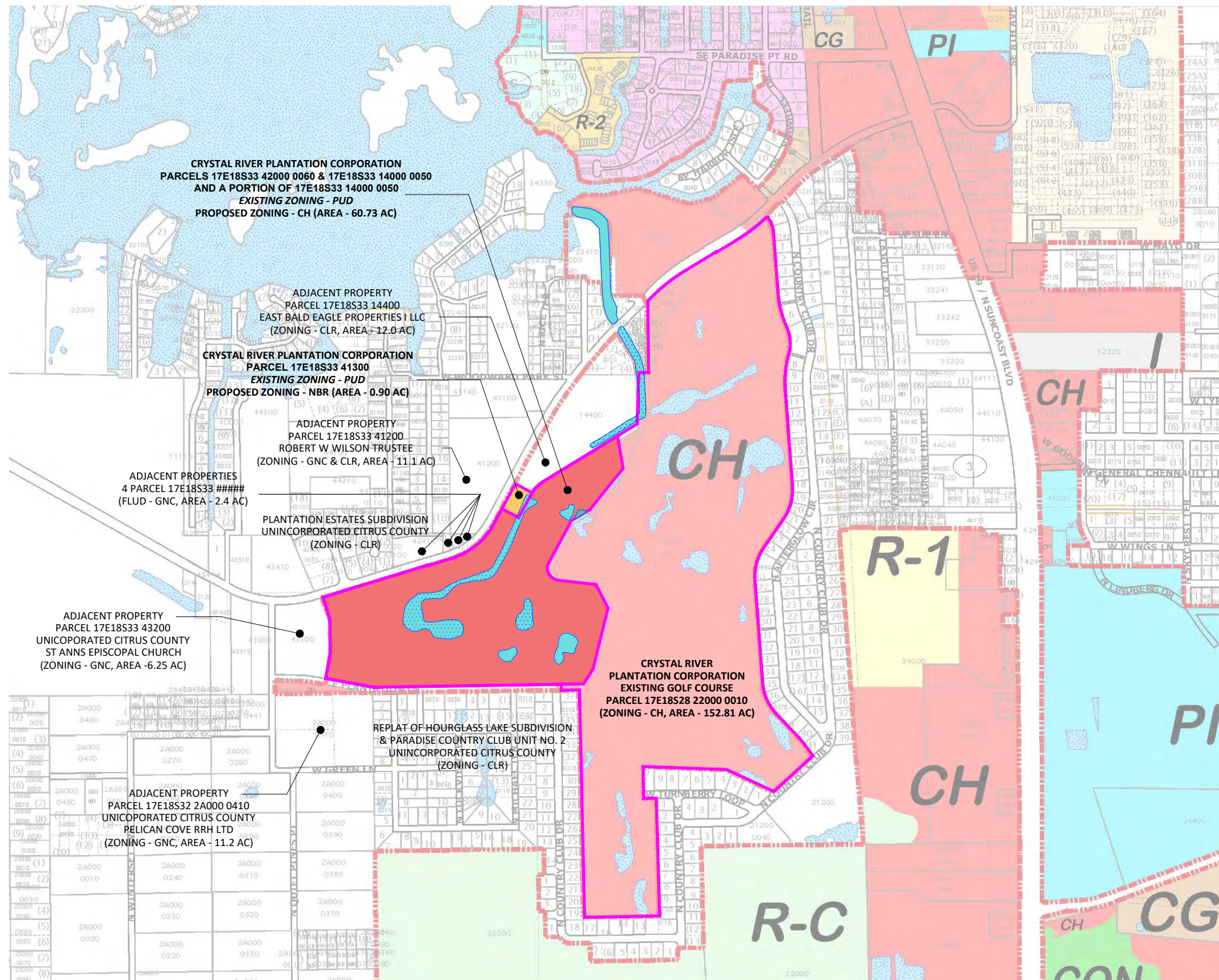
Key Map

Date **SEPTEMBER 2023**

No.	Description	Date	
Drawn:	Designed:	Checked:	Project No:
			CR-2101

Sheet Title

Scale Sheet No.



REZONING APPLICATION
 PLANTATION ON CRYSTAL RIVER
 ZONING MAP

Key Map

Date SEPTEMBER 2023

No.	Description	Date
Drawn:	Designed:	Checked:
Project No: CR-2101		
Sheet Title		

Scale Sheet No.

**CITY OF CRYSTAL RIVER
PLANNING COMMISSION
BY-LAWS**

**Article I
Name**

1. The name of the organization as prescribed by City Council shall be "Planning Commission". It may also be referred to as "City Planning Commission" or "Commission". (LDC 8.02.01)
2. The office of the Commission shall be at the City of Crystal River City Hall. All official documents, records, minutes, maps, etc. shall be filed or recorded in the office of the City Clerk. (LDC 8.01.08)

**Article II
Object**

1. The objectives and purposes of the City of Crystal River Planning Commission are those set forth in Florida Statutes, Sections 163.3174 and those powers and duties delegated to the Planning Commission in the aforementioned statutes and by the City of Crystal River Land Development Code (LDC).
2. The Planning Commission shall be responsible for, but not limited to the following items:
 - (A) Serve as the Local Planning Agency pursuant to Florida Statutes 163.3174.
 - (B) To hear, consider, and make recommendations to the City Council regarding applications to amend the Official Zoning Map, amend the text of the LDC, create a subdivision and amend the Official Zoning Map to PUD together with a PUD master plan.
 - (C) To conduct public hearings and render decisions in compliance with the requirements of the LDC.
 - (D) Any other matter, within the jurisdiction of the Commission, authorized by the City of Crystal River Land Development Code (LDC) and the City Council.

**Article III
Members**

1. Membership in terms of office shall be as specified in the ordinance establishing the Commission and shall be comprised of seven (7) regular members, plus one nonvoting member appointed from the Citrus County School Board (LDC 8.02.02).
2. All voting Commission members shall take the "Oath of Office" at the meeting immediately following their appointment. (Exhibit I)

**Article IV
Alternate Members to the Planning Commission**

1. Pursuant to Ordinance 06-0-16, there shall be two (2) alternate members of the Crystal River Planning Commission appointed by the City Council.
2. Alternates shall attend all regular meetings of the Planning Commission.
3. Alternates will be non-voting members unless they are acting in place of a regular member who is absent or disqualified.
4. Alternates may participate in discussion of any agenda item.
5. There shall be identified a First Alternate and a Second Alternate based upon the date in which they are sworn in as alternate members of the Commission.
6. In the event that either one (1) or two (2) regular members are absent or disqualified, one or both alternates shall be seated in the regular members' positions. When seated in place of a regular member, an alternate shall have all of the responsibilities and the authority of a regular member. This includes participation in all discussions, the ability to make motions, and the ability to vote.
7. Should one of the seven (7) regular voting members of the Planning Commission convey that they are unable to remain on the board, or shall they be removed, the First Alternate shall be seated as a regular member of the Commission and the Second Alternate shall rotate to the position of First Alternate.

Article V Officers

1. At the first regular meeting in the month of October each year (Organization Meeting) the Commission shall elect, from its members, a Chairperson and a Vice Chairperson. The Vice Chairperson shall act as Chairperson of the Commission during the absence or disability of the Chairperson.
2. The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally inferred by parliamentary practice. The Chairperson shall have the authority to appoint committees and generally perform other duties as may be prescribed in these by-laws. The Chairperson shall have the privilege of discussing all matters before the Commission, making motions and shall vote therein. (LDC 8.01.0S)(LDC 8.02.03 (d))
3. Upon request, the Chairperson (or designee) may make reports of the Commission's business to the City Council on a regular basis.
4. The Planning and Development Director shall act as the administrative office of the Commission and shall make provision for a secretary at regular and special meetings.
5. A temporary Chairperson shall be elected by its members in attendance, at any meeting, in the case that both the Chairperson and the Vice Chairperson are absent.
6. Vacancies in any elected office shall be filled by regular election procedures as herein specified with the terms to run until the next annual organizational meeting. Resignations from the Commission shall be in writing and transmitted to the Chairperson who will then forward same to the City Council of Crystal River.

Article VI Meetings

1. Regular meetings shall be held the first Thursday of each month at 5:30 p.m. in the City Hall Council Chambers located at 123 NW Highway 19, Crystal River, Florida. In the event of conflict with

holidays the majority of members may change the date of any scheduled meeting. In the event of a declared emergency the Chairperson or the Planning and Development Director may cancel any scheduled meeting. Special meetings may be called by the Chairperson when such meetings are deemed necessary. Members shall be notified three (3) days prior to a special meeting and shall be notified as to the time and place of such meeting. Meetings shall have a three (3) hour time limit that may be extended by majority vote of the Commissioners present.

2. Five (5) members shall constitute a quorum of the Commission. The number of votes to transact business shall require a quorum of the members present at any meeting unless otherwise provided by law. Approval of actions before the commission requires an affirmative vote of a majority of the members present.
(LDC 8.01.07)

3. All meetings of the Commission shall be conducted in strict compliance with the Florida Sunshine Law.

4. The agenda may contain, but not limited to the following items:

(A) A cover page containing "Notice to the Public" and "General Meeting Procedures".

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **MOMENT OF SILENCE**
4. **PLEDGE OF ALLEGIANCE**
5. **ADOPTION OF AGENDA**
6. **APPROVAL OF MINUTES**
7. **PUBLIC HEARINGS**
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**
10. **CITIZEN INPUT**
11. **COMMUNICATIONS**
12. **COMMITTEE REPORTS**
13. **STAFF COMMENTS**
14. **COMMISSIONER'S COMMENTS**
15. **CHAIRMAN'S COMMENTS**
16. **ADJOURNMENT**

5. A workshop meeting may be called by majority vote of the Commission.
6. Each appointed member shall attend all meetings. Members of the Commission and Alternates shall notify the Planning and Development Director or designee at least forty-eight (48) hours prior to a meeting that they will or will not attend the upcoming meeting. Any member who has been absent from three (3) regular meetings within a calendar year shall be subject to removal.
7. Any member of the Commission who may benefit financially from any matter before this Commission SHALL excuse himself/herself from the voting procedure for this matter in the manner required by Florida Statutes 112.3143.
8. No member may abstain from voting unless he/she has a voting conflict as noted herein.
9. When a tie vote occurs on any matter before the Commission, that vote is construed as a denial without prejudice.
10. The Chairperson shall prescribe the method of conduct of the hearing. All comments shall be directed to the Chair only after being properly recognized by the Chairperson. All persons recognized shall approach the podium in order to facilitate proper recording of their comments. Each person shall state his/her name and address clearly for the record.
11. All decisions of the Commission shall be made at a public meeting by a motion made and a second, called for by the Chairperson. A roll call vote may be taken by the secretary.

Article VII
Parliamentary Authority

1. All meetings shall be conducted in accordance with parliamentary procedure as set forth and explained in the latest Revised Edition of Robert's Rules of Order, which shall serve as the official rules of procedure. (LDC 8.01.05)

**Article VIII
Amendments**

1. These by-laws shall be suspended only by a unanimous vote of the entire seven members of the Commission, however, no by-law which is required to comply with federal, state, local law, or City Council Resolution may be so suspended.
2. A proposal to amend the by-laws shall be made at the next regular or special meeting of the Commission and shall require the approval of at least five (5) members of the Commission, otherwise the proposal shall not pass.
3. The Commission shall review the by-laws annually at the first regular meeting after the organizational meeting held in October.

Severability

1. If any section, clause, provision, or portion of these by-laws shall be held invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these by-laws.

Certificate of Adoption

1. The forgoing by-laws of the Planning Commission of the City of Crystal River, Florida, are hereby adopted by the affirmative vote of the Commission on this first day of April 2021.

By: _____

Robert Froehling, Chairperson

Attest: _____

Mia Fink, City Clerk

