

# Planning Commission Agenda February 2<sup>nd</sup>, 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) Administration of Oath of Office for Planning Commissioners Gregory Acker and Kimberly Salter.
- 6) Adoption of Agenda
- 7) Approval of Minutes: **January 5<sup>th</sup>, 2023**
- 8) Election of Chair and Vice-Chair
- 9) Annual Review of Planning Commission By-Laws
- 10) Citizen Input: 3 minutes
- 11) Presentation – Quasi Judicial Training
- 12) Public Hearings:

**A.) Conduct a Quasi-Judicial Public Hearing for APPLICATION NO. PZ22-0115 – FINNELL**

**PROPERTIES L.L.C.** – An Amendment to the Official Zoning Map of the City of Crystal River, Florida, to change the zoning on 1.04 acres (MOL) located at 1154 NE 1<sup>st</sup> Street, Crystal River, Florida, from Low Density Residential (R-1) Zoning to Medium Density Residential (R-2) Zoning.

- 13) Unfinished Business
- 14) New Business
- 15) Citizen Input: 5 minutes
- 16) Staff Comments
- 17) Commissioner’s Comments
- 18) Chairman’s Comments
- 19) Adjournment

**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.**

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

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**Planning Commission Minutes**  
**January 5<sup>th</sup>, 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 –**  
**Alternate 2 –**  
**Chuck Dixon – School Board\***

- 1) Call to Order
- 2) Roll Call

**Commissioners Present:** Dan Grannan, Tonia Herring, Terry Thompson, Larry Schenavar, Deborah MacArthur Anderson, Karen Cunningham, Rick Laxton.

**Commissioners Absent:** None.

**Staff Present:** Planning Director Brian Herrmann, Urban Planner Jenette Collins, Zoning Coordinator Zach Ciciera, City Attorney Robert Batsel.

- 3) Moment of Silence was led by Chairman Grannan.
- 4) Pledge of Allegiance was led by Chairman Grannan.
- 5) Administration to Oath of Office for Planning Commissioner Richard Laxton.
- 6) Chairman Comments: None.
- 7) Motion to adopt the agenda was made by Commissioner Thompson, seconded by Commissioner Herring. **Motion carried 7-0.**
- 8) Motion to approve minutes of the Planning Commission meeting held November 3<sup>rd</sup>, 2022, was made by Commissioner Cunningham, seconded by Commissioner Thompson. **Motion carried 7-0.**
- 9) Citizen Input: None.
- 10) Public Hearings:

**1. Conduct a Quasi-Judicial Public Hearing for APPLICATION NO. PZ21-0041 brought by CRYSTAL RIVER PLANTATION CORPORATION** – An amendment of the Official Zoning Map by changing the zoning on 7.21 acres from High Intensity Commercial (CH) to Planned Unit Development (PUD), and by adding the 7.21 acres to, and renewing and amending the Planned Unit Development (PUD) Master Plan known as “Plantation Outpost Club and Resort,” having a total 68.84 acres, and which property address is 9520 W Fort Island Trail, Crystal River, Florida.

Applicant requested continuance of application to future hearing. A motion to continue APPLICATION NO. PZ21-0041 to a future hearing was made by Commissioner Thompson, seconded by Commissioner Laxton. **Motion carried 6-1 with Commissioner Herring in opposition.**

**2. Conduct a Quasi-Judicial Public Hearing for APPLICATION NO. PZ22-0089 brought by EASTROB, LLC** – An Amendment to the Official Zoning Map of the City of Crystal River, Florida, to

change the zoning on 14.04 acres +/-, and which property address is 9372 W Fort Island Trail, Crystal River, Florida, from Commercial Waterfront (CW) to Planned Unit Development (PUD), and to establish a Master Plan of Development known as “Eastrob, LLC RV Resort” for a planned recreational vehicle (“RV”) park.

**Chair** opened the quasi-judicial meeting.

**Conflict of Interest:** None.

**Ex Parte Communication:** None.

**Staff Presentation:**

Jenette Collins, Urban Planner, presented the staff findings to the commission. Mrs. Collins stated staff is unable to support the application based upon inconsistencies with the Comprehensive Plan.

**Commissioner Comment:**

Commissioner Herring questioned if the applicant is proposing to dredge the waterway located along the eastern and southern boundary of the parcel.

**Applicant presentation:**

Clark Stillwell, 320 US HWY 41, Inverness, Florida, presented on behalf of the applicant to the commission. Mr. Stillwell stated the canal which abuts the proposed property is not located within a manatee protection area, however no vessel’s will be launched from the site. Revisions were made to the master plan to remove the existing boat launch, thus adding a floating dock. He also stated that geotechnical reports are not applicable at this stage in the project.

**Commissioner Questions:**

Commissioner Thompson questioned if the applicant will be dredging the waterway located along the eastern and southern boundary of the parcel, as stated by Commissioner Herring prior to the applicant’s presentation. Clark Stillwell responded stating the applicant is not proposing to change or dredge the canal, it will remain as is.

Commissioner Thompson stated he is in favor of a third party to remove all RVs from the site in the event of a category 5 hurricane. Thompson also stated he does not support the tying down of RV’s or the removal of the wheels on site.

Chairman Grannan raised concern about the potential contamination of the aquifer. Clark Stillwell responded, stating a building permit through the city is not possible until an approved SWFWMD permit is obtained.

Commissioner Herring questioned if the applicant will be adding fill dirt to the parcel. Clark Stillwell responded by saying no substantial fill will be added to the site, only overburden will be removed.

Commissioner Herring asked that the waiver request pursuant to buffer and landscaping requirements be denied.

Commissioner Herring stated the applicant should be required to conduct a transportation concurrency study prior to submittal. Clark responded that the aforementioned study is not required by code.

**Public Comment:**

Mike Dunn, Crystal River, raised concern regarding the potential increase in traffic along Fort Island Trail and the nearby canal.

Ron Johnson, Crystal River, raised concern with the applicants lack of flood mitigation. Also spoke on the potential danger of RV's turning left into the site off Fort Island Trail.

Ben Torricelli, Crystal River, raised concerned that the RV's will not be removed from the site during the event of a storm.

Mary Catherine Moore, Crystal River, raised concern regarding short term rentals allowed on site and how it will create an increase in traffic.

Holly VanNess, Crystal River, raised concern regarding hurricane evacuation. Also stated clearance on the adjacent bridge is too tight to support the proposed development.

Liz Holla, Crystal River, raised concern about the applicant's unwillingness to release information regarding environmental protection.

David Carpenter, Crystal River, raised concern regarding the applicant's statement on fill dirt. Mr. Carpenter also stated the applicant is not required to meet base flood elevation yet other residents are.

Susan Doring, Crystal River, stated the existing infrastructure cannot handle the existing traffic let alone the increase that will occur with the proposed development.

Mike Regan, Crystal River, questioned if a traffic light would be added to accommodate the proposed development. Mr. Regan also stated the traffic will ultimately increase since short term rentals are permitted on the site.

Mary Ann Gibbons, Crystal River, stated the existing infrastructure cannot support the proposed development.

Mary Schlumberger, Crystal River, stated Fort Island Trail has existing issued regarding litter and it will only increase with the proposed development.

Chuck Tomberland, Crystal River, stated there is a proposed mobile home park under county jurisdiction in close proximity to this site.

**Applicant Rebuttal:**

Clark Stillwell stated fill dirt will only be added for the construction of the building to comply with FEMA regulations, otherwise fill dirt will not be added to the rest of the 14-acre parcel.

**Commissioner Discussion:**

A motion to recommend City Council approval of APPLICATION NO. PZ22-0089 brought by Eastrob LLC, with recommendation that no fill dirt to be allowed on site, a traffic study be done prior to master plan approval, and concession for third party/mandatory removal process of RV's to be kept (Condition 8 of proposed Ordinance, Exhibit B), was made by Commissioner Thompson, seconded by Chairman Grannan. **Motion denied 3-4 with Commissioners MacArthur, Herring, Schenavar, and Laxton in opposition.**

Chairman Grannan called for a 5-minute recess at 7:52pm.

Meeting resumed at 7:56pm.

3. a.) **Conduct a Public Hearing for APPLICATION NO. PZ22-0110 brought by JJGIPE AUTO BODY, LLC** – A Small-Scale Amendment of the Comprehensive Plan's Future Land Use Map (FLUM) to change the subject property, located at 837 NE 5<sup>th</sup> Terrace, Crystal River Florida, from Medium Density Residential (MDR) to Highway Commercial (HC).

- b.) **Conduct a Quasi-Judicial Public Hearing for APPLICATION NO. PZ22-0111 brought by JJGIPE AUTO BODY, LLC** – An Amendment of the Official Zoning Map to change the subject property, located at 837 NE 5<sup>th</sup> Terrace, Crystal River Florida, from Medium Density Residential (R-2) to High Intensity Commercial (CH).

**Chair** opened the quasi-judicial meeting.

**Conflict of Interest:** None.

**Ex Parte Communications:** None.

**Staff Presentation:**

Jenette Collins, Urban Planner, presented the application to the commission. Mrs. Collins stated staff is unable to support the application based upon inconsistencies with the Comprehensive Plan.

**Commissioner Comments:**

Commissioner Macarthur questioned how close the property is to the Crystal River Primary School.

**Applicant Presentation:**

Nicole Blumenauer, presented on behalf of the applicant to the commission. Ms. Blumenauer stated the site is to accommodate the lack of parking and access to the auto shop off SR44. She also stated that if approved, the applicant will comply with city code regarding buffer and landscaping requirements. The site will be screened as necessary.

**Public Comment:**

Coressa Natteal, Crystal River, stated the existing property resembles a junk yard. Ms. Natteal also stated she is against the rezoning, and the lot cannot accommodate the growth of the associated business.

Clifford Smith, Crystal River, stated he owns the single-family residence directly behind the subject property. He stated the work being done has become a nuisance to him and his privacy has been compromised.

Ryan Lampasona, Crystal River, stated the subject property is located in the middle of a residential neighborhood and that he is against the rezoning.

Desiree Manos, Crystal River, stated the subject property has increased the volume of cars in disrepair parked on the lot over time and the property is an eyesore within a residential neighborhood.

Willie Joyner, Crystal River, stated the entire block shall remain consistent regarding zoning. Mr. Joyner stated he is against the rezoning.

**Applicant Rebuttal:**

Nicole Blumenauer stated if approved, the applicant will fully comply with city codes and buffer requirements to screen the parking lot. Stated all vehicles parked on the subject property are insured.

Tim Weiss, prior owner of subject property, stated the problem is not the current owner, the problem lies upon the lack of access from SR44. Mr. Weiss stated the access is extremely limited from the main thoroughfare.

**Commissioner Discussion:**

Commissioner Schenavar asked if the subject property was taken through code enforcement in the past. Mrs. Blumenauer responded stating the active code enforcement case on the subject is on hold, awaiting council decision on the rezoning/FLUM amendment application.

A joint motion to recommend City Council denial of APPLICATION NOS. PZ22-0110 and PZ22-0111 brought by JJGIPE AUTO BODY, LLC, was made by Commissioner Thompson, seconded by Commissioner Schenavar. **Motion carried 7-0.**

**4. Conduct a Public Hearing for APPLICATION NO. PZ22-0108 brought by CHRISTOPHER LUETGERT** – A text amendment to Section 5.01.13. Swimming pools and pool enclosures, of the City of Crystal River’s Land Development Code, to modify setback standards for swimming pools

**Staff Presentation:**

Planning Director Brian Herrmann presented the proposed text amendment to the commission. Mr. Herrmann stated the proposal will reduce the waterfront setback for an unenclosed swimming pool from 25 feet to 10 feet, in addition to side and rear yard setbacks.

**Commissioner Comments:**

Chairman Grannan questioned the differences between a pool with an enclosure versus a pool that lacks such structure as it relates to the proposed setback.

**Applicant Presentation:**

Christopher Luetgert, Crystal River, presented to the commission stating the current setback restricts many existing homes from building a pool based on lot size. Mr. Luetgert also stated the current setback is far more strict than other coastal municipalities regarding swimming pools.

**Public Comment:** None.

**Commissioner Discussion:**

A motion to recommend City Council approval of APPLICATION NO. PZ22-0108 brought by Christopher Luetgert, was made by Commissioner Schenavar, seconded by Commissioner Thompson. **Motion carried 5-2 with Chairman Grannan and Commissioner Herring in opposition.**

- 11) Unfinished Business: Planning Director Brian Herrmann stated the firm selected to rewrite the city’s Land Development Code, Stringfellow Planning & Design, will be making a presentation at the January 9<sup>th</sup>, 2023, City Council meeting.
- 12) New Business: Chairman Grannan discussed scheduling the annual review of Planning Commissioner By-Laws and election of officers.



- 13) Citizen Input: Gail Kostelnick, Crystal River, addressed application no. PZ22-0108, stating the existing setbacks for swimming pools should be maintained. Ms. Kostelnick mentioned a non-enclosed swimming pool 10 feet from the water would increase bugs and other pests surrounding the swimming pool.
- 14) Staff Comments: None.
- 15) Commissioner's Comments: None.
- 16) Chairman's Comments: None.
- 17) Motion to adjourn was made by Chairman Grannan, seconded by Commissioner Herring. *Motion carried 7-0.*  
Meeting adjourned at 8:57pm.

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

ATTEST:

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Zoning Coordinator Zach Ciciera

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Chairman Dan Grannan

# QUASI-JUDICIAL HEARINGS City of Crystal River Update February 2, 2023

PRESENTED BY:  
ROBERT W. BATSEL, JR., ESQ.  
GOODING & BATSEL, PLLC  
352.579.1290

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## LEGISLATIVE FUNCTION

- BASED UPON SEPARATION OF POWERS

1. FORMULATION OF POLICY

- CONSIDERS WHAT THE LAW SHOULD BE

AND

- CREATES OR IMPLEMENTS LEGISLATION  
(ORDINANCES)

2

## QUASI-JUDICIAL FUNCTION

### 2. APPLICATION OF POLICY

- INTERPRETS & APPLIES EXISTING LAW (ORDINANCES) TO SPECIFIC FACTS PRESENTED AT HEARING
- KEY WORDS: "INTERPRETATION"  
"APPLICATION"  
"SPECIFIC FACTS"

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## CONSTITUTIONAL MANDATES

- \* DUE PROCESS
  - 5<sup>TH</sup> & 14<sup>TH</sup> AMENDMENT OF U.S. CONSTITUTION
  - Article I Sec. 9 FLORIDA CONSTITUTION
  - (NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW)

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## LEGISLATIVE FUNCTION

- MUST BE A RATIONAL RELATIONSHIP BETWEEN THE REGULATION AND A LEGITIMATE GOVERNMENT INTEREST
- REGULATION MAY NOT BE ARBITRARY, CAPRICIOUS OR UNREASONABLE
- IF FAIRLY DEBATABLE, WILL BE UPHELD

5

## DEFINITION

\* Quasi-Judicial

- Quasi = AS IF (SIMILAR TO)

- Judicial = JUDGING

ACTING AS A JUDGE AND JURY

6

## JUDGING

CONSIDERING EVIDENCE (TESTIMONY AND DOCUMENTARY)

MAKING FINDINGS OF FACT  
DRAWING CONCLUSIONS OF LAW  
ISSUING ORDERS

IMPOSING CONDITIONS  
POSSIBLY IMPOSING PENALTIES

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## DUE PROCESS

- \* PROCEDURAL DUE PROCESS
- \* USED IN QUASI-JUDICIAL HEARINGS
  - ADEQUATE NOTICE
  - OPPORTUNITY TO BE HEARD
  - FAIR AND IMPARTIAL TRIBUNAL (BOARD/COMM.)
  - JURISDICTION OVER SUBJECT MATTER

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## DUE PROCESS PROCEDURAL (CONT.)

- \* "APPEAL" TO COURT (CERTIORARI)
- \* COURT WILL CONSIDER THE RECORD FROM THE HEARING AND APPLY THE FOLLOWING STANDARDS:

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## COURT STANDARDS

WHETHER:

1. PROCEDURAL DUE PROCESS WAS PROVIDED (Notice & Opportunity to be Heard)
2. THE LAW WAS CORRECTLY APPLIED (or stated conversely) THERE WAS A DEPARTURE FROM ESSENTIAL REQUIREMENTS OF THE LAW

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## COURT STANDARDS

3. THERE WAS ANY "COMPETENT SUBSTANTIAL EVIDENCE" IN THE RECORD TO SUPPORT THE BOARD'S DECISION
4. THE BOARD/COUNCIL WAS FAIR AND IMPARTIAL

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## LEGISLATIVE FUNCTION

- \* AS PROVIDED BY LAW OR CODE
  - NEWSPAPER, LETTERS, POSTING
- \* OWNER, APPLICANT, ADJACENT PROPERTY OWNERS
- \* SPECIFIED TIME PRIOR TO HEARING

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## OPPORTUNITY TO BE HEARD

- \* RIGHT TO TESTIFY-UNDER OATH
- \* RIGHT TO PRESENT WITNESSES & DOCUMENTARY EVIDENCE
- \* SUFFICIENT TIME FOR PRESENTATION
- \* RIGHT TO REASONABLE CROSS-EXAMINATION

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## QUASI-JUDICIAL

- \* CORRECT APPLICATION OF LAW TO FACTS
- \* LAW = PUBLISHED CRITERIA (ORDINANCE OR REGULATION)
- \* USUALLY CALLED "STANDARDS"
- \* IF STANDARDS ARE SATISFIED BY APPLICANT, PERMIT SHOULD BE APPROVED

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## QUASI-JUDICIAL (LAND USE)

- \* APPLICANT (PETITIONER) HAS BURDEN OF DEMONSTRATING THAT PROPOSED USE IS CONSISTENT WITH COMP PLAN AND LAND DEVELOPMENT CODE (PRIMA FACIE)
- \* IF PRIMA FACIE ENTITLEMENT IS SHOWN, BURDEN SHIFTS TO CITY TO SHOW THAT MAINTAINING EXISTING ZONING IS LEGITIMATE PUBLIC PURPOSE

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## COMPETENT EVIDENCE

- \* Real, fact based, material, reliable evidence that tends to prove points that must be proven and a reasonable mind would accept it as enough to support the proposed for conclusion.
- \* Not conjecture
- \* Not generalized opinion without support

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## IMPARTIAL TRIBUNAL

- \* IMPARTIAL = FREE FROM BIAS
- \* A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trail of cases. But our system of law has always endeavored to prevent even the probability of unfairness.
- \* *In re Murchison*. Cited by *Goldberg v. Kelly*  
U.S. Supreme Court

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## IMPARTIALITY - EX PARTE COMMUNICATIONS

- \* EX PARTE = ONE-SIDED AND OUTSIDE-OF-HEARING COMMUNICATIONS
  - PRESUMPTIVELY PREJUDICIAL
  - EXCEPTIONS VIA STATUTES 286.0115 F.S.
  - CITY CODE

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## EX PARTE COMMUNICATIONS

- \* CITY CODE REQUIRES DISCLOSURE ON RECORD AT HEARING, BEFORE VOTE (TO ALLOW INQUIRY) OF:
  - THE SUBSTANCE OF ANY COMMUNICATION AND IDENTITY OF ANY PERSON, GROUP OR ENTITY
  - WRITTEN COMMUNICATION (TO BE READ OR PUT INTO RECORD)
  - INVESTIGATIONS OR SITE VISITS; EXPERT OPINIONS RECEIVED

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## 286.0115 F.S.

- \* RESPONSE TO *JENNINGS V. DADE COUNTY* ("EX PARTE COMMUNICATIONS ARE PRESUMPTIVELY PREJUDICIAL)
- \* LEGISLATION ALLOWS THE LOCAL GOVERNMENTS TO REMOVE PRESUMPTION OF PREJUDICE

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## HEARING PROCEDURES

1. STAFF INTRODUCTION
2. PETITIONER PRESENTATION
3. COUNCIL QUESTIONS OF PETITIONER  
(STAFF MAY CROSS EXAMINE)
4. STAFF PRESENTATION
5. COUNCIL QUESTIONS OF STAFF  
(PETITIONER MAY CROSS EXAMINE)
6. PUBLIC TESTIMONY
7. COUNCIL MAY ASK QUESTIONS OF PUBLIC

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## PROCEDURES (CONT.)

8. MAYOR/COUNCIL MAY ALLOW QUESTIONS OF PUBLIC TO BE POSED TO PARTIES
9. PETITIONER'S REBUTTAL EVIDENCE
10. CLOSING COMMENTS BY STAFF AND BY PETITIONER
11. COUNCIL DELIBERATION AND ACTION
12. MAYOR SIGNS AND FILES DEVELOPMENT ORDER WITH THE CLERK (USUALLY RESOLUTION OR COULD BE ORDINANCE)

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## EVIDENCE AT QJ HEARINGS

- \* GENERAL ADMINISTRATIVE RULE =
- \* FORMAL RULES OF EVIDENCE SHALL NOT APPLY
- \* HOWEVER, FUNDAMENTAL DUE PROCESS SHALL BE OBSERVED AND SHALL GOVERN THE PROCEEDINGS

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## EVIDENCE AT HEARING

- \* HEARSAY EVIDENCE SHOULD BE CONSIDERED ONLY IF CORROBORATED BY TESTIMONY
- \* (HEARSAY = LETTERS, STATEMENTS THROUGH 3<sup>RD</sup> PARTIES, ETC.)
- \* COMPETENT EVIDENCE
  - MATTERS REQUIRING EXPERTISE
  - OPINION TESTIMONY BY PERSON WHO IS EXPERT

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## Recent Case

- \* *Village of Palmetto Bay v. Palmer Trinity Private School*  
– So.3d\_\_\_\_ (3DCA 7-5-2012)
- \* Village council approved special exception but reduced number of students from 1150 requested to 900 at the final hearing.
- \* Held: there was no competent substantial evidence to support the reduction.

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## Recent Case

- \* *Carillon Comm. Residential v. Seminole County*  
45 So.3d 7 (5<sup>th</sup> DCA 2010)
- \* Issues: Due Process, Essential Requirements of Law
- \* Facts: Petition for PUD for mixed use UCF student housing. County Board approved.
- \* Neighboring Home Owners Assoc. challenged.

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## Carillon (cont.)

- \* Circuit Court Upheld County decision.
- \* HOA challenged in Court of Appeal.
  
- \* Claim: Due Process denied because they were not allowed to cross examine witnesses at Board quasi-judicial hearing.

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## Carillon

### Decision:

- \* Due process is flexible concept
- \* Proceeding needs only to be “essentially” fair.
- \* No single unchanging test to apply.
- \* Balance private interest vs. public interest.
- \* Public interest includes fiscal and administrative burdens.

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## CARILLON

- \* PARTIES VS. PARTICIPANTS
- \* PARTIES TO LAND USE CASE = PETITIONER & CITY
- \* Greater process due to parties than participants.

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## CARILLON

- \* Party-Direct interest affected by official action.
- \* Party must be able to present evidence, cross-examine witnesses and be informed of all facts upon which Commission acts.

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## Carillon

- \* Public Interests / Rights – QJ hearings (such as rezonings) are open to public participation.
- \* A participant is entitled to some due process. How much depends upon function of proceeding and nature of interests affected.
- \* Florida law does not require that all participants be allowed to cross-examine witnesses.

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## Carillon

- \* Parties are the Petitioner and the Local Government.
- \* Not adjoining land owners, neighbors or public at large.
- \* Distinguishes *Sorrento Ranches v. Venice* where 2d DCA made broad statement that the property owners should have been allowed to cross-examine, because unclear whether they were adjoining or in area to be rezoned.

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## Carillon

- \* Impractical to allow all 25 public speakers to cross-examine
- \* BCC had a procedure by which witnesses can be questioned.

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## 2013 Law

- \* The law (s. 286.0114 F.S.) requiring public participation before taking action, does not apply to quasi-judicial hearings.
- \* Quasi-judicial hearings are already covered by their own due process rules (above).

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# CITY OF CRYSTAL RIVER PLANNING COMMISSION

## STAFF REPORT

Planning and Community Development Services Department

<b>MEETING DATE:</b>	February 2, 2023
<b>APPLICATION NO. PZ22-0115 – FINNELL PROPERTIES L.L.C.</b>	
<b>PROPOSED AMENDMENT:</b>	An Amendment to the Official Zoning Map of the City of Crystal River, Florida, to change the zoning on 1.04 acres (MOL) from Low Density Residential (R-1) Zoning to Medium Density Residential (R-2) Zoning.
<b>SUBJECT PROPERTY:</b>	Section 22, Township 18S, Range 17E; specifically, the East 1/3 of Lot 18, CHARPIA'S ADDITION TO CRYSTAL RIVER, according to the Plat thereof, recorded in Plat Book 1, Page(s) 30 of the Public Records of Citrus County, Florida (AK#1081157), which address is 1154 NE 1 <sup>st</sup> Street, Crystal River. A complete legal description of the property is on file with the Planning & Community Development Services Department.
<b>PROPERTY OWNER:</b>	Finnell Properties L.L.C.
<b>LAST OCCUPANT:</b>	Existing multi-family rentals (five units)
<b>LAND USE:</b>	<b>EXISTING FUTURE LAND USE:</b> Medium Density Residential (MDR)
<b>ZONING:</b>	<b>EXISTING ZONING:</b> Low Density Residential (R-1)
<b>FLOOD ZONE:</b>	According to the Flood Insurance Rate Map (FIRM), the subject property is in Flood Zone AE with a Base Flood Elevation (BFE) of 11.00 feet, as found on FIRM Panel Number 12017C0189E. (Effective date: January 15, 2021)
<b>SURROUNDING AREA:</b>	<b>North</b> – Medium Density Residential (R-2) zoning developed with a skilled nursing home and rehabilitative therapy facility (Crystal River Health and Rehabilitation Center) across NE 1 <sup>st</sup> Street.
	<b>South</b> – Low Density Residential (R-1) zoning development with single family residences across NE 1 <sup>st</sup> Terrace (Charpia’s Addition to Crystal River subdivision)
	<b>East</b> – R-1 zoning developed with single family residence and a vacant lot across NE 12 <sup>th</sup> Avenue (Charpia’s Addition to Crystal River subdivision)
	<b>West</b> – R-1 zoning that has a vacant lot immediately abutting the subject property (Charpia’s Addition to Crystal River subdivision)
<b>PREPARED BY:</b>	Jenette Collins, AICP, Urban Planner, Planning and Community Development Services Department

**BACKGROUND INFORMATION:** This is a request to rezone the subject property from R-1, Low Density Residential to R-2, Medium Density Residential to allow for multi-family development. The subject property, comprising 1.04 acres, is approximately 212 feet wide by 208 feet deep and fronts on three local, public (improved) rights-of-way.

The site has been developed with a triplex (three units) and a duplex (two units) that face NE 1<sup>st</sup> Street. The property appraiser’s record indicates that the existing units were added to the tax roll in 1971, which predates the 2005 Crystal River Land Development Code (Ordinance No. 05-O-08). The owner desires to add three more rental units facing NE 1<sup>st</sup> Terrace. The R-2 zoning district is required to allow for multi-family development and would also serve to recognize the existing multi-family use. The R-2 zoning district allows a maximum of eight dwelling units per acre.

**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. The MDR category allows for R-2 as an underlying zoning district. As such, no amendment is necessary to the FLUM. The Future Land Use Element of the Comprehensive Plan states that the FLUM MDR category is to provide a location for single- and multi-family residential development and customary residential accessory uses incidental to the primary residential uses on site. Residential density shall be from 3.1 to 8 units per acre. Maximum impervious surface shall not exceed 55 percent.

**Zoning Considerations** – The following table provides a summarized comparison of the existing R-1 zoning district and the proposed (rezoning) R-2 zoning district as specified in Chapter 2 of the Crystal River Land Development Code (LDC) .

Zoning District:	From: R-1, Low Density Residential	To: R-2, Medium Density Residential
<b>Allowed Use:</b>	Single-family residential uses, associated accessory structures, and essential public services.	Single-family residential uses, multiple-family residential uses, associated accessory structures, and essential public services.
<b>Max ISR:</b>	45 (non-waterfront)	55 (non-waterfront)
<b>Max FAR:</b>	n/a	n/a
<b>Max Density:</b>	3.0 d/u per acre	8 d/u per acre.

d/u – dwelling unit(s)

Source: Crystal River Zoning Ordinance (Ord. No. 05-O-08)

Unlike the existing R-1 zoning designation, the R-2 zoning allows for multi-family development having a maximum of eight dwelling units per acre. It is noted that both the R-1 and R-2 zoning districts may be used to implement the existing MDR future land use designation on the FLUM.

**Compatibility with Adjacent Land Uses** – The R-2 zoning may serve as a transitional zoning district between single family residential and multi-family development. The subject property, which has been partially developed with multi-family residential, lies in between single-family development to the south and a nursing/rehabilitative facility to the north. The multi-family units existing on the subject property are recognized as a valid-nonconforming use within the R-1 zoning district, since its development predates the 2005 LDC.

In the R-2 zoning district, multi-family development [defined by the Land Development Code (LDC) as two or more dwellings in one building] would allow duplexes, apartments, condominiums, rowhouses, and the like, provided that it does not exceed the maximum density allowed. In this case since the site is less than two acres, Section 4.02.04 *Design standards for large-scale multi-family development*, of the LDC, is not applicable. As such, multi-family development and supporting accessory facilities would need to be located, designed and oriented to ensure consistency with the appearance of the residential uses in the surrounding and adjacent area, and in accordance with the requirements of the LDC. Off-street parking shall be required at a minimum of one space per dwelling unit per section 6.04.07 *Standards for parking and parking lots*, of the LDC.

**Density/Intensity** – The subject property is 1.04 acres, which would allow a maximum of eight dwelling units. The lot has been previously developed with five rental units. The applicant intends to add an additional three units in keeping with the maximum density allowed for the subject property.

**Lot Dimensions/Setbacks/Heights** – Development of the subject property is required to meet the current requirements of the LDC. The following table provides a comparison of development standards between the current R-1 and the proposed R-2 zoning districts.

Zoning District	Max Building Height (feet)	Minimum Setback* (feet)			
		Front	Side	Side, adjacent to street	Rear
R-1	35	25	10	15	25
R-2	35	25	10	15	25

Note: Waterfront setbacks are not included since it does not apply to the subject property.  
 Source: Crystal River Land Development Code (Ord. 05-O-08)

The subject property is subject to two front yard setbacks since the site runs street-to-street. The side facing NE 12<sup>th</sup> Avenue may be treated as a “side, adjacent to street”.

**Impervious Surface Ratio (ISR)** – Development in an R-2 zoning category shall not exceed the maximum 55% ISR. This is found consistent with the Comprehensive Plan requirement for the MDR FLUM category as stated above.

**Refuse Collection** – The LDC requires a dumpster for multi-family development of eight (8) or more units. Dumpsters shall be screened on all four sides. All such facilities shall be screened with plantings or fencing and shall not be located within any required buffer area, including parking lot landscaping or stormwater management area. The Land Development Code (section 5.01.10) requirements for dumpster containment will be applied at time of development permit.

**Landscaping and Tree Protection** – Multi-family residential development in an R-2 zoning district would be required to maintain a 10-foot wide, Type-A landscape buffer where the site abuts the local rights-of-way and the adjacent R-1 zoned residentially committed property. Type A buffers require plantings of two canopy trees and two understory trees per 100 linear feet of property line per section 4.05.03 *Buffer requirements*, of the LDC. Separately, existing trees measuring four inches diameter at breast height (DBH) are encouraged to be maintained through the use of tree credits, and all live oak trees (Heritage Trees) measuring 24 inches or larger DBH and any other tree 30 inches or larger DBH are subject to the protection standards of section 4.05.05. *Requirements for trees and tree protection*, of the LDC. The site appears to contain one or more Heritage trees located on the northern one-half of the subject property.

**Environmental Factors:** According to the Federal Emergency Management Agency (FEMA), FIRM Map, elevation contours vary from six to eleven feet above mean sea level (MSL). New development will be required to meet the FEMA FIRM BFE as summarized in the introduction table on page one of this report, plus the one-foot freeboard requirement adopted by the city.

According to the United States Department of Agriculture (USDA) Soil Survey, the soil type found of the subject property is described as follows:

- Less than one (1) percent of the site (on the very southeast corner) is classified as (2) Adamsville fine sand, 0 to 2 percent slopes (parent material: sandy marine deposits), having a drainage class defined as somewhat poorly drained, and having a depth to water table of about 18 to 42 inches.
- Approximately 99.9 percent of the site is classified as (11) Tavares fine sand, 0 to 5 percent slopes (parent material: Eolian or sandy marine deposits), having a drainage class defined as moderately well drained, and having a depth to water table of about 42 to 60 inches.

No environmental issues are evident based on the application submittal.

**INFRASTRUCTURE:**

**Transportation (Ingress/Egress)** – The subject property fronts three local, public (improved) rights-of-way known as NE 1<sup>st</sup> Terrace, NE 1<sup>st</sup> Street, and NE 12<sup>th</sup> Avenue. The roadways are city maintained.

**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** – A stormwater management plan will be required for development approval pursuant to section 6.03.04 *Stormwater management plan requirements*, of the LDC. 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 found 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.*

The subject property is designated MDR on the FLUM. The proposed R-2 zoning district may be used to implement the MDR land use category. For that reason, the request is found consistent with the Comprehensive Plan provided the development standards of the LDC are 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).

The following findings of fact are presented:

1. The request is to amend the Official Zoning Map from R-1 to R-2, which is an allowed zoning district of the MDR land use category as depicted on the Future Land Use Map of the Comprehensive Plan.
2. The R-2 zoning may serve as a transitional zoning district between single family residential and multi-family development and would serve to recognize the existing multi-family use on the subject property.
3. The project will be served by central water and sewer.
4. New development shall be designed to be compliant with current development standards of the Land Development Code (LDC) and other code standards shall assist in mitigating incompatibility with the adjacent residentially committed properties.

**STAFF RECOMMENDATION:** Staff finds that the proposed zoning map amendment is consistent with the Comprehensive Plan. The requested R-2 zoning is found compatible with the multi-family use existing on the site and the nursing/rehabilitative facility in the R-2 zoning district lying north and across the street of the subject property. Development standards as required by the Land Development Code shall serve to mitigate any negative conflicts where the subject property abuts the single-family residentially committed neighborhood.


**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 be in writing and shall include findings to support the recommendation.

- 1) PZ22-0115 Zoning Map Amendment

**ATTACHMENTS:**

1. Staff PowerPoint Presentation
2. Notice/Locator Map of subject property
3. Applicant's Submittal.



**PZ22-0115**  
**REZONING REQUEST**  
**FINNELL PROPERTIES L.L.C.**

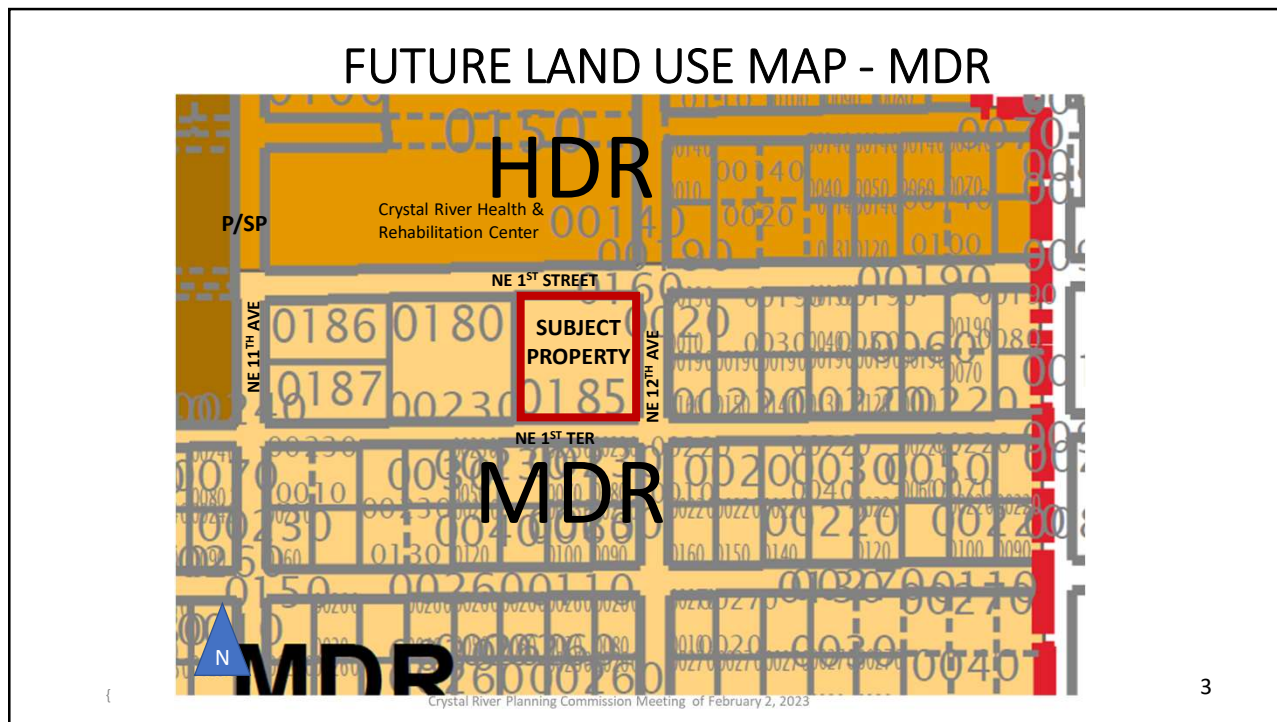
Crystal River Planning Commission Meeting of February 2, 2023

### Aerial - 1154 NE 1<sup>ST</sup> STREET

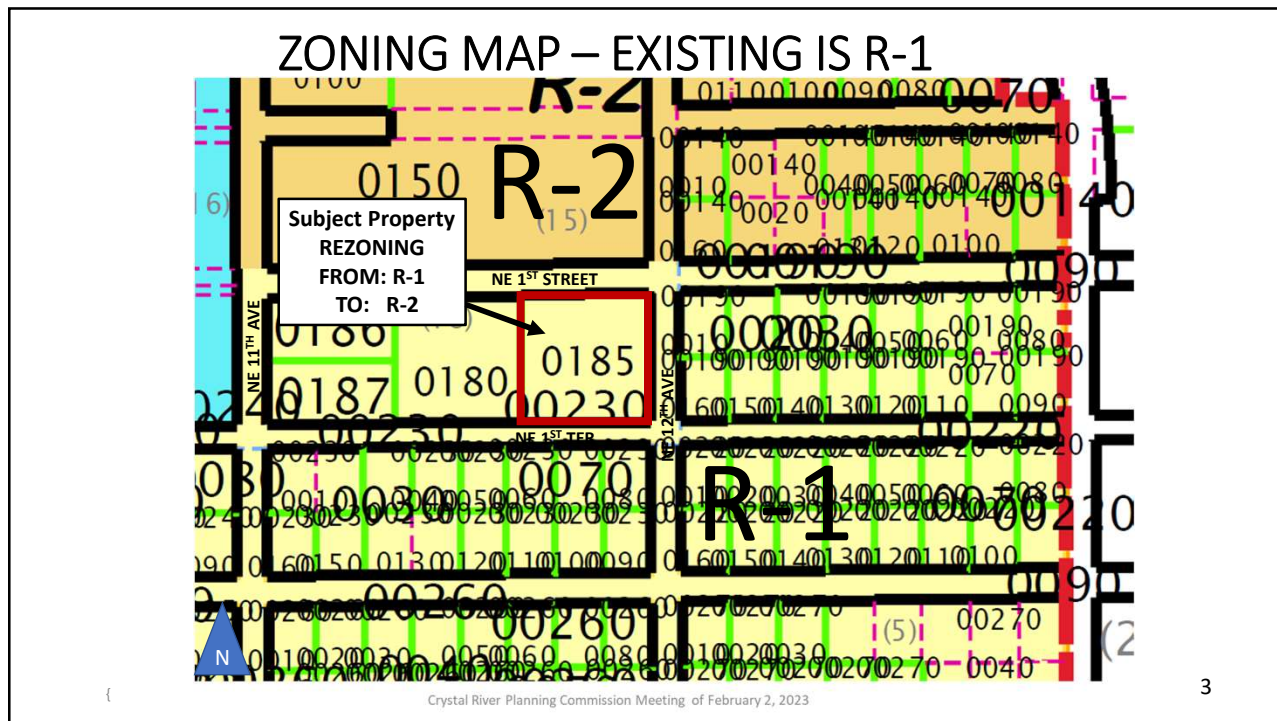


Crystal River Planning Commission Meeting of February 2, 2023

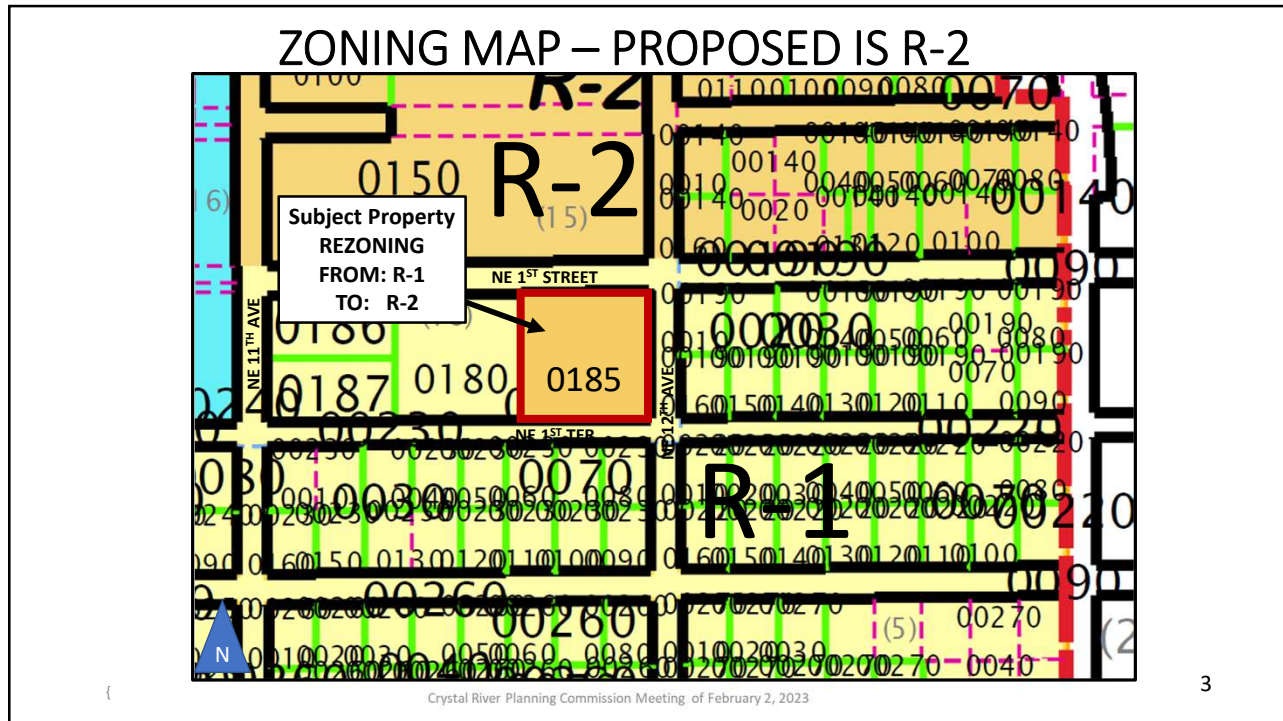




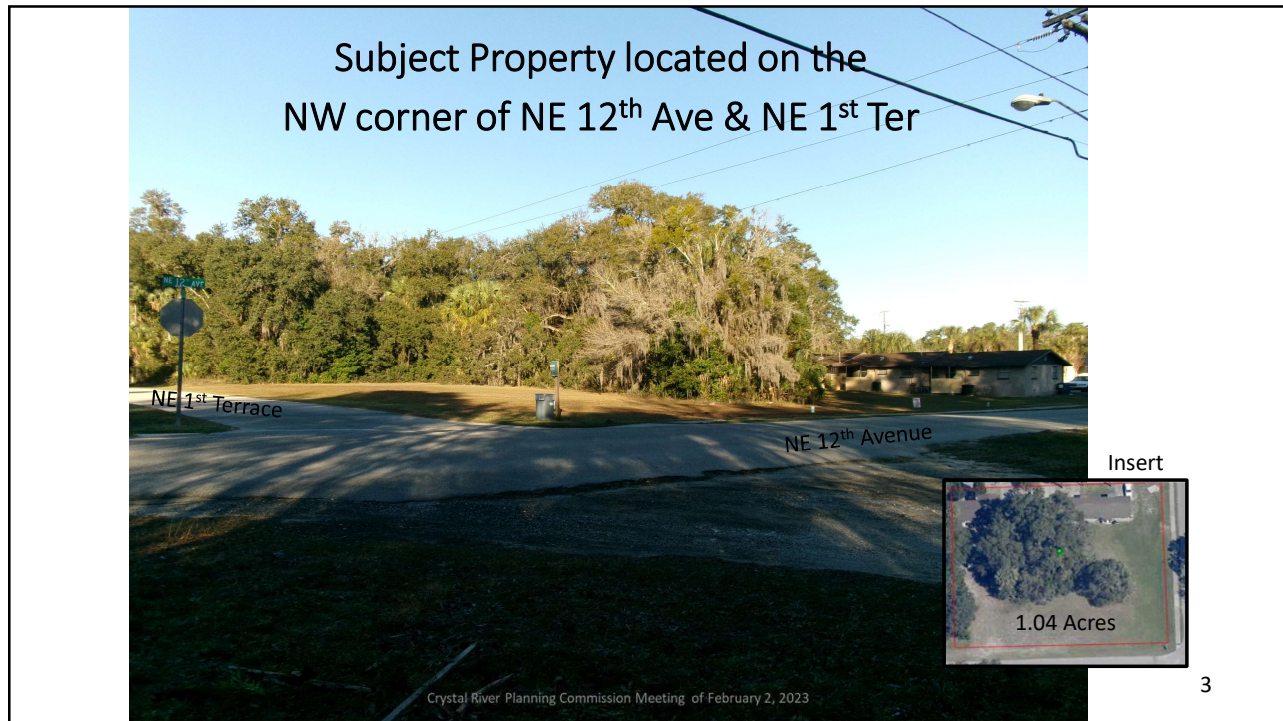
3




4



5




6



Existing multi-family rental units on subject property that front on NE 1st St

Aerial Pictometry of the multi-family rental units



Crystal River Planning Commission Meeting of February 2, 2023

3

7



Looking south and across NE 1<sup>st</sup> Terrace from the subject property.



Looking north and across NE 1<sup>st</sup> Street from the subject property.

Crystal River Health & Rehabilitation Center

NE 1<sup>st</sup> Street

Crystal River Planning Commission Meeting of February 2, 2023

3

8




Looking east and across NE 12<sup>th</sup> Terrace from the subject property.

Looking south on NE 12<sup>th</sup> Terrace along the subject property.

Crystal River Planning Commission Meeting of February 2, 2023

3

9



# QUESTIONS?

**PZ22-0115**  
**REZONING REQUEST**  
**FINNELL PROPERTIES L.L.C.**

Crystal River Planning Commission Meeting of February 2, 2023

4

10



# City of Crystal River

123 Northwest Highway 19  
 Crystal River, Florida 34428  
 Telephone: (352) 795-4216  
 Facsimile: (352) 795-6351

RE: Application No. PZ22-0115

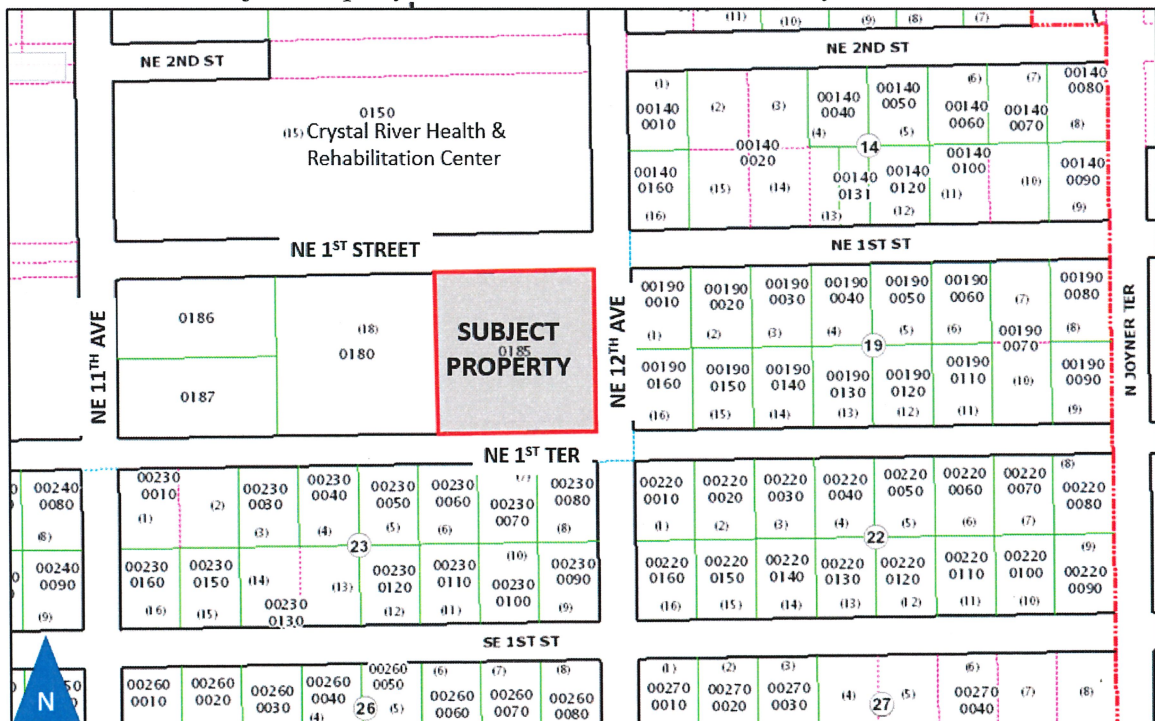
January 13, 2023

## Notice of Proposed Amendment to the Official Zoning Map of the City of Crystal River

Dear Property Owner:

Please be advised that *Finnell Properties, L.L.C.*, has made formal application to the City of Crystal River to consider the rezoning of 1.04 acres (MOL), by reclassifying the property on the Official Zoning Map of the City of Crystal River from Low Density Residential (R-1) Zoning to Medium Density Residential (R-2) Zoning. The subject property is located at 1154 NE 1<sup>st</sup> Street, Crystal River, lying in Section 22, Township 18S, Range 17E; specifically, the East 1/3 of Lot 18, CHARPIA'S ADDITION TO CRYSTAL RIVER, according to the Plat thereof, recorded in Plat Book 1, Page(s) 30 of the Public Records of Citrus County, Florida (AK#1081157). A complete legal description is on file with the City of Crystal River, Planning and Community Development Services Department.

Subject Property Address: 1154 NE 1<sup>st</sup> Street, Crystal River



You are being sent a notification because you own property within 300 feet of the subject property. If you wish to speak for or against this request for a rezoning, please be advised that Public Hearings will be held on:

**Planning Commission:** Thursday, February 2, 2023, at 5:30 p.m.

**City Council:** Monday, March 13, 2023, at 5:30 p.m.

The meetings will be held in the City Council Chambers, City Hall, 123 NW Highway 19, Crystal River, FL 34428.

This application is available for viewing during normal business hours, 8:30 a.m. to 4:30 p.m. in the Planning and Community Development Department located at 123 NW Highway 19, Crystal River, Florida.

Any person deciding to appeal any decision made by the commission with respect to any matter considered at this meeting or hearing will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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.

If you have any questions concerning this application, please call 352-795-4216, Ext. 340.

Sincerely,



Jenette Collins, AICP  
Urban Planner  
Planning and Community Development Services Department  
City of Crystal River

CC: File PZ22-0115

## ORDINANCE 23-O-15

**AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CRYSTAL RIVER, FLORIDA; BY REZONING 1.04 ACRES (MOL) OF PROPERTY OWNED BY FINNELL PROPERTIES L.L.C., FROM LOW DENSITY RESIDENTIAL (R-1) ZONING TO MEDIUM DENSITY RESIDENTIAL (R-2) ZONING; 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**, 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 a 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 1.04 acres (MOL) owned by the City of Crystal River, Florida, from Low Density Residential (R-1) Zoning to Medium Density Residential (R-2) 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. PZ22-0115 – FINNELL PROPERTIES L.L.C.

The official zoning map of the City of Crystal River is hereby amended to change the zoning designation from Low Density Residential (R-1) Zoning to Medium Density Residential (R-2) Zoning on property described in **EXHIBIT “A”** 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 placed on first reading and introduced on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**THIS ORDINANCE** was placed on a second reading and a public hearing was held 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:

Meek \_\_\_\_\_

Guy \_\_\_\_\_

Brown \_\_\_\_\_

Fitzpatrick \_\_\_\_\_

Holmes \_\_\_\_\_

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

**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR AMENDMENT TO THE CRYSTAL RIVER ZONING MAP**

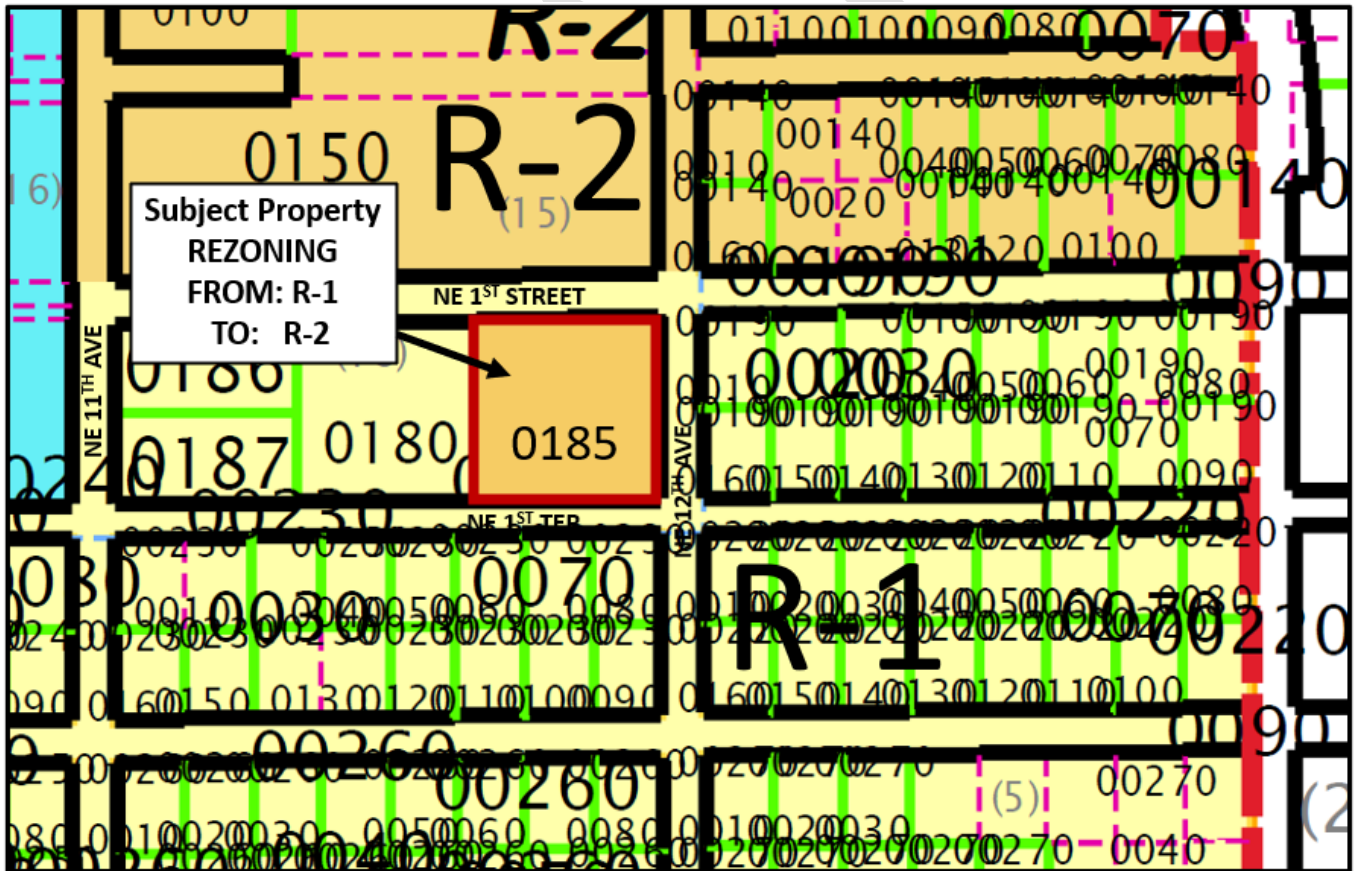
For property lying in Section 22, Township 18 South, Range 17 East, as follows:

The East 1/3 of Lot 18, CHARPIA'S ADDITION TO CRYSTAL RIVER, according to the Plat thereof, recorded in Plat Book 1, Page(s) 30 of the Public Records of Citrus County, Florida, and more particularly described as follows:

Starting at the Northeast corner of said Lot 18 and going South 0° 32' 25" East, a distance of 209.45 feet; thence South 89° 07' 25" West, a distance of 212.59 feet; thence North 0° 33' 00" West, a distance of 209.51 feet; thence North 89° 08' 20" East, a distance of 212.62 feet to the Point of Beginning, all lying and being in Lot 18, CHARPIA'S ADDITION TO CRYSTAL RIVER.

Parcel Identification Number: 1081157

**LOCATOR MAP**



**END OF EXHIBIT "A"**



RECEIVED  
DEC 29 2022  
BY: ZC  
REZONING APPLICATION  
P222-0115

Department of Planning & Community Development  
123 Northwest Highway 19  
Crystal River, FL 34432  
Telephone: (352) 795-4216  
Facsimile: (352) 795-6351  
jrehberg@crystalriverfl.org

**Applicant Information:**

Name: Ben Finnell  
Address: 2848 N Reston Ter, Hernando, FL 34442  
Phone #: 503-396-8982 Fax #: \_\_\_\_\_ Cell #: 503-396-8982  
Email Address: ben.finnell80@gmail.com

**Property Description:**

Parcel Account #: 17E18S220030 0185 Alt. Key # 1081157  
Street Address (or street & avenue location):  
1154 NE 1st St, Crystal River, FL 34429

Legal Description: CHARPIAS ADD TO CRYSTAL RIVER PB 1 PG 30 E1/3 OF LOT 18 MOR PART DESC AS:  
START AT THE NE CORE OF SD LT 18 AND GOING S 0 DEG 32' 25" E A DIST OF 209.45 FT TH S 89 DEG  
07' 25" W A DIST OF 212.59 FT TH N 0 D 33' 00" W A DIST OF 209.51 FT TH N 89 D 08' 20" E A DIST OF  
212.62 FT TO THE POB ALL LY AND BEING IN LT 18 CHARPIA'S ADD TO CR

(or attachment)

Property Acreage: 1.04 Sq. ft.: 45,116  
Present F.L.U.M. Designation: \_\_\_\_\_  
Present Zoning Designation: R1

**Requested Zoning Designation:** R2

Reason for the Request: \_\_\_\_\_  
I would like to add 3 more lots on the property.

Explain Consistency with the Future Land Use Plan: \_\_\_\_\_  
Property current has 5 units ( a duplex and a triplex). I would like to add 3 more lot to maximum the R2 zoning density to 8 units.

**Additional Contact Information (other than Owner or Agent)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**Fee: \$250 – 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 ( <a href="http://www.citruspa.org">www.citruspa.org</a> )
	1. The current zoning district designations for the subject property and all adjacent properties. The zoning map can be found at <a href="http://www.crystalriverfl.org">www.crystalriverfl.org</a>
	2. The land use categories from the Future Land Use Map that can be found at <a href="http://www.crystalriverfl.org">www.crystalriverfl.org</a>
	B. A statement shall be provided including the following information:
	1. A justification for the proposed zoning.
	2. Deed, or other proof of ownership

## Rezoning Checklist

(Attach this sheet if located with the boundaries of the CRA)

### Determination of Compliance

Applications for rezoning other than PUD and amendments to this LDC shall follow the process set forth below. Such applications shall be considered by the Planning Commission for recommendation to the City Council which has final authority.

	Rezoning (Sec. 10.03.02)
CRA	An application for a site plan for property within the CRA Overlay District shall be sent to the Community Redevelopment Agency for review and recommendation. The CRA shall hold a properly noticed quasi-judicial hearing as set forth in the published meeting schedule. The CRA shall make findings regarding compliance of the proposed site plan with Section 4.02.03, and shall provide a written CRA report regarding such compliance to the City for inclusion in the compliance report
Complete	Within thirty (30) days, (forty-five (45) days for projects within the CRA Overlay District) following the determination that the application is complete, the City Manager shall determine whether the application complies with the requirements, standards and criteria of the LDC, including the written report from the CRA.
Compliance Report	The compliance report, including the written report from the CRA, and the application materials shall be forwarded to the Planning Commission with a recommendation for approval, approval with conditions, or denial. Such applications shall be considered by the Planning Commission for recommendation to the City Council which has final authority.

[Home](#)

[Parcel Search](#) ▼

Altkey: 1081157  
SEIB MARK D

Parcel ID: 17E18S220030 0185  
1154 NE 1ST ST , CRYSTAL RIVER

1 of 1  
My Tax Year: 2023 ▼

**Summary**

Legal

**Land & Agriculture**

**Residential**

**Commercial**

**Misc Improvements**

**Values**

**Sketch**

**Photos**

**Permits**

**Quick Links**

**Map**

**Pictometry**

**Legal Description**

**Legal Description**  
CHARPIAS ADD TO CRYSTAL RIVER PB 1 PG 30 E1/3 OF LOT 18 MOR  
PART DESC AS: START AT THE NE CORE OF SD LT 18 AND GOING S 0  
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89D 08' 20" E A DIST OF 212.62 FT TO THE POB ALL LY AND  
BEING IN LT 18 CHARPIA'S ADD TO CR

**DISCLAIMER**

Legal description as shown is not to be used on legal documents. The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the legal description.

**Actions**

- [Neighborhood Sales](#)
- [Printable Summary](#)
- [Printable Version](#)

**Reports**

- [Attribute Export](#) ▲
- [Mailing List](#)
- [Property Record Card](#)
- [Original Trim Notice](#) ▼

**Links**

[Search Help](#)

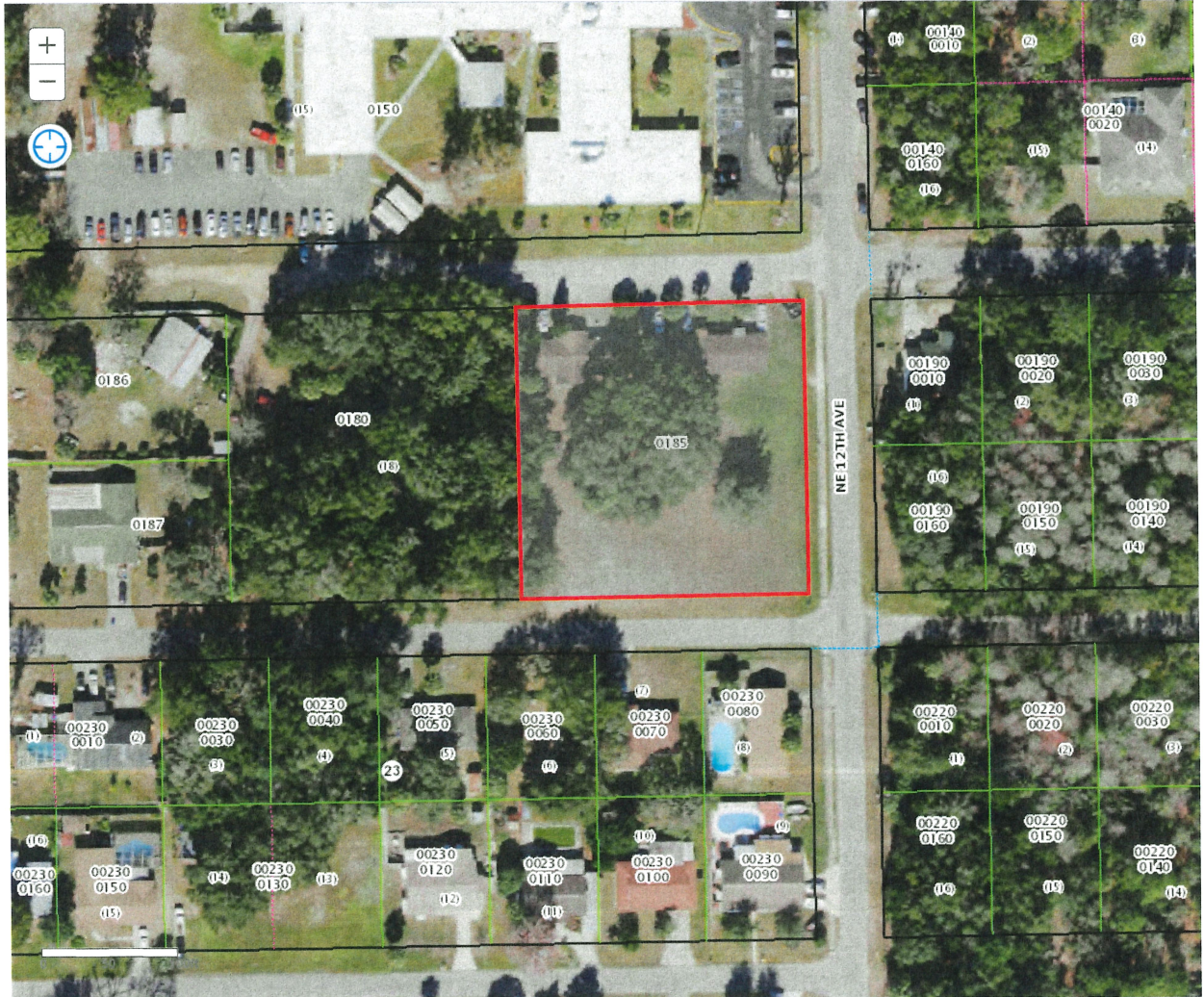
Data Copyright Citrus County Florida  
Last Updated: 27/Dec/2022  
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Home Parcel Search ▾

Altkey: 1081157  
SEIB MARK D

- Summary
- Legal
- Land & Agriculture
- Residential
- Commercial
- Misc Improvements
- Values
- Sketch
- Photos
- Permits
- Quick Links
- Map
- Pictometry





Prepared by and Return to:  
Trish Wakefield, an employee of  
First International Title  
213 Courthouse Square  
Inverness, FL 34450

File No.: 224745-51

## **WARRANTY DEED**

This indenture made on **December 28, 2022** by **Mark Seib a/k/a Mark D. Seib, Trustee and individually and Toni Seib a/k/a Toni J. Seib, Trustee and individually of the Seib Family Trust dated April 20, 2005**, whose address is: 11190 Wilton Road, Wilton, CA 95693 hereinafter called the "grantor", to **Finnell Properties L.L.C., a Florida Limited Liability Company**, whose address is: 2848 N. Reston Ter., Hernando, FL 34442, hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Citrus County, Florida**, to-wit:

**The East 1/3 of Lot 18, CHARPIA'S ADDITION TO CRYSTAL RIVER, according to the Plat thereof, recorded in Plat Book 1, Page(s) 30 of the Public Records of Citrus County, Florida, and more particularly described as follows:**

**Starting at the Northeast corner of said Lot 18 and going South 0° 32' 25" East, a distance of 209.45 feet; thence South 89° 07' 25" West, a distance of 212.59 feet; thence North 0° 33' 00" West, a distance of 209.51 feet; thence North 89° 08' 20" East, a distance of 212.62 feet to the Point of Beginning, all lying and being in Lot 18, CHARPIA'S ADDITION TO CRYSTAL RIVER.**

Parcel Identification Number: 1081157

**The land** is not the homestead of the Grantor under the laws and Constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

**Subject to** all reservations, covenants, conditions, restrictions, and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

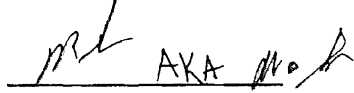
**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2022.



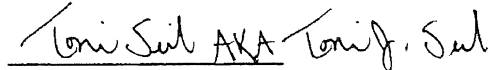
In Witness Whereof, the grantor(s) has hereunto set their hand(s) and seal(s) the day and year first above written.

Seib Family Trust dated April 20, 2005



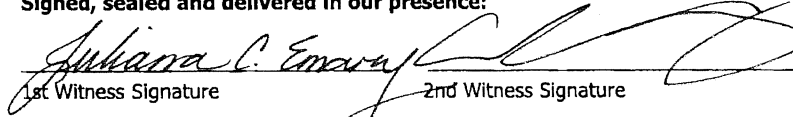
By Mark Seib a/k/a Mark D. Seib, Trustee and individually

Seib Family Trust dated April 20, 2005



By Toni Seib a/k/a Toni J. Seib, Trustee and individually

Signed, sealed and delivered in our presence:



1st Witness Signature

2nd Witness Signature

Print Name: Juliana C. Emary

Print Name: Andrew Emary

State of \_\_\_\_\_

County of \_\_\_\_\_

The Foregoing Instrument Was Acknowledged before me by means of ( ) physical presence or ( ) online notarization on \_\_\_\_\_, by **Mark Seib a/k/a Mark D. Seib, Trustee and individually of the Seib Family Trust dated April 20, 2005 and Toni Seib a/k/a Toni J. Seib, Trustee and individually of the Seib Family Trust dated April 20, 2005,** who ( ) is/are personally known to me or who ( ) produced a valid \_\_\_\_\_ as identification.

**PLEASE SEE ATTACHED CALIFORNIA  
COMPLIANT NOTARIAL CERTIFICATE**

Notary Public Signature

Printed Name:

(NOTARY SEAL)

My Commission Expires:

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Sacramento )

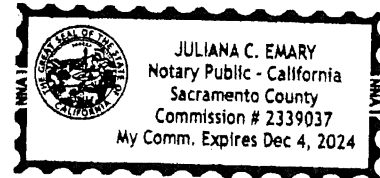
On December 28th, 2022 before me, Juliana C. Emary, Notary Public  
(insert name and title of the officer)

personally appeared Mark Seib AKA Mark D. Seib AND Toni Seib AKA Toni J. Seib,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Juliana C. Emary* (Seal)



Document: *Warranty Deed*