

**Planning Commission Agenda  
November 04, 2021 - 5:30 p.m.**

**Daniel Grannan - Chair  
Tonia Herring - Vice Chair  
Scott Ebert  
Robert Froehling  
Randy Martin**



**Doug Smith  
Terry Thompson  
Alternate 1 - Vince Morris  
Alternate 2 – William Gause  
Chuck Dixon – School Board**

- 1) Call to Order
- 2) Roll Call
- 3) Moment of Silence
- 4) Pledge of Allegiance
- 5) Chairman Comments - discuss meeting procedures
- 6) **Administration to Oath of Office for Planning Commissioner *William Gause (appointed by City Council on October 25, 2021)***
- 7) Adoption of Agenda
- 8) Approval of Minutes: **October 7, 2021**
- 9) Citizen Input: 3 minutes
- 10) Public Hearings:
  - a) **APPLICATION NO. V21-0008 (PZ21-0099) BROUGHT BY PINGAWEAR, LLC FOR A TWO-PART VARIANCE REQUEST OF THE CITY OF CRYSTAL RIVER LAND DEVELOPMENT CODE (LDC) TO ALLOW FOR COMMERCIAL DEVELOPMENT HAVING 1) LESS THAN THE MINIMUM REQUIRED 25-FOOT FRONT YARD BUILDING-SETBACK (ADJACENT TO US HWY 19) PURSUANT TO SECTION 4.02.02 STANDARDS FOR BUILDINGS AND BUILDING PLACEMENT (SETBACKS); AND 2) THE SALE OF ALCOHOLIC BEVERAGES WHERE PART OF THE SAID PARCEL IS SITUATED WITHIN FIVE HUNDRED (500) FEET FROM A PARK OR PLAYGROUND OPEN TO THE PUBLIC (JIM LEGRONE MEMORIAL PARK) PURSUANT TO SECTION 5.05.03 ALCOHOLIC BEVERAGE SALES, OF THE LDC, ON PROPERTY LOCATED IN SECTION 22, TOWNSHIP 18S, RANGE 17E, SPECIFICALLY, PARCEL 33400 0040 (ATKEY 3524542), WHICH ADDRESS IS 253 SE US HIGHWAY 19, CRYSTAL RIVER.**
- 11) Unfinished Business: None
- 12) New Business:
  - a) ***Attorney discussion regarding rules and standards for meeting conduct.***

**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.**

- 13) Citizen Input: 5 minutes
- 14) Staff Comments
- 15) Commissioner's Comments
- 16) Chairman's Comments
- 17) Adjournment

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# CITY OF CRYSTAL RIVER



## OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA  
COUNTY OF CITRUS  
CITY OF CRYSTAL RIVER

I, William Gause, do solemnly swear or affirm that I will support, protect, and defend the Constitution and Government of the United States, the State of Florida, the Charter and laws of the City of Crystal River; that I am duly qualified to hold office under the Constitution of the State and Charter of the City of Crystal River and that I will well and faithfully perform the duties Planning Commissioner of the City of Crystal River, on which I am now about to enter, so help me God.

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**William Gause**  
Planning Commission  
City of Crystal River

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Signature of Notary Public

**Planning Commission Minutes**  
**OCTOBER 7, 2021 - 5:30 p.m.**

**Robert Froehling- Chair**  
**Daniel Grannan - Vice Chair**  
**Randy Martin**  
**Charles Kish**  
**Scott Ebert**



**Doug Smith**  
**Tonia Herring**  
**Alternate 1 - Terry Thompson**  
**Alternate 2 – Vince Morris**

1) Call to Order by Vice Chair Grannan at 5:30 pm

2) Roll Call:

**Commissioners Present:** Daniel Grannan, Randy Martin, Charles Kish, Scott Ebert, Tonia Herring, Terry Thompson

**Commissioners Absent:** Robert Froehling, Vince Morris

**Staff Present:** City Attorney Gooding, City Clerk Fink, Brian Herrmann, Planning and Community Development Director Brian Herrmann, Urban Planner Jenette Collins

3) Election of Chair and Vice-Chair

**Motion to nominate and elect Daniel Grannan to the position of Chair was made by Commissioner Thompson; seconded by Commissioner Herring. Motion carried 7-0.**

**Motion to nominate and elect Tonia Herring to the position of Vice Chair was made by Commissioner Kish; seconded by Commissioner Ebert. Motion carried 7-0.**

4) Annual Review of Planning Commission By-Laws-

Discussion was held regarding by-laws during which Chairperson Grannan noted reference to non-voting member of from Citrus County School Board (Ms. Collins clarified purpose and person assigned to role), consensus was reached to allow for excused absence, and board discussion continued regarding attendance, alternate members and quorums (City Attorney Gooding confirmed the number was five, as alternates were included).

**Motion to accept the Planning Commission By-Laws was made by Commissioner Thompson; seconded by Commissioner Martin. Motion carried 7-0.**

5) Moment of Silence called for by Vice Chair Grannan

6) Pledge of Allegiance led by Vice Chair Grannan

7) Chairman Comments – N/A

8) Motion to adopt the agenda was made by Commissioner Smith; seconded by Commissioner Thompson. Motion carried 7-0.

9) **Motion to approve minutes of the Planning Commission meeting held September 2, 2021 was made by Commissioner Thompson; seconded by Commissioner Martin. Motion carried 7-0.**

10) **Citizen Input:** There was none.

11) **Public Hearings:**

- a) **APPLICATION NO. PZ21-0092, BROUGHT BY THE CITY OF CRYSTAL RIVER, FLORIDA AMENDING THE CITY OF CRYSTAL RIVER COMPREHENSIVE PLAN BY ESTABLISHING A NEW PRIVATE PROPERTY RIGHTS ELEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES.**

Ms. Collins presented the staff report, noting inclusion of draft language provided by state and goal/objective to meet statutory requirements.

**Motion to recommend for Council approval Ordinance No. 21-O-17 amending the City of Crystal River Comprehensive Plan by establishing a new "Private Property Rights" Element pursuant to Chapter 163, Florida Statutes was made by Commissioner Thompson; seconded by Vice Chair Herring. Motion carried 7-0.**

- b) **APPLICATION NO. PZ21-0089. BROUGHT BY THE CITY OF CRYSTAL RIVER, FLORIDA AMENDING ORDINANCE NUMBER 05-O-09, APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, AS AMENDED; ADDING SECTION 4.03.04 LIGHTING, BY ESTABLISHING STANDARDS FOR ALL LAND USES; AMENDING SECTION 4.07.09 USES, BY REVISING STANDARDS FOR ACCESSORY DWELLING UNITS IN THE CRA OVERLAY DISTRICT; AMENDING SECTION 4.07.10 ADMINISTRATION, BY REVISING REVIEW PROCESSES FOR THE CRA OVERLAY DISTRICT; AMENDING SECTION 5.01.05 ACCESSORY DWELLINGS IN RW, R1, NBR, ZONING DISTRICTS, BY ADDING R2, R3, CW, CG, IND, CON AND PI ZONING DISTRICTS, AND REVISING STANDARDS; DELETING SECTION 5.01.06 ACCESSORY DWELLINGS IN IND, CON, AND PI ZONING DISTRICTS; AMENDING SECTION 5.01.11 FENCES, HEDGES, AND WALLS, BY REVISING STANDARDS; DELETING SECTION 5.01.16 ACCESSORY DWELLINGS CG ZONING DISTRICTS; AMENDING SECTION 6.04.02 ACCESS AND DRIVEWAY DESIGN STANDARDS; AMENDING SECTION 6.04.07 STANDARDS FOR PARKING AND PARKING LOTS, TABLE 6.04.07(A) PARKING SPACE REQUIREMENTS; AMENDING SECTION 8.02.02 MEMBERSHIP AND TERMS, BY REVISING PLANNING COMMISSION TERMS; AMENDING SECTION 9.03.01 AUTHORITY AND LIMITATIONS, BY REVISING STANDARDS FOR ADMINISTRATIVE WAIVERS; AMENDING SECTION 10.00.06 COMBINING LOTS, BY REVISING STANDARDS; AMENDING SECTION 10.02.01 GENERALLY, BY REVISING NOTICING REQUIREMENTS; AMENDING SECTION 10.02.03 MAILED NOTICE REQUIREMENTS.**

*Chairman Grannan proposed forgoing the presentation (already made during the September meeting) and reviewing draft amendments (item by item) for questions and discussion.*

Commission discussion was held regarding amendments 1-3 ("Lighting", "Uses", "Administration"), Mr. Herrmann addressed questions regarding amendment 4 (Accessory Dwellings...) and 6 ("Fences, Hedges and Walls"). Discussion continued regarding amendment 6, during which Mr. Herrmann addressed Commission questions regarding allowances/prohibitions related to items including fence height, materials, setbacks, and visibility. Mr. Herrmann also addressed questions regarding amendment 8 ("Access and Driveway Design Requirements").

*Commission consensus was reached to accept language, as proposed.*

*Commissioner Thompson departs.*

Commissioners continued review of the amendments, noting re-introduction of Planning Commission term limits of two years under amendment 10 ("Planning Commission"), and discussing amendments 11 ("Administrative Waivers"), 12 ("Combining Lots") and 13 ("Notice Requirements"). City Attorney Gooding provided clarification regarding zoning applicability when combining lots, and Mr. Herrmann addressed questions regarding reduction of public notice period referenced in amendment 13.

**Motion to recommend for Council approval Ordinance No. 21-O-15 addressing fourteen (14) text amendments for the Land Development Code was made by Vice Chair Herring; seconded by Commissioner Kish. Motion carried 6-0.**

12) **Unfinished Business:** None

13) **New Business:**

a) **Attorney discussion regarding rules and standards for meeting conduct** *To be reviewed at November meeting.*

14) **Citizen Input:** There was none.

15) **Staff Comments** Mr. Herrmann discussed upcoming October 11, 2021 City Council agenda item during which Dover, Kohl & Partners would present the draft Civic Master Plan, with three-week public comment period to open at 5:30 p.m. that same day.

16) **Commissioner's Comments** Commissioner Kish announced resignation from the Planning Commission due to upcoming re-establishment of two-year term limits (will continue to serve until a new applicant is approved).

17) **Chairman's Comments**

18) **Motion to adjourn at 7:04 p.m. was made by Commissioner Kish; seconded by Commissioner Smith. Motion carried 6-0.**



## CITY OF CRYSTAL RIVER PLANNING COMMISSION

### STAFF REPORT

Planning and Development Services Department

<b>MEETING DATE:</b>	November 4, 2021
<b>VARIANCE APPLICATION NO. V21-0008 Pingawear, LLC.</b>	
<b>VARIANCE REQUESTED:</b>	<p>A two-part Variance request of the City of Crystal River Land Development Code (LDC) to allow for commercial development that:</p> <ol style="list-style-type: none"><li>1) Does not meet the minimum required 25-foot front yard building-setback pursuant to Section 4.02.02 Standards for Buildings and Building Placement (Table 4.02.02.C. Standards for Building Heights and Setbacks); and</li><li>2) Does not meet the standard requiring a parcel that conveys the sale of alcoholic beverages to be situated a minimum of five hundred (500) feet from a park or playground that is open to the public (Jim LeGrone Memorial Park) pursuant to Section 5.05.03 Alcoholic Beverage Sales of the LDC.</li></ol>
<b>SUBJECT PROPERTY:</b>	Section 22, Township 18 S, Range 17E; specifically, Parcel 33400 0040 (Atkey 3524542) whose address is 253 SE US Highway 19, Crystal River. A complete legal description of the property is on file with the Plan. and Dev. Services Dept.
<b>ACREAGE:</b>	Approximately 129,749 square feet (2.98 acres) as estimated by the Citrus County Property Appraiser's record.
<b>ZONING DISTRICT:</b>	CH, High Intensity Commercial
<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 12 feet, as found on FIRM Panel Number 12017C189E. (Effective date: January 15, 2021)
<b>SURROUNDING AREA:</b>	<p><b>North:</b> CH, High Intensity Commercial and CG, General Commercial; LTD Motors, retail, and vacant.</p> <p><b>South:</b> CH and CG; Cody's Roadhouse restaurant and vacant.</p> <p><b>East:</b> CG and PI, Public Institutional (behind the property across NE 7<sup>th</sup> Ave); Cent. Fl. Clinic for Rehabilitation &amp; Jim LeGrone Memorial Park (City Park)</p> <p><b>West:</b> CH (across the street – US Hwy 19); Kings Bay Plaza</p>
<b>PREPARED BY:</b>	Brian Herrmann, Leed AP, CNU-A; Department Director

#### **BACKGROUND INFORMATION:**

The applicant is requesting two unique variances from existing standards that are found within the City of Crystal River Land Development Code. The first variance would allow the applicant to site their building at the front property line of the parcel as opposed to having to set it back 25 feet, as is currently required by code. The second variance would allow the applicant to sell alcoholic beverages from their site (a mixed use distillery) despite the fact that it is located within 500 feet of City park or playground.

The applicant's parcel extends from US Highway 19 to SE 7<sup>th</sup> Avenue. It is located across US Highway 19 from Kings Bay Plaza and across SE 7<sup>th</sup> Avenue from the Central Florida Clinic for Rehabilitation. The property takes the shape of an (L), abutting the northern and eastern sides of the parcel that is home to Cody's Restaurant. Shipyard Dog printing and sales is in a building on the applicant's parcel. The building abuts Cody's and has a similar frontage location. LTD Motors is located to the north of the property.



The owner / applicant purchased the property in May 2019. They wish to make significant improvements to the site, ultimately resulting in a “mixed-use” development that contains a commercial distillery, restaurant, gift shop, small-scale lodging, parking, and possibly an easement for a future walking and bicycle trail. In fact, the owner / applicant has hired a design firm from Austin, Texas to ensure that the site will be developed to the optimum level, as well as to assist with coordinating the various steps that a large mixed-use project requires.

The first step in this process was to request a text amendment to the City’s Land Development Code (LDC). This request ensured that all of the potential uses envisioned for the property were addressed in the City’s Ordinance. As a result, Craft Breweries, Wineries, and Distilleries was added to the Land Use Table and Supplemental Use Standards of the LDC on October 11<sup>th</sup> 2021.

**ANALYSIS:**

Having ensured that all of the appropriate Land Uses are found within the City’s LDC, the applicant can now move forward with their final request. They are asking for two variances, both of which are specific to the proposed site and both of which are necessary to build out the site as they and their design consultants desire. The owner / applicant proposes:

- 1) **VARIANCE #1.** To build out the site such that the front façade (and possible frontage element) of the primary building can occupy the parcel up to the front property line that abuts US Highway 19. The front setback would be 0 feet (build-to-line of 0), as opposed to the minimum requirement of 25 feet that is found in the City’s Land Development Code. **Section 4.02.02 Standards for Buildings & Building Placement – Table 4.02.02.C. Standards for Building Heights and Setbacks** (below) would not be met, but instead require a variance.

**Table 4.02.02.C. Standards for Building Heights and Setbacks.**

Zoning District	Maximum Building Height (ft.)	Minimum Setback (ft.)				
		Front	Side	Side, Adjacent to a Street	Rear	Waterfront
CW	50	25	10	15	25	25
CH	50	25	10	15	25	35

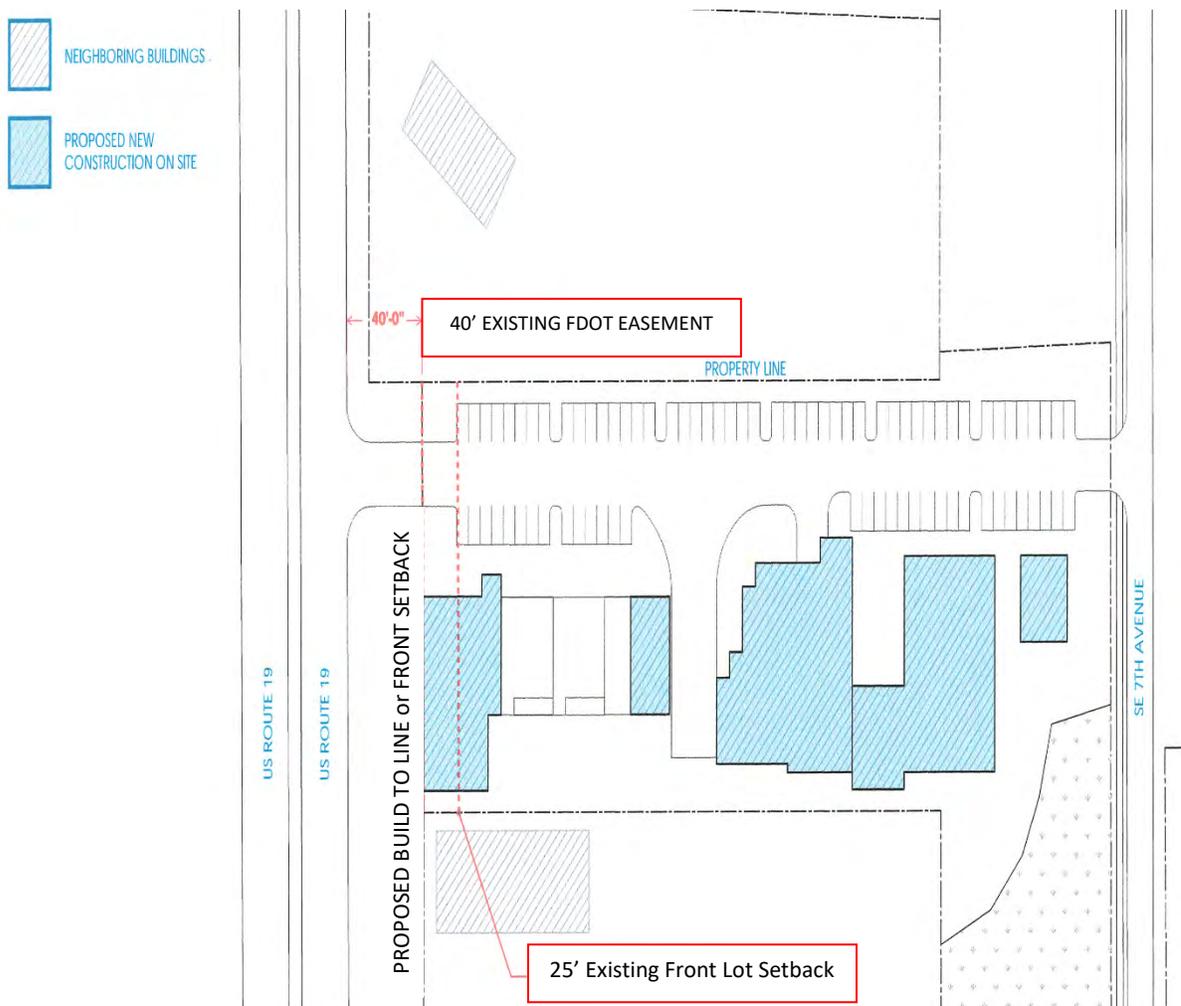
As proposed, the applicant’s front façade (and potential frontage) would be located very close, if not identical to where the front façade of **Cody’s Restaurant** sits. Currently, Cody’s front façade is located on, or very close to their front property line. There does not appear to be any setback. The applicant wishes to site their new building similarly, with no setback from the front property line. Their current building is located just four (4) ft. behind Cody’s current frontage.

The location of the applicant’s current structure and the way in which it relates to the location of Cody’s building presents a strong argument for why this variance should be permitted. After all it is quite common to allow a new structure to coordinate with the setback that is established by an adjoining building. For example, **Section 4.07.03: General to All Development; letter K. Build to Line Exceptions; #1** (below) of the City’s LDC states that “where existing adjacent buildings are set behind the required build-to-line the building may be set to align with the façade of the front-most adjacent property.” While this provision is found in the City’s CRA ordinance, this type of standard is common to many land development codes throughout the United States.

**Section 4.07.03: General to All Development**

K. **Build-to-line Exceptions.** The Supervisory Planner may grant an exception to the required build-to line:

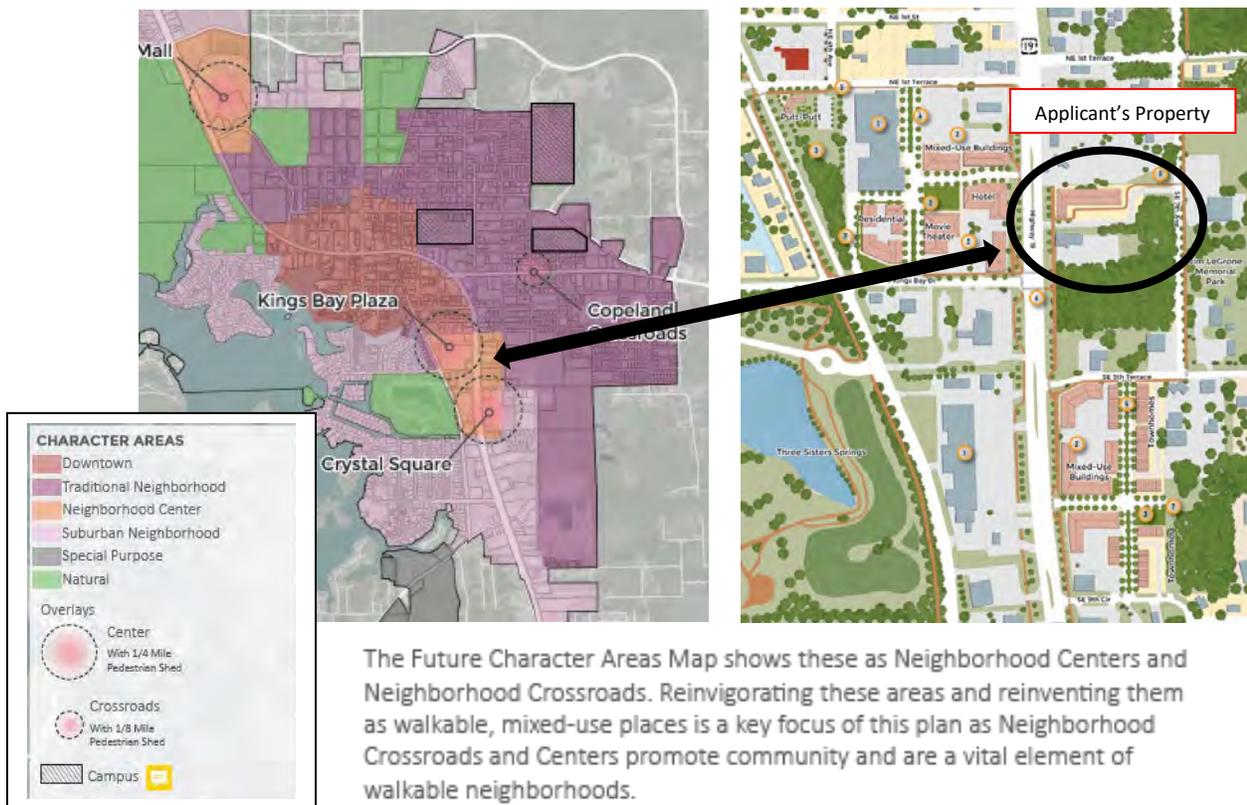
1. in order to avoid trees with a caliper greater than 12” DBH, in the case of an irregularly shaped lot, or where existing adjacent buildings are set behind the required build-to-line (the building may be set to align with the façade of the front-most adjacent property).



Finally, when one visits the site they will notice that the proposed 25 foot setback is not only significant, it is actually wasteful of highly developable land. In fact, from an urban design point of view, one could argue that the current front setback of 25 feet fails to benefit the City, the FDOT, and the property owner. It simply guarantees a highly “suburban” approach to development – regardless of the intentions or desires of the owner along this corridor.

The draft version of the City’s Civic Master Plan, a document that conveys how our community envisions future development occurring over the next 40 years depicts this location as part of a “Neighborhood Center” or ¼ mile (radius) “pedestrian shed”. These areas are identified as “walkable, with a mix of uses and an identifiable center and edge.” In this case the “center” is just west of US Highway 19.

While one could argue that this variance request is “ahead” of the master planning process, the property in question has been clearly identified as part of a future “walkable center” within the City. Therefore, it corresponds with future planning for these areas. The new provisions are likely to be adopted as part of the Comprehensive Plan, which in turn will permit the City to begin drafting new zoning standards – with the shallower setbacks discussed previously.



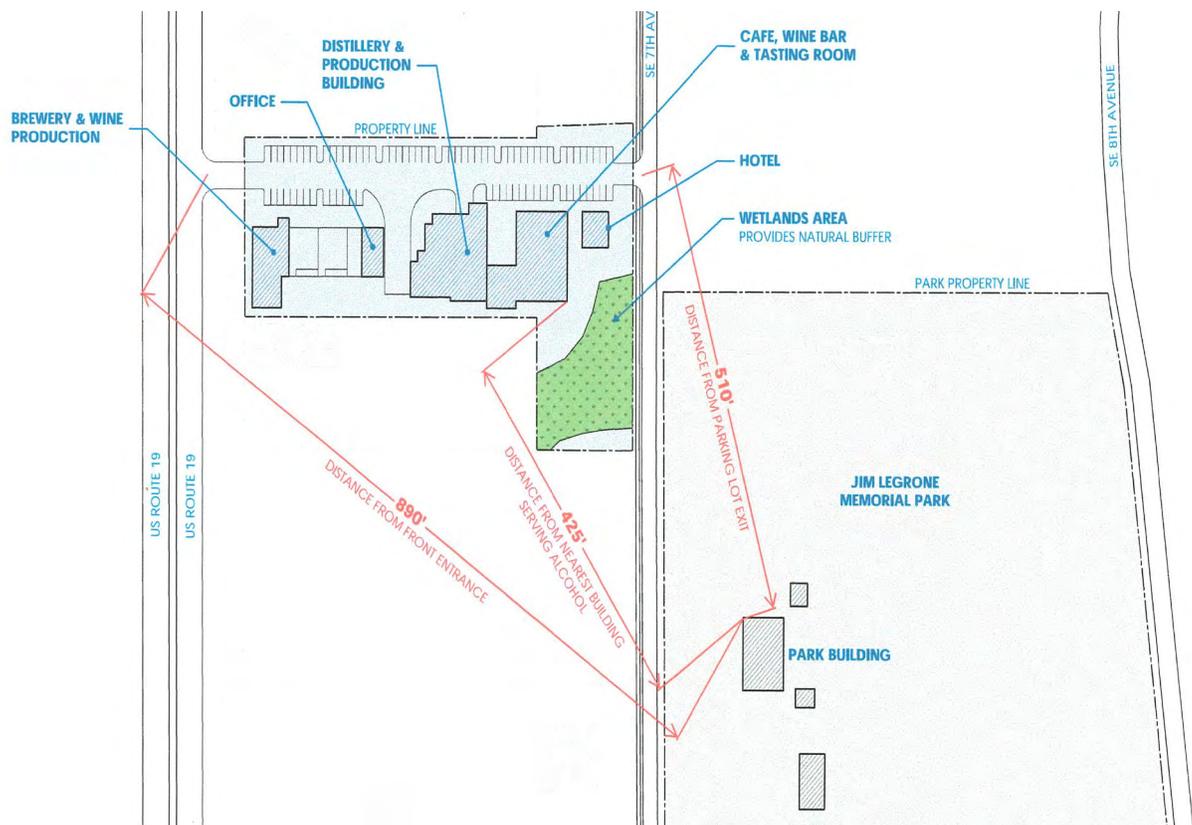
The fact that the building on the adjacent property has little to no front setback, as well as the recent Civic Master Planning process that identifies this area as an extension of the walkable, mixed use “Neighborhood Center” both support the variance to allow a 0’ front setback.

- 2) **VARIANCE #2.** Currently, Section 5.05.03 (Alcoholic Beverage Sales) of the City’s Land Development Code states that “the sale of alcoholic beverages shall not be permitted on any

parcel of land if any part of said parcel is situated within five hundred (500) feet from any point on a building or structure used as a park or playground that is open to the public.” The buildings and structures in Jim LeGrone Memorial Park are located within 500 feet of the applicant’s property. Therefore, pursuant to Section 5.05.03 (Alcoholic Beverage Sales) of the LDC the applicant must have a variance to circumvent this issue.

The applicant has provided staff with measurements that convey the distance between the buildings and vehicle entrances on their site AND the buildings that occupy the City Park (below). This is important for several reasons.

1. A large portion of the applicant’s property is located to the east and south of their primary facility – or distillery. This area is comprised of woods, open space, and stormwater retention. It is not an area of intense human activity. Rather, it provides a buffer between the applicant’s site and the activity that is found in the park.



If one measures the distance between the buildings on the applicant’s property and those that are found in the City’s Park, the distance is approximately 425 feet. This almost meets the minimum requirement for a variance of 500 feet. However, the code states that the measurement shall be taken from the buildings /structures in the park to the property line of the applicant’s property. If the code were to treat the owner’s property as it does the park – measuring to the buildings and structures on the site as opposed to the property line – then the area that is comprised of “woods, open space,

and stormwater retention” would simply be counted as part of the measurable distance. 425 feet – most of which is “un-activated” space – provides reason for a variance.

2. The primary frontage for the applicant’s property is US Highway 19. While there is a back entrance to the property located along SE 7<sup>th</sup> Avenue, it is clearly secondary. The back entrance was sited where it is – at least in part – to satisfy the City’s desire for greater “connectivity”. After all, this area has been identified in the Civic Master Plan as a “Neighborhood Center.” Such connectivity will begin to transition the community into a more pedestrian and bicycle-oriented location. In fact, the applicant has conveyed a desire to help promote such uses on their property. They should not be punished – at least in part – because they are willing to establish infrastructure that will lead to greater connectivity and ultimately a more activated surrounding.

It should be noted that both of the “driveways” that provide entrance to the applicant’s property (on SR 19 and on SE 7<sup>th</sup> Avenue) are located more than 500 feet from the buildings in the park. This is important, as nearly all future employees and visitors to the applicant’s site must use these two entrances. If this were the point of measurement for the applicant’s parcel the proposed variance would be permitted.

3. Finally, the standards for Section 5.05.03 are not written in a manner that allows for one to consider unusual or unique circumstances. 500 feet was likely selected because it is the length of a large, but by no means “average” City block. Staff believes that the City should tweak the current provisions to account for unusual circumstances – such as the unoccupied property on the applicant’s site AND the distance from the park buildings to the primary entrances into the proposed development. One way to do this would be to add some contextual standards that would allow staff to consider things such as: adopted City plans, intensity of surrounding land uses, and true connectivity.

While the applicant may not meet the specific language that is currently found in the code; Staff believes that the applicant has met the intent of the provisions – both now and in the future. When such factors are considered, Staff believes that the proposed Variance is appropriate.

**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 conditions.

1. ***There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC;***

- a. **VARIANCE REQUEST 1:**

There is no hardship affecting the development of the lot that results from the strict application of the LDC’s provisions. The applicant wishes to establish the front setback of their building in accordance with the neighboring Cody’s Restaurant to the south. This is required by code throughout much of the Country, including the City’s CRA district (above). In addition, while new zoning has yet to be put into place, both staff and the applicant believe that the desired variance will allow this site to be designed and function in accordance with the proposed “Neighborhood Center” that is depicted as part of the Civic Master Plan”.

This portion of the Civic Master Plan depicts zoning that is identical to what the applicant is proposing. While technically these items are not “hardships”, they support changes to City policies that are under way and nearing adoption. For these reasons, Staff believes that a variance is appropriate.

b. **VARIANCE REQUEST 2:**

Regarding alcoholic beverage sales, there is no specific hardship affecting the development of the lot that results from the strict application of the LDC’s provisions.

1. Currently, the code states that measurements for alcoholic beverage sales within 500 feet of a City Park shall be taken from the buildings / structures that are located within the park to the nearest property line of the applicant’s parcel. Even though the applicant’s property to the south and east is comprised of woods, open space, and stormwater retention it may not be counted as part of the required distance. That said, it is present and given its context staff believes that it should be considered. In fact, if one were to measure the distance from the buildings in Jim LeGrone Memorial Park to the buildings on the applicant’s property (as the crow flies) they would come up with approximately 425 feet. While this is not 500 feet, it is certainly a distance that is worthy of consideration for a variance.
2. The primary frontage for the applicant’s property fronts US Highway 19; not SE 7<sup>th</sup> Avenue. The majority of customers will access the site via this entrance, which is located nearly 900 feet (as the crow flies) from the buildings in the City Park. The vehicular and pedestrian access along SE 7<sup>th</sup> Avenue, while secondary, is located approximately 510 feet away from the buildings in the City Park. Were the code to account for the distance between the buildings on both sites – based on vehicular, bicycle, or pedestrian access – then these numbers would meet the current requirement. No variance would be necessary.
3. Finally, while the 500-foot minimum distance is based on the size of a large City block it fails to account for any contextual requirements (adopted City plans, surrounding land uses, connectivity, the intensity of the site and abutting streets). As conveyed previously, this site contains several such provisions that the staff believes should be considered.

While these standards may not meet the specific language that is currently found in the code; Staff believes that the standards certainly meet the intent of the provisions – now and in the future. Therefore, there is no specific hardship affecting the development of the lot that results from the strict application of the LDC’s provisions. As a result, Staff believes that the proposed Variance is appropriate.

2. ***The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs;***

a. **VARIANCE REQUEST 1 AND VARIANCE REQUEST 2:**

While the “hardship” associated with these requests are based on actions of the owner, they are not based on a desire to reduce development costs. Rather they are the result of the owner attempting to promote a specific context for the site. The owner participated in the City’s Civic Master Plan Charrette. Their site was discussed, specifically how it might come to serve as a “trendsetter” for new planning and zoning regulations in this area. While this is certainly not the only reason for the proposed design, it should be acknowledged that this will be the first project

to promote the City's plans for development of this area – should it be permitted to move forward.

As conveyed above, the property owner wishes to locate their building at the front property line and site the parking to the side, rear, or underneath the building. Their building's frontage would coincide with the neighboring building's frontage (Cody's Restaurant), which is currently sited near the front property line. Many zoning codes (including the City's CRA zoning code) require a new building to set at or near the front setback of an adjacent building.

Currently, the code states that measurements for alcoholic beverage sales within 500 feet of a City Park shall be taken from the buildings / structures that are located within the park to the nearest property line of the applicant's parcel. Even though the applicant's property to the south and east is comprised of woods, open space, and stormwater retention it may not be counted as part of the required distance. That said, it is present and given its context staff believes that it should be considered. In fact, if one were to measure the distance from the buildings in Jim LeGrone Memorial Park to the buildings on the applicant's property (as the crow flies) they would come up with approximately 425 feet. While this is not 500 feet, it is certainly a distance that is worthy of consideration for a variance.

The primary frontage for the applicant's property fronts US Highway 19; not SE 7<sup>th</sup> Avenue. The majority of customers will access the site via this entrance, which is located nearly 900 feet (as the crow flies) from the buildings in the City Park. The vehicular and pedestrian access along SE 7<sup>th</sup> Avenue, while secondary, is located approximately 510 feet away from the buildings in the City Park. Were the code to account for the distance between the buildings on both sites – based on vehicular, bicycle, or pedestrian access – then these numbers would meet the current requirement. No variance would be necessary.

Finally, while the 500-foot minimum distance is based on the size of a large City block it fails to account for any contextual requirements (adopted City plans, surrounding land uses, connectivity, the intensity of the site and abutting streets). As conveyed previously, this site contains several such provisions that the staff believes should be considered.

While these standards may not meet the specific language that is currently found in the code; Staff believes that the standards certainly meet the intent of the provisions – now and in the future. Therefore, any hardship is not the result of the actions of the owner, nor a desire to reduce development costs. Staff believes that both of the proposed Variances are appropriate.

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;***

a. **VARIANCE REQUEST 1 AND VARIANCE REQUEST 2:**

The lot in which the applicant intends to build on does not have a physical shape, configuration, or topographical condition that distinguishes it from other adjacent or nearby lots; or from other lots in the district. Therefore, neither of the requested variances are the result of this condition.

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;***

a. **VARIANCE REQUEST 1:**

The proposed variance for a front setback of 0 feet should be allowed because this property right is currently available to the adjacent property owner to the south, Cody's Restaurant. The front setback that the applicant is seeking is nearly identical to that which is found at Cody's. While this provision is required in the City's CRA zoning district, as well as many other zoning codes around the Country, it is not found in the zoning code that is applicable here. Cody's was constructed prior to the current standards. However, given the visioning for this district (see #1 and #2), Staff feels that this standard does provide proper justification for the proposed variance.

b. **VARIANCE REQUEST 2:**

The requested variance to address provisions that require the sale of alcoholic beverages to be situated a minimum of five hundred (500) feet from a park or playground that is open to the public (Jim LeGrone Memorial Park) is not applicable to this provision.

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;***

a. **VARIANCE REQUEST 1:**

One might argue that the proposed variance for a front setback of 0 feet confers special privileges to the applicant that are prohibited for buildings or structures in this zoning district. However, as conveyed previously, the front setback is nearly identical to that which is found at Cody's Restaurant, the immediate neighbor to the south of this property. This type of provision is required in the City's CRA zoning overlay district, as well as many other zoning codes around the Country. While other reasons of support have been conveyed, Staff feels that this standard, more than any other justifies the proposed variance.

b. **VARIANCE REQUEST 2:**

One might argue that the proposed variance to allow the sale of alcoholic beverages within five hundred (500) feet of a park or playground conveys special privileges to the applicant that are prohibited to other buildings or structures in this zoning district. They are correct. This is the point of a variance.

1. Currently, the code states that measurements for alcoholic beverage sales within 500 feet of a City Park shall be taken from the buildings / structures that are located within the park to the nearest property line of the applicant's parcel. Even though the applicant's property to the south and east is comprised of woods, open space, and stormwater retention it may not be counted as part of the required distance. That said, it is present and given its context staff believes that it should be considered. In fact, if one were to measure the distance from the buildings in Jim LeGrone Memorial Park to the buildings on the applicant's property (as the crow flies) they would come up with approximately 425 feet. While this is not 500 feet, it is certainly a distance that is worthy of consideration for a variance.

2. The primary frontage for the applicant's property fronts US Highway 19; not SE 7<sup>th</sup> Avenue. The majority of customers will access the site via this entrance, which is located nearly 900 feet (as the crow flies) from the buildings in the City Park. The vehicular and pedestrian access along SE 7<sup>th</sup> Avenue, while secondary, is located approximately 510 feet away from the buildings in the City Park. Were the code to account for the distance between the buildings on both sites – based on vehicular, bicycle, or pedestrian access – then these numbers would meet the current requirement. No variance would be necessary.
3. Finally, while the 500-foot minimum distance is based on the size of a large City block it fails to account for any contextual requirements (adopted City plans, surrounding land uses, connectivity, the intensity of the site and abutting streets). As conveyed previously, this site contains several such provisions that the staff believes should be considered.

While these standards may not meet the specific language that is found in the code; Staff believes that the standards certainly meet the intent of the provisions. Therefore, a proposed variance would not confer on the applicant any special privileges that are prohibited by this LDC to other lands, buildings, or structures in the same zoning district. As such, Staff believes that a Variance is appropriate.

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;***

- a. **VARIANCE REQUEST #1 AND VARIANCE REQUEST # 2:**

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. In fact, because this is considered to be a Supplemental Use it must meet additional standards imposed by the City in order to be approved. These include:

1. Site related traffic and deliveries shall be typical of the area and shall not disrupt vehicle or bicycle operation as well as pedestrian activity.
2. Operations shall be managed such that by-products are contained and disposed of in a manner that does not generate spillover effects onto adjacent property, public spaces, or public right-of-way.
3. Mitigation of environmental effects including but not limited to noise, odors, insects, and reuse of water resources shall be addressed.

Given the positive fire and safety practices that typically accompany a new use and structure within the City, as well as the Supplemental Standards listed above, Staff feels as though the applicant meets the criteria that is conveyed for both of the proposed Variances.

7. ***The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the district;***

- a. **VARIANCE REQUEST 1:**

Development following the proposed variance would be compatible with adjacent and nearby growth and would not alter the essential character of the district. The applicant wishes to establish the front setback of their building in accordance with the adjoining neighbor's

restaurant to the south. This is required by code throughout much of the Country, including the City's CRA district.

In addition, while new zoning has yet to be put into place, both staff and the applicant believe that the desired variance will allow this site to be designed and function in accordance with the proposed "Neighborhood Center" that is depicted as part of the Civic Master Plan". This portion of the Civic Master Plan depicts zoning that is identical to what the applicant is proposing.

While technically these items are not "hardships", they convey changes to City policies that are under way and nearing adoption. For these reasons, Staff believes that a variance is appropriate and necessary.

b. **VARIANCE REQUEST 2:**

The proposed variance would permit development that promotes alcoholic beverage sales within 500 feet of a City Park. Such development would be compatible with adjacent and nearby growth and would not alter the essential character of the district.

1. Currently, the code states that measurements for alcoholic beverage sales within 500 feet of a City Park shall be taken from the buildings / structures that are located within the park to the nearest property line of the applicant's parcel. Even though the applicant's property to the south and east is comprised of woods, open space, and stormwater retention it may not be counted as part of the required distance. That said, it is present and given its context staff believes that it should be considered. In fact, if one were to measure the distance from the buildings in Jim LeGrone Memorial Park to the buildings on the applicant's property (as the crow flies) they would come up with approximately 425 feet. While this is not 500 feet, it is certainly a distance that is worthy of consideration for a variance.
2. The primary frontage for the applicant's property fronts US Highway 19; not SE 7<sup>th</sup> Avenue. The majority of customers will access the site via this entrance, which is located nearly 900 feet (as the crow flies) from the buildings in the City Park. The vehicular and pedestrian access along SE 7<sup>th</sup> Avenue, while secondary, is located approximately 510 feet away from the buildings in the City Park. Were the code to account for the distance between the buildings on both sites – based on vehicular, bicycle, or pedestrian access – then these numbers would meet the current requirement. No variance would be necessary.
3. Finally, while the 500-foot minimum distance is based on the size of a large City block it fails to account for any contextual requirements (adopted City plans, surrounding land uses, connectivity, the intensity of the site and abutting streets). As conveyed previously, this site contains several such provisions that the staff believes should be considered.

While these standards may not meet the specific language that is found in the code; Staff believes that the standards certainly meet the intent of the provisions. Future development would be compatible with adjacent and nearby growth and would not alter the essential character of the district. As such, Staff believes that a Variance is appropriate.

8. ***The variance granted is the minimum variance that results in reasonable use of the land, building, or structure;***

a. **VARIANCE REQUEST 1:**

The applicant wishes to establish the front setback of their building in accordance with the adjoining neighbor's restaurant to the south. This is required by code throughout much of the Country, including the City's CRA district.

In addition, while new zoning has yet to be put into place, both staff and the applicant believe that the proposed site plan will be designed, and function in accordance with the proposed "Neighborhood Center" that is depicted as part of the City's Civic Master Plan".

Technically, these items strive to achieve better use of the land; however, they do not reflect the minimum variance that could be sought by the applicant.

b. **VARIANCE REQUEST 2:**

A variance permitting development that promotes alcoholic beverage sales within 500 feet of a City Park would be the minimum variance that results in reasonable use of the land, building, or structure. The applicant is simply asking for a variance to meet the minimum standards that are required. Therefore, this request is the minimum variance that can be sought by the applicant.

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***

a. **VARIANCE REQUEST 1:**

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. The applicant wishes to establish the front setback of their building in accordance with the adjoining neighbor's restaurant to the south. This is required by code throughout much of the Country, including the City's CRA ordinance.

In addition, while new zoning has yet to be put into place, both staff and the applicant believe that the desired variance will allow this site to be designed and function in accordance with the proposed "Neighborhood Center" that is depicted as part of the Civic Master Plan". This portion of the Civic Master Plan promotes zoning that is identical to what the applicant is proposing.

While technically these items are not "hardships", they support changes to City policies that are under way and nearing adoption. For these reasons, Staff believes that the proposed variance is appropriate.

b. **VARIANCE REQUEST 2:**

The proposed variance would permit development that promotes alcoholic beverage sales within 500 feet of a City Park. It is consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria.

1. Currently, the code states that measurements for alcoholic beverage sales within 500 feet of a City Park shall be taken from the buildings / structures that are located within the park to the nearest property line of the applicant's parcel. Even though the applicant's property to the south and east is comprised of woods, open space, and stormwater retention it may not be counted as part of the required distance. That said, it is present and given its context staff believes that it should be considered. In fact, if one were to measure the distance from the buildings in Jim LeGrone Memorial Park to the buildings on the applicant's property (as the crow flies) they would come up with approximately 425 feet. While this is not 500 feet, it is certainly a distance that is worthy of consideration for a variance.

2. The primary frontage for the applicant's property fronts US Highway 19; not SE 7<sup>th</sup> Avenue. The majority of customers will access the site via this entrance, which is located nearly 900 feet (as the crow flies) from the buildings in the City Park. The vehicular and pedestrian access along SE 7<sup>th</sup> Avenue, while secondary, is located approximately 510 feet away from the buildings in the City Park. Were the code to account for the distance between the buildings on both sites – based on vehicular, bicycle, or pedestrian access – then these numbers would meet the current requirement. No variance would be necessary.
3. Finally, while the 500-foot minimum distance is based on the size of a large City block it fails to account for any contextual requirements (adopted City plans, surrounding land uses, connectivity, the intensity of the site and abutting streets). As conveyed previously, this site contains several such provisions that the staff believes should be considered.

While these standards may not meet the specific language that is found in the code; Staff believes that the standards certainly meet the intent of the provisions. Therefore, they are consistent with the general intent of the LDC and the specific intent of the relevant standards. As such, Staff believes that a Variance is appropriate.

10. ***The effect of the proposed variance is consistent with the comprehensive plan.***

a. **VARIANCE REQUEST 1:**

The effect of the proposed variance is consistent with the Comprehensive Plan. The applicant wishes to establish the front setback of their building in accordance with the adjoining neighbor's restaurant to the south. This is required by code throughout much of the Country, including the City's CRA district.

In addition, the proposed variance will allow this site to be designed and function in accordance with the proposed "Neighborhood Center" that is depicted as part of the "Civic Master Plan". This portion of the Civic Master Plan will be adopted as part of the City's Comprehensive Plan. For these reasons, Staff believes that the proposed variance is appropriate.

b. **VARIANCE REQUEST 2:**

The proposed variance would permit development that promotes alcoholic beverage sales within 500 feet of a City Park. It is consistent with the City's Comprehensive Plan based on several reasons:

1. Currently, the code states that measurements for alcoholic beverage sales within 500 feet of a City Park shall be taken from the buildings / structures that are located within the park to the nearest property line of the applicant's parcel. Even though the applicant's property to the south and east is comprised of woods, open space, and stormwater retention it may not be counted as part of the required distance. That said, it is present and given its context staff believes that it should be considered. In fact, if one were to measure the distance from the buildings in Jim LeGrone Memorial Park to the buildings on the applicant's property (as the crow flies) they would come up with approximately 425 feet. While this is not 500 feet, it is certainly a distance that is worthy of consideration for a variance.
2. The primary frontage for the applicant's property fronts US Highway 19; not SE 7<sup>th</sup> Avenue. The majority of customers will access the site via this entrance, which is located nearly 900 feet (as the crow flies) from the buildings in the City Park. The vehicular and pedestrian

access along SE 7<sup>th</sup> Avenue, while secondary, is located approximately 510 feet away from the buildings in the City Park. Were the code to account for the distance between the buildings on both sites – based on vehicular, bicycle, or pedestrian access – then these numbers would meet the current requirement. No variance would be necessary.

3. Finally, while the 500-foot minimum distance is based on the size of a large City block it fails to account for any contextual requirements (adopted City plans, surrounding land uses, connectivity, the intensity of the site and abutting streets). As conveyed previously, this site contains several such provisions that the staff believes should be considered.

While these standards may not meet the specific language that is found in the code; Staff believes that the standards certainly meet the intent of the provisions. Therefore, they are consistent with the Comprehensive Plan. As such, Staff believes that a Variance is appropriate.

Furthermore, both of the proposed variances are consistent with the intent that is conveyed by the following **GOALS, OBJECTIVES and POLICIES** of the **FUTURE LAND USE ELEMENT** of the **COMPREHENSIVE PLAN**:

**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.

**POLICY 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.

**POLICY F:**

The administrative procedures for review of proposed development and redevelopment projects will include a checklist for determining consistency of the proposal with applicable resource protection requirements within the comprehensive plan and implementing land development regulations.

**GOAL 3:**

Crystal River will promote and maintain the character of community through consistent land use.

**OBJECTIVE 3.1:**

The City shall preserve, protect and improve the character of the City through the implementation of compatibility standards and the consideration of innovative development standards that may include transfer of development rights, planned unit developments, form-based regulations, conservation subdivisions, or other regulations that encourage mixed use and clustered development patterns. Staff supports the request for the proposed 3-foot picket fence and the widening of the driveway as presented by the property owner. Staff can not support the request for the proposed 6-foot privacy fence as presented by the property owner due to inconsistencies with the LDC and safety issues stated in the herein.

**POLICY D:**

Compatibility shall be determined by intensity of use as well as similarity in scale, bulk, and other aspects of site design.

**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:**

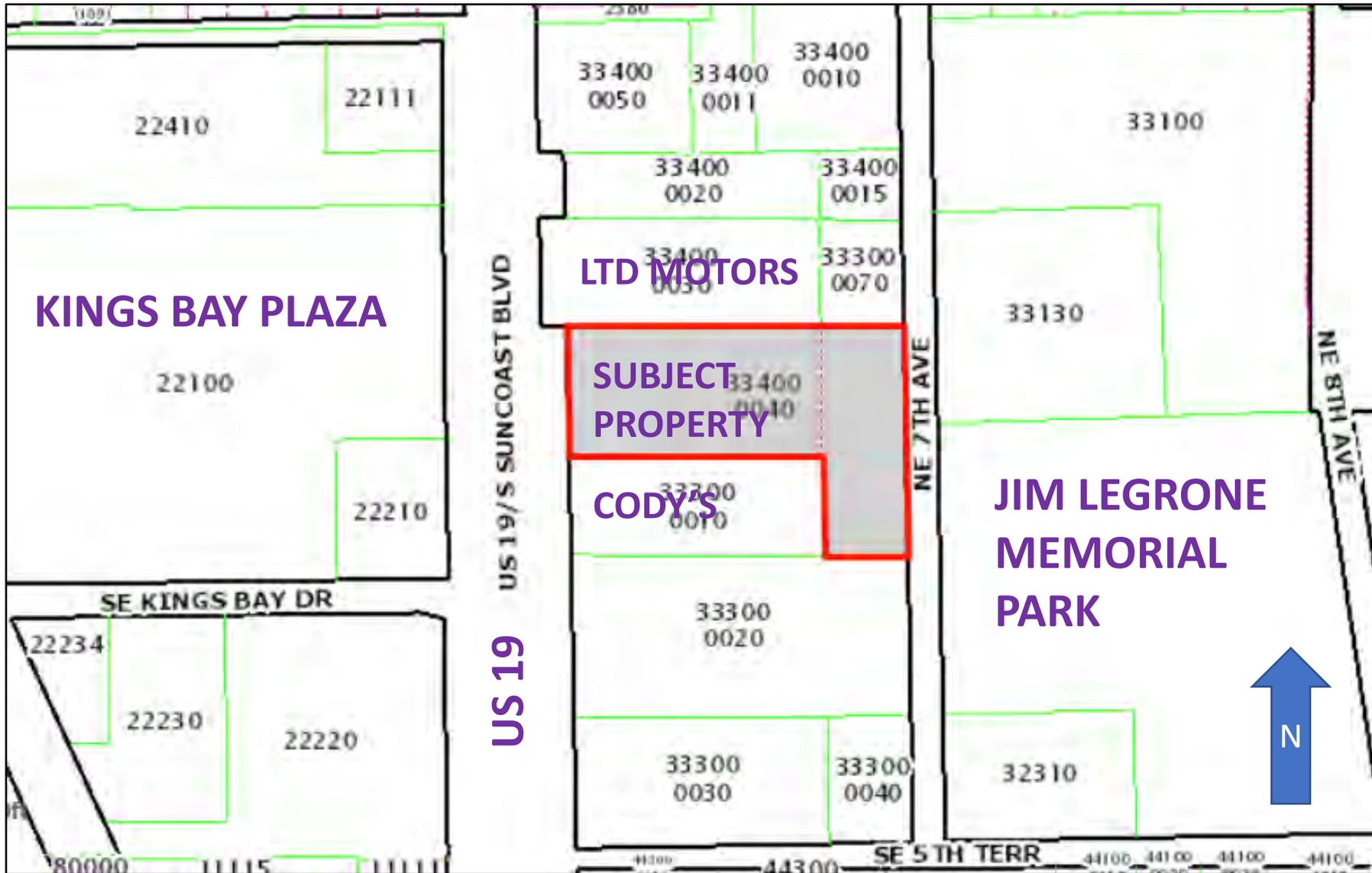
1. PowerPoint Presentation



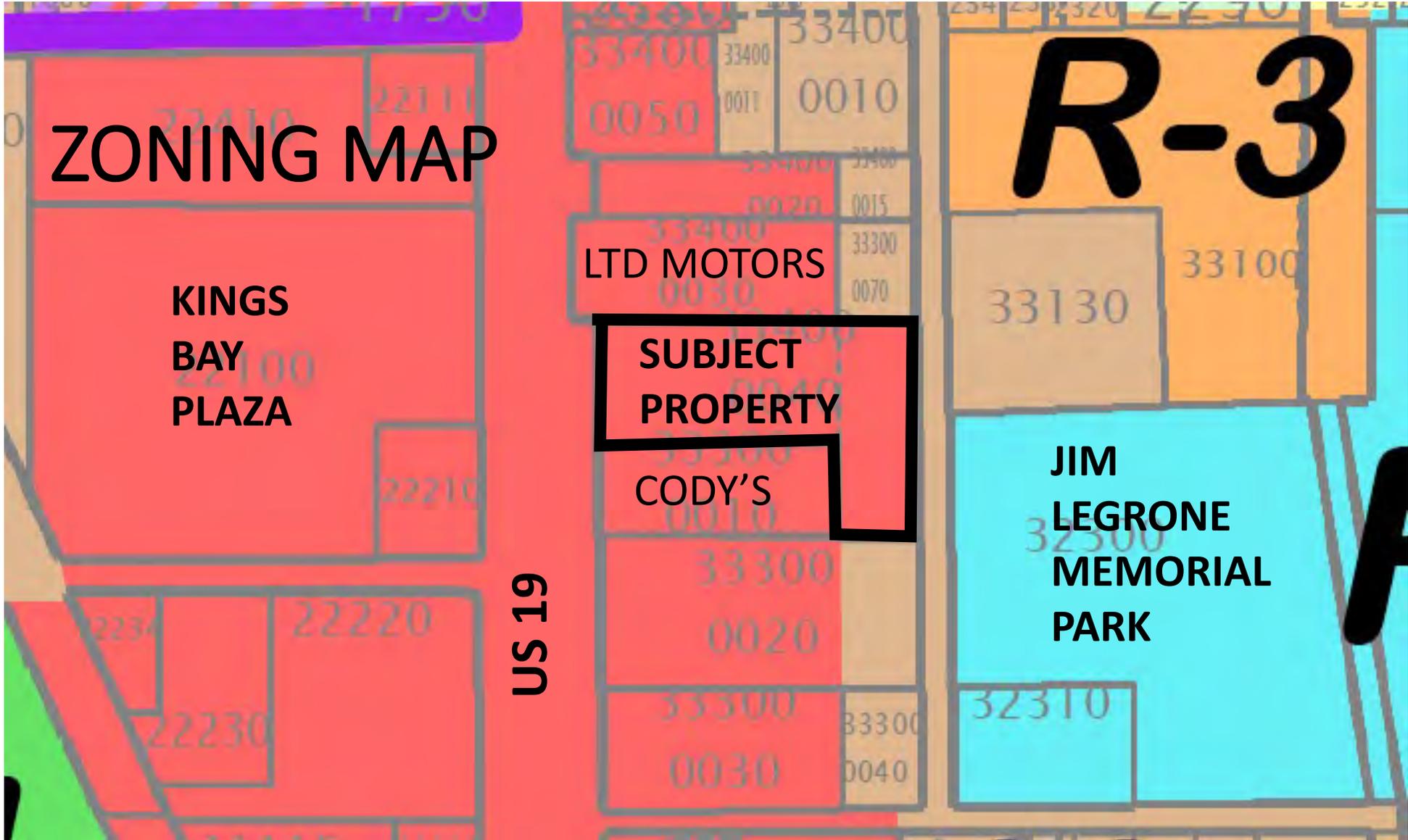
PINGAWEAR, LLC

VARIANCE REQUEST

V21-0008 (PZ21-0099)







**ZONING MAP**

**KINGS  
BAY  
PLAZA**

**LTD MOTORS**

**SUBJECT  
PROPERTY**

**CODY'S**

**R-3**

**JIM  
LEGRONE  
MEMORIAL  
PARK**

**US 19**



Property Posted for Variance – US 19



Front of Property – US 19 – Southwest



Front of Property – US 19 – Southwest



Front of Property – US 19 – West



North Side of Property – LTD Motors



North Side of Property



Northeast Side of Property



East Side of Property – Into Woods



Southeast Side of Property – Into Woods



South Side of Property – Main Building



South Side of Property – Main Building



Front of Cody's Restaurant – South



Frontage of Shipyard Dog & Cody's Rest.



Western Frontage – Shipyard Dog Bldg.



Western Frontage – Shipyard Dog Bldg.



East Side of Property – NE 7<sup>th</sup> Avenue



East Side of Property – NE 7<sup>th</sup> Avenue



Property Posted for Variance – NE 7<sup>th</sup> Ave.

# VARIANCE REQUEST

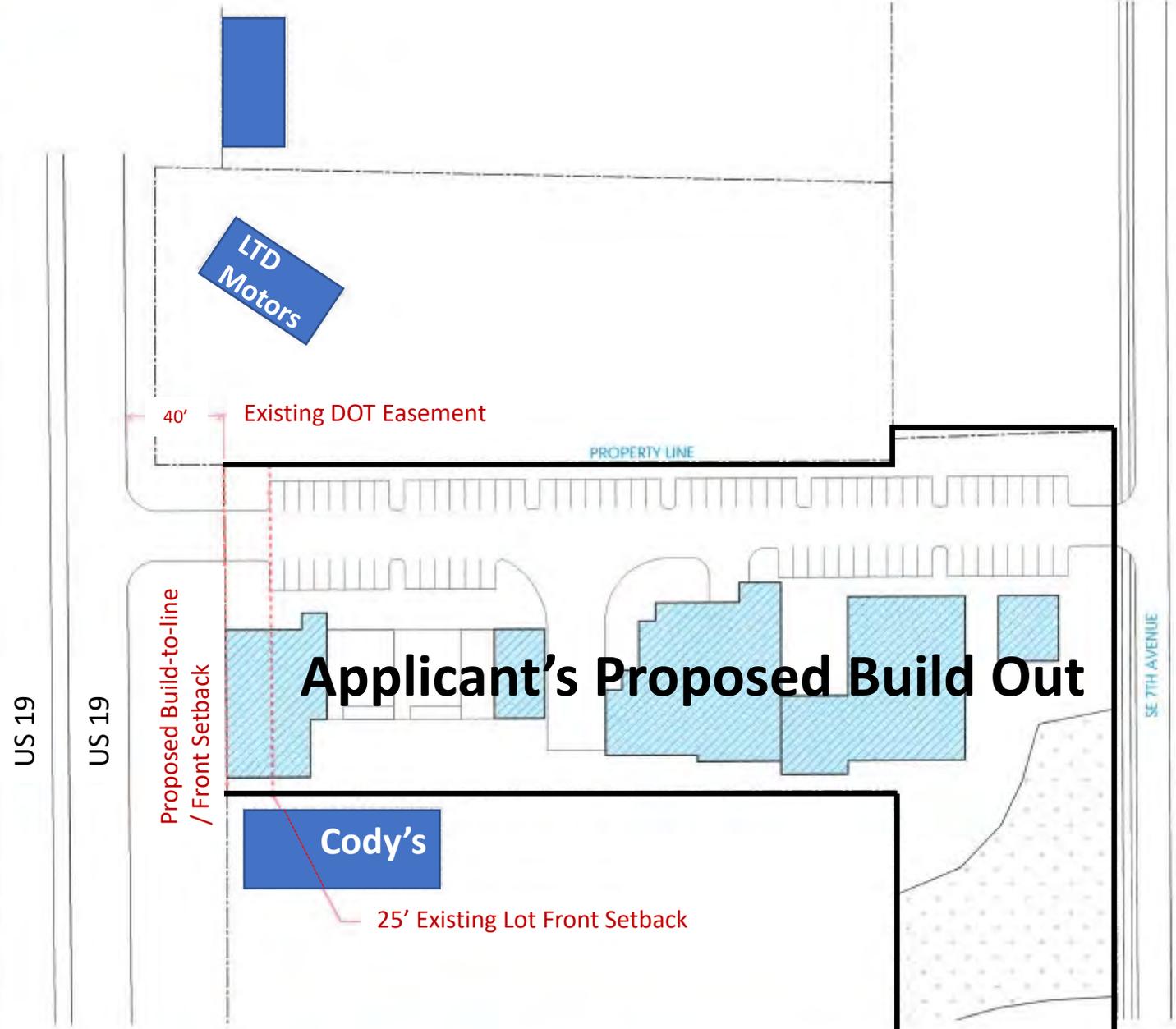
SCALE: 1/64" = 1'-0"



NEIGHBORING BUILDINGS



PROPOSED NEW CONSTRUCTION ON SITE



## Applicant's Proposed Build Out

SITE SETBACK

OPA DESIGN STUDIO & AGGREGATION DISTILLING

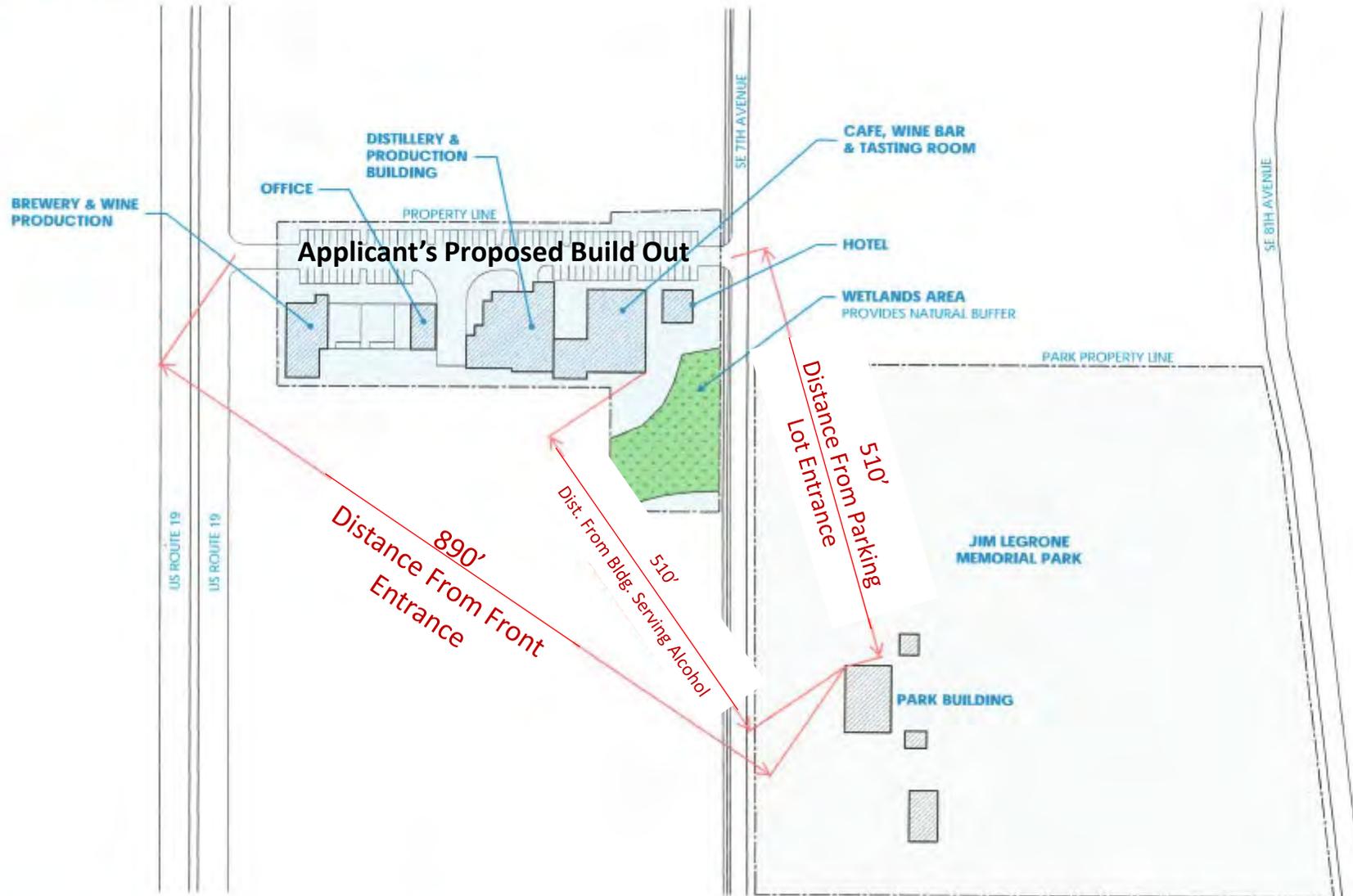


## VARIANCE #1

1. The applicant wishes to establish the front setback of their building in accordance with the neighboring Cody's Restaurant to the south. This is required by code throughout much of the Country, including the City's CRA district (above). In addition, while new zoning has yet to be put into place, both staff and the applicant believe that the desired variance will allow this site to be designed and function in accordance with the proposed "Neighborhood Center" that is depicted as part of the Civic Master Plan".
2. This portion of the Civic Master Plan depicts zoning that is identical to what the applicant is proposing. While technically these items are not "hardships", they support changes to City policies that are under way and nearing adoption. For these reasons, Staff believes that a variance is appropriate.

# VARIANCE REQUEST

SCALE: 1/128" = 1'-0"



## SITE DISTANCES

## OPA DESIGN STUDIO & AGGREGATION DISTILLING

Crystal River Planning Commission Meeting of November 4, 2021



## VARIANCE #2

1. The code states that measurements for alcoholic beverage sales within 500 feet of a City Park be taken from the buildings / structures located within the park to the nearest property line of the applicant's parcel. The applicant's property to the south and east is comprised of woods, open space, and stormwater retention. However, it may not be counted as part of the required distance. Given its "context" staff believes that it should be considered. If one were to measure the distance from the buildings in Jim LeGrone Memorial Park to the buildings on the applicant's property (as the crow flies) they would come up with approximately 425 feet. While this is not 500 feet, it is certainly a distance that is worthy of consideration for a variance.
2. The primary frontage for the applicant's property fronts US Highway 19; not SE 7<sup>th</sup> Avenue. The majority of customers will access the site via this entrance, which is located nearly 900 feet (as the crow flies) from the buildings in the City Park.
3. The vehicular and pedestrian access along SE 7<sup>th</sup> Avenue, while secondary, is located approximately 510 feet away from the buildings in the City Park. Were the code to account for the distance between the buildings on both sites – based on vehicular, bicycle, or pedestrian access – then these numbers would meet the current requirement. No variance would be necessary.
4. Finally, while the 500-foot minimum distance is based on the size of a large City block it fails to account for any contextual requirements (adopted City plans, surrounding land uses, connectivity, the intensity of the site and abutting streets). This site contains such provisions. Staff believes that these should be considered.



# ANY QUESTIONS?

PINGAWEAR, LLC

VARIANCE REQUEST

V21-0008 (PZ21-0099)



# VARIANCE APPLICATION

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

Return to: [development@crystalriverfl.org](mailto:development@crystalriverfl.org)

Office Use Only: Paid <u>\$500-</u>	Date <u>10/1/21</u> <i>gm</i>
Residential - \$250	Commercial - \$500

**RECEIVED**  
 SEP 30 2021  
 BY: *gm*  
 V 21-0008  
 PZ 21-0099

**Applicant Information:**

Name: Pingawear, LLC - Jim Briley Phone Jim Briley  
 Street Address: 255 SE US Hwy. 19, Unit 1 Crystal River, FL 34429  
CITY ST ZIP  
 Email Address: jim@shipyarddog.com

**Site Information:**

Site Address: 255 SE US Hwy. 19, Unit 1 Crystal River, FL 34429  
 Alt Key #: 3524542 Parcel Id # 17E18S22 33400 0040  
(AVAILABLE AT THE CITRUS COUNTY PROPERTY APPRAISER'S WEBSITE: [www.citruspa.org](http://www.citruspa.org))  
 Legal Description: See attached on separate page.

...or attach description on a separate page)  
 Subdivision: 003647 - UNREC TRACTS Lot: N/A Block: N/A  
IN 22-18S-17E  
 Current Zoning District: CH  
 Flood Zone: AE Base Flood Elevation: 12.00  
(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](https://library.municode.com/fl/crystal_river/codes/code_of_ordinances?nodeId=PTIICOOR_APXALADE_CO_CH9VACORE_9.02.00VA)

Variance request for LDC 4.02.02 - Standards for building and building placement (setbacks). Front building setback to be adjusted from 25-foot setback to 0-foot setback (build to line).

Variance request for LDC 5.05.03 - Alcoholic beverage sales. Site is located within 500 feet of park open to the public, however, proposed development faces main Highway (Hwy 19) in opposite direction. Proposed development is for the manufacture of spirits, beer, and wine, including sales for on-site consumption. Development will function primarily as manufacturing facility.

## 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. <b>There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC.</b> <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. <b>The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs.</b> <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. <b>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.</b> <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. <b>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.</b> <i>(Explain that if the variance is not approved would any development of the proposed property be possible?)</i>
	5. <b>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.</b> <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. <b>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.</b> <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. <b>The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the district.</b> <i>(Will the variance cause the character of your neighborhood to change?)</i>
	8. <b>The variance granted is the minimum variance that results in reasonable use of the land, building, or structure.</b> <i>(Have you looked at all other options to do what you want to do and found that the variance you are seeking is for the least amount necessary?)</i>



Pingawear LLC  
255 SE US Highway 19, Unit 1  
Crystal River, FL 34429

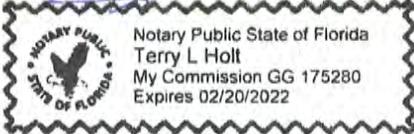
City of Crystal River  
Department of Planning and Community Development  
123 NW Hwy19  
Crystal River, FL 34428

**Subject: Variance Application – Submission on behalf of Pingawear LLC**  
**Property Location: 255 SE US Highway 19, Unit 1, Crystal River, FL 34429**  
**Alt Key: 3524542**  
**Parcel ID#: 17E18S22 33400 0040**

This letter is provided to authorize either James W. Briley, Jr. and/or Elaine G. Briley, being equal shareholders in Pingawear LLC, a Florida Limited Liability Company, to approve and act on behalf of Pingawear LLC with respect to the Variance Application being submitted to the City of Crystal River on September 30, 2021.

  
James W. Briley, Jr.  
Date 9/30/21

  
Elaine G. Briley  
Date 30 Sept. 2021

  
  
Notary Public State of Florida  
Terry L. Holt  
My Commission GG 175280  
Expires 02/20/2022

12

Prepared by:  
Tracy Kjos, an employee of  
Express Title Services of Citrus, Inc.,  
2704 W. Woodview Lane  
Lecanto, Florida 34461

RECORD & RETURN TO:  
GRANTEE

Consideration: \$450,000.00  
File Number: 18-0588

## General Warranty Deed

Made this May 15, 2019 A.D. By

**John L. McMullen, Jr., and Margaret M. Michaels as Successor Co-Trustees of the Rhoda L. McMullen Trust Dated 7/29/93 as completely amended and restated 8/14/08, 3056 Oak Creek Drive N., Clearwater, Florida 33761, hereinafter called the grantor, to**

**Pingawear LLC, a Florida Limited Liability Company, whose post office address is: 225 History Place, Saint Augustine, Florida 32095 ,hereinafter called the grantee:**

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**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, viz:

Said property is not the homestead of the Grantor(s) nor contiguous to the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) nor any members of the household of Grantor(s) reside thereon or adjacent to said land.

See Exhibit A.

Parcel ID Number: 17E18S22334000040/ 17E18S2233300

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise 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 31, 2018.

Prepared by:  
Tracy Kjos, an employee of  
Express Title Services of Citrus, Inc.,  
2704 W. Woodview Lane  
Lecanto, Florida 34461

RECORD & RETURN TO:  
GRANTEE

Consideration: \$450,000.00  
File Number: 18-0588

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness #1 Sign: [Signature]  
Witness Printed Name: Thomas O. Michaels

John L. McMullen, Jr. Co-Trustee (Seal)  
John L. McMullen, Jr., as Successor Co-Trustee  
Address: 3056 Oak Creek Drive N., Clearwater, Florida 33761

Witness #2 Sign: [Signature]  
Witness Printed Name: Amy P. Everett

Margaret M. Michaels Co-Trustee (Seal)  
Margaret M. Michaels as Successor Co-Trustee  
Address: 3056 Oak Creek Dr. N., Clearwater, Florida 33761

State of Florida  
County of Pine Hills

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of May, 2019, by John L. McMullen, Jr., and Margaret M. Michaels, as Successor Co-Trustees of the Rhoda L. McMullen Trust Dated 7/29/93 as completely amended and restated 8/14/08, who is/are personally known to me or who has produced Florida Driver License identification.

AFFIX NOTARY SEAL:

[Signature]  
Notary Public  
Print Name:

My Commission Expires:  AMY P. EVERETT  
MY COMMISSION # FF 928807  
EXPIRES: November 17, 2019  
Bonded Thru Budget Notary Services

Prepared by:  
Tracy Kjos, an employee of  
Express Title Services of Citrus, Inc.,  
2704 W. Woodview Lane  
Lecanto, Florida 34461

RECORD & RETURN TO:  
GRANTEE

Consideration: \$450,000.00  
File Number: 18-0588

PARCEL 1:  
THE FOLLOWING DESCRIBED LAND, SITUATE, LYING IN CITRUS COUNTY, FLORIDA, TO-WIT:

THAT PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 18 SOUTH, RANGE 17 EAST, DESCRIBED AS FOLLOWS: BEGIN AT THE POINT OF INTERSECTION OF THE EAST BOUNDARY LINE OF U.S. 19 RIGHT-OF-WAY AND THE NORTH BOUNDARY LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND RUNNING SOUTH ALONG THE BOUNDARY LINE OF U.S. 19 A DISTANCE OF 500 FEET TO THE POINT OF BEGINNING, THENCE EAST 400 FEET, THENCE SOUTH 200 FEET, THENCE WEST 400 FEET TO THE BOUNDARY LINE OF U.S. 19 RIGHT-OF-WAY, THENCE NORTH ALONG SAID U.S. 19 RIGHT-OF-WAY A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING, BEING LOCATED IN SECTION 22, TOWNSHIP 18 SOUTH, RANGE 17 EAST, CITRUS COUNTY, FLORIDA.

PARCEL 2:  
COMMENCE AT THE SE CORNER OF THE W 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 22, TOWNSHIP 18 SOUTH, RANGE 17 EAST, THENCE N0°56'19"W ALONG THE EAST LINE OF SAID W 1/2 OF THE SW 1/4 OF THE SW 1/4 A DISTANCE OF 469.35 FEET TO THE NE CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 310, PAGE 275, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, THENCE S89°13'57"W ALONG THE NORTH LINE OF SAID LANDS A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF A 50 FOOT WIDE ROAD AND ALSO BEING ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 517, PAGE 496, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, THENCE CONTINUE S89°13'57"W ALONG SAID NORTH LINE A DISTANCE OF 132.72 FEET TO THE SE CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 137, PAGE 351, PUBLIC RECORDS OF

CITRUS COUNTY, FLORIDA, THENCE N1°20'38"W ALONG THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 137, PAGE 351 AND ALONG THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 28, PAGE 22, AND OFFICIAL RECORD BOOK 48, PAGE 287, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, A DISTANCE OF 530.08 FEET TO THE NE CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 48, PAGE 287, SAID POINT ALSO BEING THE SW CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 247, PAGE 724, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, THENCE N87°12'15"E ALONG THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 247, PAGE 724, A DISTANCE OF 136.55 FEET TO SAID WEST RIGHT-OF-WAY LINE AND THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 517, PAGE 496, THENCE S0°56'19"E ALONG SAID WEST LINE AND RIGHT-OF-WAY, PARALLEL TO THE EAST LINE OF SAID W 1/2 OF SW 1/4 OF SW 1/4 OF SAID SECTION 22, A DISTANCE OF 534.89 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION THEREOF DESCRIBED IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 941, PAGE 1754, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.

Tracy Kjos  
Express Title Services of Citrus, Inc.  
2704 W. Woodview Lane, Lecanto, Florida 34461  
RETURN TO: GRANTEE  
Parcel ID No: 17E18S22334000040/17E18S223330

### Quit Claim Deed

Made this May 15, 2019 A.D. by John L. McMullen, Jr. and Margaret M. Michaels, 3056 Oak Creek Drive N., Clearwater, Florida 33761 hereinafter called the grantor, to Pingawear LLC, a Florida Limited Liability Company whose post office address is: 253 SE US Highway 19 and 0 NE 7th Ave, Crystal River, Florida 34429 hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Citrus County, Florida, viz:

See Attached Schedule "A"

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. **To Have and to Hold**, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written. *Signed, sealed and delivered in our presence:*

Witness Sign: _____	<u>John L. McMullen, Jr.</u> (Seal)
Witness Printed Name: <u>John L. McMullen, Jr.</u>	John L. McMullen, Jr., as Successor Co-Trustee
	Address: 3623 W. Barcelona St. Tampa, FL 33629
Witness Sign: <u>Amy P. Everett</u>	<u>Margaret M. Michaels</u> (Seal)
Witness Printed Name: <u>Amy P. Everett</u>	Margaret M. Michaels, as Successor Co-Trustee
	Address: 3056 Oak Creek Dr. N., Clearwater, Florida 33761

State of Florida  
County of Pinellas

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day, of May, 2019, by John L. McMullen, Jr., and Margaret M. Michaels, who is personally known to me or who has produced ~~the proper~~ valid identification.

AFFIX NOTARY SEAL :

Amy P. Everett  
Notary Public

Print Name: \_\_\_\_\_ AMY P. EVERETT  
MY COMMISSION # FF 929807  
My Commission Expires: \_\_\_\_\_ \* EXPIRES November 17, 2019 \*  
Bonded Thru Budget Notary Services



Tracy Kjos  
Express Title Services of Citrus, Inc.  
2704 W. Woodview Lane, Lecanto, Florida 34461  
Parcel ID No: 17E18S22334000040/17E18S223330

### Schedule "A"

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LESS AND EXCEPT THAT PORTION THEREOF DESCRIBED IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 941, PAGE 1754, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.

# VARIANCE REQUEST

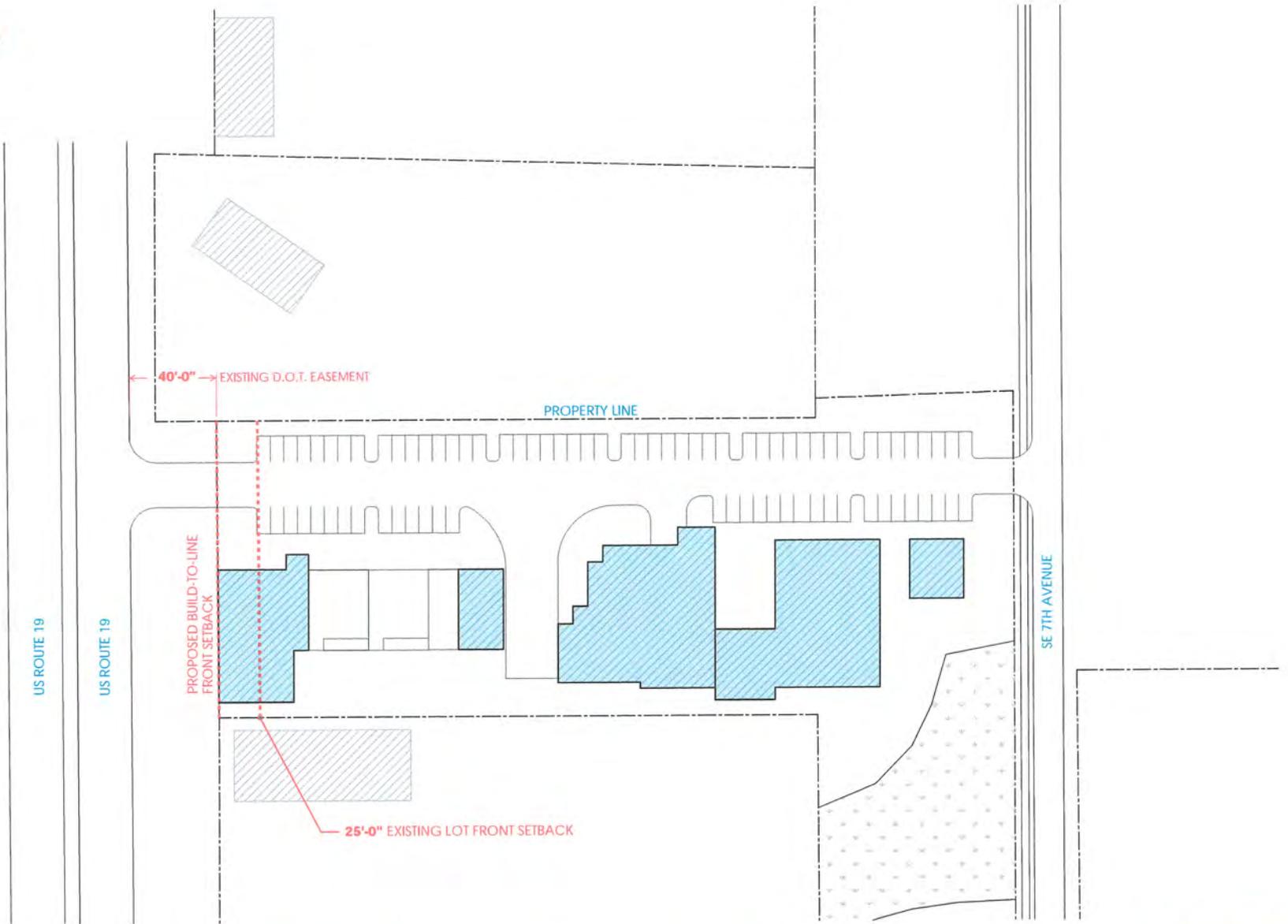
SCALE: 1/64" = 1'-0"



NEIGHBORING BUILDINGS



PROPOSED NEW CONSTRUCTION ON SITE



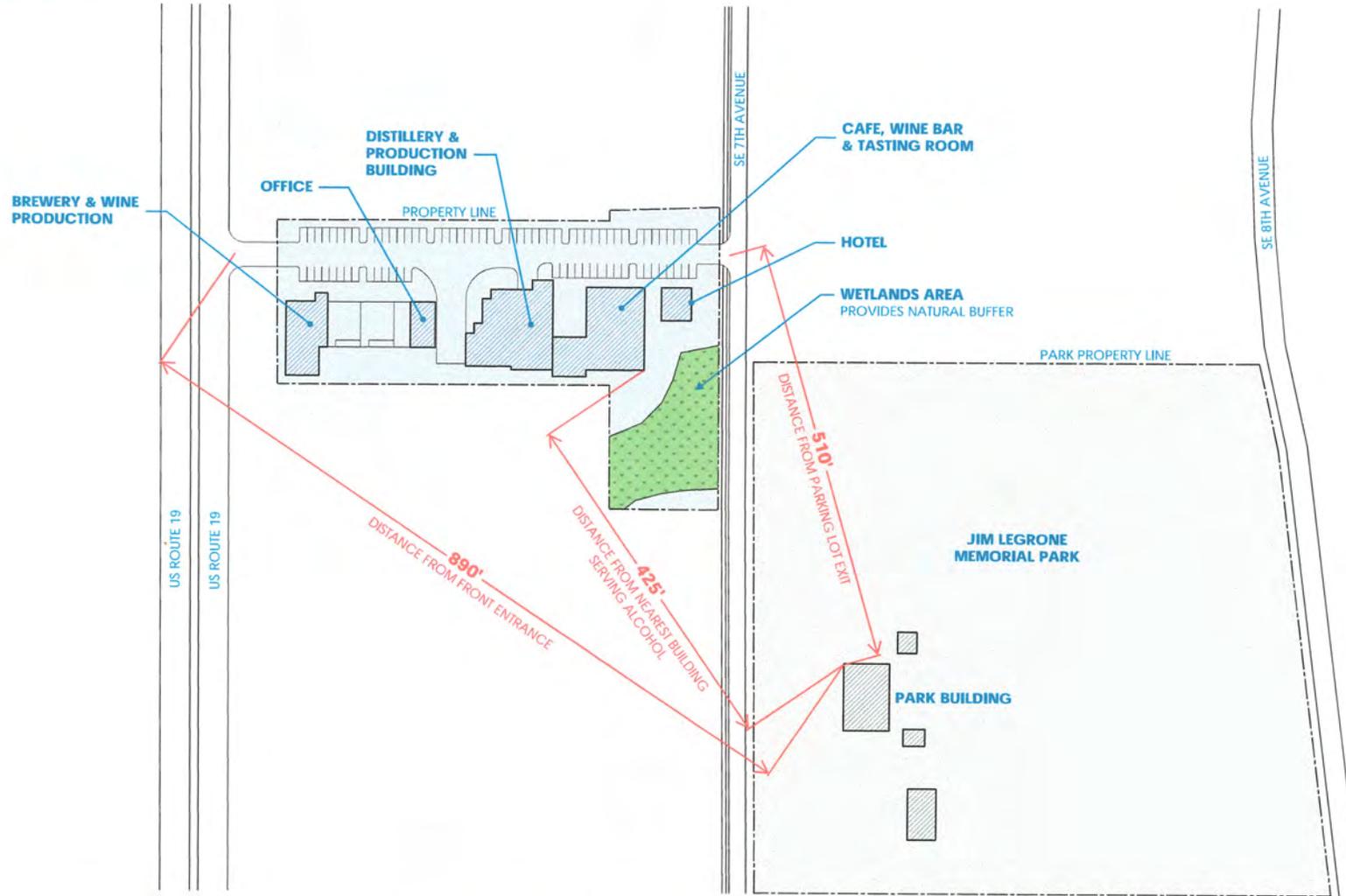
SITE SETBACK

OPA DESIGN STUDIO & AGGREGATION DISTILLING



# VARIANCE REQUEST

SCALE: 1/128" = 1'-0"



SITE DISTANCES

OPA DESIGN STUDIO & AGGREGATION DISTILLING



# Proof of Publication

From the  
**CITRUS COUNTY CHRONICLE**  
 Crystal River, Citrus County, Florida  
**PUBLISHED DAILY**

STATE OF FLORIDA  
 COUNTY OF CITRUS  
 Before the undersigned authority personally appeared

Theresa Holland and/or Tonya Knight and/or Jeanne Ethridge

Of the Citrus County Chronicle, a newspaper published daily at Crystal River, in Citrus County, Florida, that the attached copy of advertisement being a public notice in the matter of the

**ROP Ad# : 50015053**  
**Description: 5964-1021 THCRN Public**  
**Hearing Appl. No. # V21-0008 Nov. 4, 2021**  
**Legal Advertisement: to run 1 time(s)**

Court, was published in said newspaper in the issue of  
**Date(s) of publication: October 21, 2021**

Affiant further says that the Citrus County Chronicle is a Newspaper published at Crystal River in said Citrus County, Florida, and that the said newspaper has heretofore been continuously published in Citrus County, Marion County and Levy County, Florida, each week and has been entered as second class mail matter at the post office in Inverness in said Citrus County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Jeanne Ethridge  
 The forgoing instrument was acknowledged before me

This 21<sup>ST</sup> day of October 2021

By: Theresa Holland and/or Tonya Knight and/or Jeanne Ethridge

Who appeared by (  ) means of physical presence or (  ) via online notarization.

Maria A. Parks

Notary Public



**MARIA A. PARKS**  
 Commission # HH 099773  
 Expires April 20, 2025  
 Bonded Thru Budget Notary Services



5964-1021 THCRN

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN by the City of Crystal River, Florida that a **PUBLIC HEARING** will be held before the City of Crystal River Planning Commission to consider **APPLICATION NO. V21-0008 (PZ21-0099) Pingawear, LLC** for a two-part Variance request of the City of Crystal River Land Development Code (LDC) to allow for commercial development having 1) less than the minimum required 25-foot front yard building-setback (adjacent to US Hwy 19) pursuant to Section 4.02.02 Standards for Buildings and Building Placement (setbacks); and 2) the sale of alcoholic beverages where part of the said parcel is situated within five hundred (500) feet from a park or playground open to the public (Jim LeGrone Memorial Park) pursuant to Section 5.05.03 Alcoholic Beverage sales, of the LDC, on property located in Section 22, Township 18S, Range 17E, specifically, Parcel 33400 0040 (Atkey 3524542), which address is 253 SE US Highway 19, Crystal River. A complete legal description of the property is on file with the Planning and Development Services Department.

**Subject Property Address:**  
**253 SE US Highway 19, Crystal River, FL**



The meeting will be held in the Council Chambers at City Hall, 123 NW Highway 19, Crystal River, Florida.

**Planning Commission Public Meeting:**  
**Thursday, November 4, 2021, at 5:30 p.m.**

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 NW U. S. Highway 19, Crystal River, FL 34428, (352) 795-4216, at least two (2) days prior to the meeting.

All interested persons who wish to be heard on this matter, take due notice of the time and place of the Public Hearing. Information on the proposed Variance is available for public inspection in the office of the City Clerk, City Hall, 123 NW U. S. Highway 19, Crystal River, FL 34428. If you have any questions concerning this application, please call (352) 795-4216. Extension 308.