



CITRUS COUNTY
PLANNING AND DEVELOPMENT COMMISSION

Thursday September 16, 2021 at 9:00 AM
Lecanto Government Building
3600 W. Sovereign Path
Room 166
Lecanto, Florida 34461

Michael Facemyer, Chair
David Bramblett, 1ST Vice Chair
Robert Bass, 2ND Vice Chair
Richard Barmes
Stacey Worthington

James Roys
Kurt Stone
William Burda (Alternate)
Carole Scragg (Alternate)
Chuck Dixon (School Board)

- A. CALL TO ORDER**
- B. INVOCATION**
- C. PLEDGE OF ALLEGIANCE**
- D. ROLL CALL**
- E. CHAIRMAN TO READ THE APPEAL PROCESS AND MEETING PROCEDURES**
- F. OPEN TO THE PUBLIC – Receive comments from the public**
- G. APPROVE MINUTES -**
 - 1. September 16, 2021, PDC agenda, minutes, map/directions, and 2022 PDC meeting schedule

September 16, 2021, PDC agenda, minutes, map/directions, and proposed 2022 PDC meeting schedule.
- H. STAFF ANNOUNCEMENTS**
- I. EX PARTE COMMUNICATION - COUNTY ATTORNEY**
- J. APPLICATIONS**
 - 1. V-21-12 Clark Stillwell for Miles and Colette Hall
 - Conduct a public hearing on September 16, 2021, to review and consider V-21-12, Clark Stillwell for Miles and Colette Hall.
 - 2. CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al
 - Conduct a public hearing on September 16, 2021, to review and consider CPA/AA/PUD-21-11, Clark A. Stillwell, Esq. for Damron Family Trust, et al.
 - 3. CU-21-09 Nadene and Scott Reynolds
 - Conduct a public hearing on September 16, 2021 to review and consider CU-21-09, Nadene and Scott Reynolds
 - 4. CPA-21-12 Private Property Rights Element (Chapter Seven)
 - Conduct a public hearing on September 16, 2021, to review and consider CPA-21-12 - Private Property Rights Element of the Comprehensive Plan.
- K. ADDITIONAL ITEMS -**

L. PLANNING AND DEVELOPMENT COMMISSION MEMBER COMMENTS**M. ADJOURN**

If any person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings and, for such purpose, he or she may need to insure that a verbatim record of the proceedings is made, which record includes 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 County Administrator's Office, 3600 W. Sovereign Path, Suite 267, Lecanto, FL 34461, (352) 527-5210, at least two days before the meeting. If you are hearing or speech impaired, dial 7-1-1, 1-800-955-8771 (TTY) or 1-800-955-8770 (v), via Florida Relay Service.

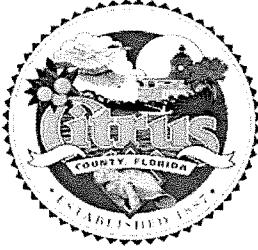
Si necesita un traductor de español por favor haga arreglos con el Condado dentro de dos días de la notificación de la publicación (352-527-5370).



AGENDA MEMORANDUM

FROM:	Michael Sherman, AICP Growth Management Director
SUBJECT:	September 16, 2021 PDC agenda, minutes, map/directions, and 2022 PDC meeting schedule
AGENDA DATE:	September 16, 2021
<u>BRIEF OVERVIEW:</u>	
<u>BUDGET IMPACT/FUNDING SOURCE:</u>	
<u>RECOMMENDED ACTION:</u>	
September 16, 2021, PDC agenda, minutes, map/directions, and proposed 2022 PDC meeting schedule.	

**CITRUS COUNTY
PLANNING AND DEVELOPMENT COMMISSION**



Thursday, September 16, 2021 at 9:00 AM

Lecanto Government Building

3600 West Sovereign Path, Room 166

Lecanto, Florida 34461

MICHAEL FACEMYER, CHAIR

KURT STONE

DAVID BRAMBLETT, 1st VICE CHAIR

STACEY WORTHINGTON

ROBERT BASS, 2nd VICE CHAIR

WILLIAM BURDA (Alternate)

RICHARD BARMES

CAROLE SCRAGG (Alternate)

JAMES ROYS

CHUCK DIXON (School Board)

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE
- D. ROLL CALL
- E. CHAIRMAN TO READ THE APPEAL PROCESS AND MEETING PROCEDURES
- F. OPEN TO THE PUBLIC – Receive comments from the public
- G. APPROVE MINUTES – Approval of available minutes
- H. STAFF ANNOUNCEMENTS
- I. EX PARTE COMMUNICATION: County Attorney
- J. APPLICATIONS

1. LAND USE APPLICATION

a. V-21-12 Clark A. Stillwell, Esq. for Miles and Colette Hall

REQUEST: This request is for a Variance from the Citrus County Land Development Code (LDC) for the placement of a pool having less than the required 50-foot (35-foot with a berm or swale) minimum building setback from a jurisdictional wetland line, pursuant to Section 3501, Surface Water Protection Standards, as specified in the LDC.

LOCATION: Section 24, Township 18 South, Range 16 East; an unrecorded tract (AK 1003067), which address is 12395 W. Fort Island Trail, Crystal River, FL. A complete legal description of the property is on file with the Land Development Division.

STAFF CONTACT: Amy Bidwell, Senior Planner, Land Development Division

2. COMPREHENSIVE PLAN AMENDMENT

a. CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust

REQUEST: This request is to amend the Future Land Use Map (FLUM) of the Citrus County Comprehensive Plan from LDR, Low Density Residential District, to GNC, General Commercial District and IND, Heavy Industrial District, and to amend the Land Use Atlas Map from PSO, Professional Services/Office District, and LDRMH, Low Density Residential District, mobile homes allowed, to GNC, General Commercial District, and IND, Heavy Industrial District with a Planned Unit Development (PUD) for open storage for auto salvage.

LOCATION: Section 29, Township 18 South, Range 18 East; more specifically, Parcel B of LR-96-17 and Parcel 14000-0020 of an unrecorded subdivision (AK 3440248 and 1492670), which addresses are known as 4386 and 4374 W. Norvell Bryant Hwy., Crystal River, FL. A complete legal description of the property is on file with the Land Development Division.

STAFF CONTACT: Joe Hochadel, Principal Planner, Land Development Division

3. LAND USE APPLICATION

a. CU-21-09 Nadene and Scott Reynolds

REQUEST: This request is for a Conditional Use to allow for the raising of animals for non-commercial purposes in the Low Intensity Coastal and Lakes District that exceeds the maximum number of animals per acre, pursuant to Section 3730, Animals, as specified in the LDC.

LOCATION: Section 5, Township 19 South, Range 20 East; more specifically, Parcel 23000 (AK 1726026), which address is 6535 E Turner Camp Road, Inverness, Florida. A complete legal description of the property is on file with the Land Development Division.

STAFF CONTACT: Joanna Coutu, AICP, Director, Land Development Division

4. COMPREHENSIVE PLAN AMENDMENT

a. CPA-21-12 Land Development Division – Private Property Rights Element (Chapter Seven)

REQUEST: This request is to create a new Private Property Rights Element (Chapter Seven) including corresponding Goals, Objectives and/or Policies.

STAFF CONTACT: Joanna Coutu, AICP, Director, Land Development Division

K. ADDITIONAL ITEMS

Approve PDC Meeting dates for 2022

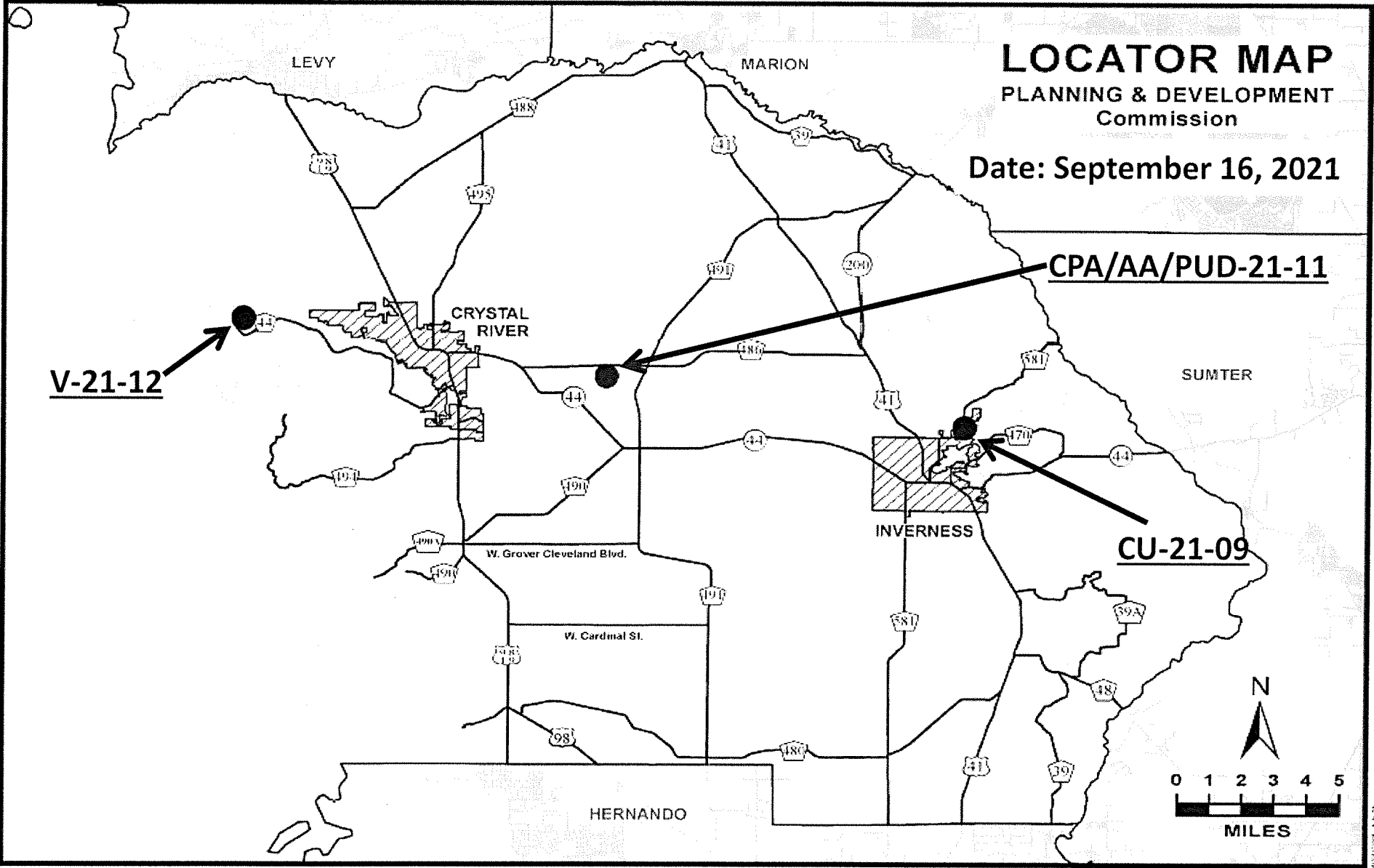
L. PLANNING AND DEVELOPMENT COMMISSION MEMBER COMMENTS

M. ADJOURN

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

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Si necesita un traductor de español por favor haga arreglos con el Condado dentro de dos días de la notificación de la publicación (352-527-5370).



Attachment: Agenda, map, and directions (17285 : September 16, 2021 PDC agenda, minutes,

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Directions for meeting on September 16, 2021

V-21-12- From the intersection of Saunders Way and CR-491, turn left onto CR-491. Go **2.0 miles** and turn left onto W. Gulf to Lake Hwy. Go **7.31 miles** and turn left onto US-19. Go **1.14 miles** and turn right onto W. Fort Island Trl. Go **5.26 miles** and the site is on the right, just passed N. Seabreeze Pt., at **12395 W. Fort Island Trl.** Crystal River.

CPA/AA/PUD-21-11- From the intersection of Saunders Way and CR-491, turn left onto CR-491. Go **4.89 miles** and turn left onto W. Norvell Bryant Hwy. Go **1.28 miles** and the site is on the left at **4374 and 4386 W. Norvell Bryant Hwy.** Crystal River.

CU-21-09- From the intersection of Saunders Way and CR-491, turn left onto CR-491. Go **2.0 miles** and turn right onto W. Gulf to Lake Hwy. Go **9.27 miles** and turn left onto Davidson Ave. Go **0.11 miles** and make a sharp right onto US-41. Go **0.06 miles** and turn left onto CR-581. Go **2.12 miles** and the subject property is on the left at **6535 E Turner Camp Rd. Inverness, FL 34453.**

**2022 PLANNING AND
DEVELOPMENT COMMISSION (PDC)
MEETING DATES**

PDC Meets on the first and third Thursdays
in Room 166 @ 9:00A.M.
Lecanto Government Building
3600 W. Sovereign Path
Lecanto, FL 34461

PDC Meeting Date*

January 6, 2022
January 20, 2022
February 3, 2022
February 17, 2022
March 3, 2022
March 17, 2022
April 7, 2022
April 21, 2022
May 5, 2022
May 19, 2022
June 2, 2022
June 16, 2022
July 7, 2022
July 21, 2022
August 4, 2022
August 18, 2022
September 1, 2022
September 15, 2022
October 6, 2022
October 20, 2022
November 3, 2022
November 17, 2022
December 1, 2022
December 15, 2022

**Conditional Uses
Variances
Atlas Amendments
Planned Unit Developments
Plat/Street Vacates
Ordinance Amendments
Comprehensive Plan Amendments**

* PDC meeting will be scheduled once application sufficiency is met.

DRAFT

**PLANNING AND DEVELOPMENT COMMISSION (PDC)
SUMMARY MINUTES
July 15, 2021**

Members Present: Michael Facemyer, Chair; David Bramblett, 1st Vice Chair; Robert Bass, 2nd Vice Chair; Richard Barmes; James Roys; Stacey Worthington and William Burda, alternate

Staff Present: Joanna Coutu, Director, Land Development Division (LDD); Joe Hochadel, Principal Planner; Miranda Anaya, Senior Planner; Amy Bidwell, Senior Planner; Susan Wright, Senior Planning Coordinator; Kevin O'Brien, Planning Coordinator; and Cheryl Burton, Senior Secretary

Also Present: Denise Lyn, County Attorney, and Michael Sherman, Growth Management Director

Absent: Kurt Stone and School Board Representative, Chuck Dixon

A. CALL TO ORDER

Mr. Facemyer called the meeting to order at 9:00 a.m.

B. INVOCATION

The Invocation was given by Mr. Bramblett.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Facemyer.

D. ROLL CALL

Recording Secretary proceeded with roll call.

E. CHAIRMAN TO READ THE APPEAL PROCESS AND MEETING PROCEDURES

F. OPEN TO THE PUBLIC: None.

G. APPROVE MINUTES –

Approve minutes of May 20, 2021.

1st Mr. Bass 2nd Mr. Bramblett

VOTE: 7 – 0, Motion Carried.

Attachment: July 15, 2021, PDC draft minutes (17285 : September 16, 2021 PDC agenda, minutes, map/directions, and 2022 PDC meeting

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H. STAFF ANNOUNCEMENTS: None.

I. EX PARTE COMMUNICATIONS:

Ms. Lyn polled the PDC members on whether they had any ex parte communications concerning the applications to be heard. All PDC members stated they had no ex parte communications. Messrs. Barmes and Facemyer advised of site visits on applications AA-21-02, V-21-07, CU-21-08, V-21-08, PUD-21-04, V-21-09 and CU-21-05. Mr. Bass advised of a site visit on application PUD-21-04.

J. APPLICATIONS

1. ATLAS AMENDMENT

a. AA-21-02 Hope Smith

REQUEST: This request is to amend the Land Development Code (LDC) Atlas Map and the Master Plan of Sugarmill Woods Cypress Village from PDR (Planned Development Residential – multi-family designation) to PDR (Planned Development Residential – single-family designation).

LOCATION: Section 18, Township 20 South, Range 18 East; more specifically, Lot 14, Block B-J, of the Sugarmill Woods Cypress Village subdivision, Plat Book 9, Page 86; also known as Alternate Key Number 1528658, which address is known as 26 Beech Ct., Homosassa, FL.

STAFF CONTACT: Joe Hochadel, Principal Planner, Land Development Division

INTRODUCTION: Ms. Wright's overview included an aerial view of the subject property, photos of the subject property and surrounding area and a colored map showing the surrounding Master Plan designations.

APPLICANT: Hope Smith stated that the request is to amend the land use designation on the lot from multi-family residential to single-family residential.

QUESTIONS FROM STAFF: None.

COMMISSION QUESTIONS/COMMENTS: None.

STAFF: Mr. Hochadel stated that the application proposed to redesignate the land use on the subject property from multi-family residential to single-family residential for the construction of a single-family dwelling. Mr. Hochadel's presentation included an aerial view of the subject property and surrounding area. The subject property is approximately .76 acres. The surrounding properties are designated as single-family. The proposed use is compatible

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with the adjacent area and the findings of fact have been found to be positive findings. Mr. Hochadel stated there were five suggested conditions and the suggested conditions were provided to the applicant.

SUGGESTED CONDITIONS:

1. The Sugarmill Woods Planned Unit Development (PUD) is modified to allow single-family detached residential on Lot 14, Block B-J, of the Sugarmill Woods Cypress Village subdivision as outlined in this application date-stamped received April 16, 2021, by the Land Development Division.
2. Site development requires connection to central water and sewer.
3. All other standards within the Sugarmill Woods Cypress Village Master Plan shall be met unless specifically outlined within these conditions.
4. Where standards are not specified herein, the Citrus County Land Development Code standards (or current code standards) will apply.
5. Minor modifications to this Master Plan of Development may be approved by the Director of the Land Development Division as outlined within Section 4304 of the LDC.

COMMISSION QUESTIONS/COMMENTS:

Mr. Facemyer inquired if the applicant was familiar with the five suggested conditions. Ms. Smith advised that she was agreeable with the conditions.

PROPONENT: None.

OPPONENT: None.

MOTION: The Planning and Development Commission finds application number **AA-21-02 CONSISTENT** with the Citrus County Comprehensive Plan and Citrus County Land Development Code and that this Board recommends **APPROVAL WITH CONDITIONS** of the application to the Board of County Commissioners based upon the evidence and testimony presented, and the staff report and conclusions regarding this petition.

MOTION:

1st Ms. Worthington 2nd Mr. Bass

VOTE: 7 - 0, Motion Carried

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2. LAND USE APPLICATIONS

a. V-21-07 Julia Finkbeiner

REQUEST: This request is for a two-part Variance from the Citrus County Land Development Code (LDC) for the placement of a single-family dwelling (1) having less than the required 50-foot setback from the mean high water line (35-foot with a berm or swale), pursuant to Section 3510, Surface Water Protection Standards; and (2) having less than the required 50-foot minimum building setback from the centerline of a right-of-way, pursuant to Section 2300, Building Setback requirements and height requirements for all land use districts, as specified in the LDC.

LOCATION: Section 29, Township 19 South, Range 17 East; specifically, Lots 22 and 23 of Blue Spring Park Unrecorded Subdivision (AK 2526980), which address is 10151 Blue Springs Ct., Homosassa, FL.

STAFF CONTACT: Joe Hochadel, Principal Planner, Land Development Division

INTRODUCTION: Ms. Wright's overview included an aerial view of the subject property, photos of the subject property and surrounding area and a proposed site plan as submitted by the applicant.

APPLICANT: Ms. Finkbeiner stated that she and her husband purchased the subject property in 2015. The property is an irregular-shaped lot with an older model 500 sq.ft. mobile home. The applicant's proposed site plan showed the placement of a 1,479 sq.ft. modular home. The proposed building footprint is 2,290 sq.ft. The available building envelope without the need for a variance is 1,956 sq.ft. Mr. Scott Finkbeiner presented various depictions of the proposed modular home on the subject property along with aerial photos.

QUESTIONS FROM STAFF:

Ms. Coutu advised that public input had been received stating concerns with the front setback, front entry reduction and rear stairwell. Ms. Coutu asked the applicant if they considered how to address those comments. Mr. Finkbeiner stated that in one of the depictions he had changed the stairwell to the side of the proposed home. As to the location of the front entry stairwell, if the stairwell is changed, someone will hit their head on the top landing. He stated that out of all of the different configurations that he proposed, the proposed site plan that was submitted was the best way due to the cul-de-sac being so tight. He also stated that when the original building footprint compared to their submitted site plan, that the front porch is extended 1½ foot from what is placed on the lot originally.

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COMMISSION QUESTIONS/COMMENTS:

Mr. Bramblett explained that the staff report shows an available building envelope on the property to be 1,956 sq.ft. and seven of the eight findings of fact are negative. He stated that he could not support this application as submitted. Ms. Finkbeiner advised that the hardship is that this lot would require a custom home. She commented that they have attempted to respect the environment and the lot for the placement of the proposed home. Mr. Bramblett further noted that the request was not a minimal request.

Mr. Facemyer described that the granting of a variance is due to the hardship as it relates to the property and not as it applies to the applicant. He stated that he would not support the application at this time due to the waterfront setback.

Mr. Bass commented that there is sufficient area to build within the existing building envelope without impacting the waterfront setback. He stated that he could not support the application.

The applicant requested a continuance.

MOTION: The Planning and Development Commission finds to **CONTINUE** application number **V-21-07**.

MOTION:

1st Mr. Bass 2nd Ms. Worthington

VOTE: 7 - 0, Motion Carried

b. CU-21-08 Daniel White

REQUEST: This request is for a Conditional Use to allow for a small retail shop in the MDR District, pursuant to Section 2402, Medium Density Residential District (MDR), as specified in the LDC.

LOCATION: Section 02, Township 19 South, Range 19 East; more specifically, Inverness Highlands Unit 2, PB 2 PG 97 Lots 42 – 49, Blk 33, which address is 517 N. Croft Avenue, Inverness, FL.

STAFF CONTACT: Amy Bidwell, Senior Planner, Land Development Division

INTRODUCTION: Ms. Wright's overview included an aerial view of the subject property, photos of the subject property and surrounding area and a proposed site plan as submitted by the applicant.

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APPLICANT: Dan White stated that his proposal was to construct a 40' X 60' steel building as a retail shop for kayaks and associated equipment. He commented that the exterior of the proposed building would be stucco and would meet the facade requirements of the LDC.

QUESTIONS FROM STAFF:

Ms. Coutu stated that the staff report had several comments provided by the Engineering Division and confirmed the applicant understood those. Mr. White advised that he understood that the exterior of the building needed to "fit" into the neighborhood and that the proposed driveway would need to access Ramsey Street.

COMMISSION QUESTIONS/COMMENTS: None.

STAFF: Ms. Bidwell stated that the applicant requested a Conditional Use to allow for the retail sale of kayaks and related equipment in the MDR District. Her presentation overview included an aerial view of the subject property, photos of the subject property and surrounding area and a proposed site plan as submitted by the applicant. The subject property is vacant and is approximately .44 acres. The applicant's proposal included the construction of a 2,400 sq.ft. steel building for the retail sale of kayaks and related equipment. Retail sales use in the MDR district requires the approval of a conditional use. The surrounding area consists of Medium Density Residential and Extractive Land Districts while the existing use in the area is single-family residential with some vacant lands. The land use is not compatible with the residential nature of the area and not consistent with the Comprehensive Plan. The Engineering Division listed conditions in the staff report regarding meeting access standards that could be difficult. The proposed development does meet ISR and setback requirements. As the applicant mentioned, he does propose to meet façade standards for the exterior of the steel building. Ms. Bidwell read the suggested conditions.

SUGGESTED CONDITIONS:

1. The applicant will need to provide an access management plan approved by the County Engineer prior to permit issuance.
2. The applicant will be required to place and maintain a Type C buffer along the north, south, east and west property lines to be demonstrated at the time of permitting.
3. The applicant will need to comply with LDC Section 3745 Design Standards for Small Nonresidential Development Projects.

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Mr. Facemyer inquired if the applicant was familiar with the three conditions. Mr. White advised yes.

COMMISSION QUESTIONS/COMMENTS:

Mr. Facemyer commented that Croft Avenue is a very busy area. He understood that the subject property is primarily in a residential area and that there are other small businesses on Croft Avenue; however, his biggest concern was the traffic. It seems that the applicant has considered the traffic concern and is willing to work with the Engineering Division with regard to access from E. Ramsey Street rather than from Croft Avenue.

Mr. Bramblett inquired as to the location of the nearest existing improved commercial property from the subject property. His thoughts were that the commercial areas on Croft Avenue are closer to SR-44 and CR-486. Ms. Bidwell stated that the area of the subject property is primarily residential, and the commercial areas are closer to SR-44 and CR-486.

Mr. Barmes inquired about bus stops around the subject property. Ms. Bidwell stated that question would have to be answered by the Citrus County School District. He also inquired if the area had sewer because the proposed site plan shows a septic system. Ms. Lyn commented that if the area had sewer connections that the applicant would be required to connect to the sewer.

PROPONENT: None.

OPPONENT: None.

COMMISSION QUESTIONS/COMMENTS:

Mr. Bramblett stated that he was not in favor of the application due to the fact that it was not consistent with the Comprehensive Plan and was not compatible with the area.

Mr. Bass stated that he was not in favor of the application as it is not compatible with the area.

Ms. Worthington commented that she was undecided because that area is developing with some commercial properties as Croft Avenue is becoming a thoroughfare to the major roads. Mr. Bramblett's rebuttal to her comment was that Croft Avenue is a congested roadway and there is a school at the end of CR-486. His belief is that the commercial areas need to stay at the ends where SR-44 and CR-486 intersect with Croft Avenue.

Mr. Facemyer advised that he is undecided due to the area being primarily residential and due to the high volume of traffic on Croft Avenue.

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Mr. Bass added to his previous comment by stating that the commercial activities should be focused on the ends of Croft Avenue at the intersections of CR-486 and SR-44.

Mr. Barmes remarked that he cannot support the application due to the traffic congestion on this road and the incompatibility to the subject area.

MOTION: The Planning and Development Commission finds application number **CU-21-08 INCONSISTENT** with the Citrus County Comprehensive Plan and the Citrus County Land Development Code for the following reason(s):

1. The proposed Conditional Use will adversely affect the public interest.
2. The proposed development, even with conditions and safeguards attached, would be generally incompatible with adjacent properties and other property in the district.

and that, based upon the foregoing, the PDC is not empowered to grant the Conditional use and, therefore, that this Board ***DENIES*** the application based upon the evidence and testimony presented, and the staff report and conclusions regarding this petition.

MOTION:

1st Mr. Bramblett 2nd Mr. Bass

VOTE: 5- 2, Motion Carried

Yays: Messrs. Facemyer, Bramblett, Bass, Barmes and Burda

Nays: Ms. Worthington and Mr. Roys

c. **V-21-08 David M. Smith for Real Sub, LLC**

REQUEST: This request is for a variance from the Citrus County Land Development Code (LDC) to allow for a liquor store with sales and storage of alcoholic beverages having less than the required 500-foot radius to a House of Worship, pursuant to Section 3760, Alcoholic Beverages, as specified in the LDC.

LOCATION: Section 25, Township 18 South, Range 17 East; Tract A of LR-00-32, BK 1390, PG 2112-2114, (AK 3119345), which address is 6774 W. Gulf to Lake Hwy., Crystal River, FL.

STAFF CONTACT: Miranda Anaya, Senior Planner, Land Development Division

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INTRODUCTION: Ms. Wright's overview included an aerial view of the subject property, a map of the subject property with the 500-foot radius marked, photos of the subject property and surrounding area, a boundary survey, site plan and supplemental plan submitted by the applicant.

APPLICANT: David Smith represented the applicant. The subject request is located within the Crystal Springs Shopping Center. The subject property is approximately 15.37 acres and is owned by a subsidiary of Publix Company. Publix stores across the State of Florida have been adding liquor stores adjacent to their supermarkets; therefore, the reason for this request. Mr. Smith explained that the request is a reduction of the alcohol setback from a House of Worship instead of the required 500-foot setback from a House of Worship. One of the parcels within the 500-foot radius is a charitable organization ran by a House of Worship and the other is a rental property occupied by a House of Worship, both across Gulf to Lake Highway. The separation is not being met from the two Houses of Worship when measured parcel-to-parcel; however, the physical separation is approximately 600 feet and 900 feet. The applicant requested a 100-foot separation due to the minimum necessary distance required by measuring the closest property boundary to property boundary. The layout of the shopping plaza provides a larger functional setback to the actual uses. Mr. Smith stated that the proposed liquor store will not have onsite consumption; it is a retail operation.

QUESTIONS FROM STAFF: None.

COMMISSION QUESTIONS/COMMENTS: None.

STAFF: Ms. Anaya stated that the applicant requested a variance to allow for a liquor store with sales and storage of alcoholic beverages having less than the required 500-foot radius to a House of Worship. The Land Development Code states that separation distances for alcoholic beverages are measured parcel to parcel for certain uses such as Houses of Worship. Ms. Anaya's presentation included an aerial view of the subject property along with photos of the surrounding area and the unit in the shopping center where the proposed liquor store would be located. The surrounding area is a mixture of residential and commercial uses. The parcel to parcel distance to the Daystar Life Center is 100 feet and the tenant space to parcel distance is approximately 650 feet. There is a second House of Worship within the 500-foot radius being The Real Life Christian Church with the parcel to parcel distance measured at 205 feet and the tenant space to parcel distance being approximately 925 feet. Her presentation also included a site plan and a supplemental plan showing the setback distances. Ms. Anaya read the suggested condition for the record.

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SUGGESTED CONDITION:

1. The liquor store shall be located in the unit outlined on the site plan received by the Land Development Division date stamped April 20, 2021.

COMMISSION QUESTIONS/COMMENTS:

Mr. Facemyer inquired if there had been any public comment received on this application. Ms. Anaya stated that there had been no public comments received.

Mr. Burda asked if either Houses of Worship have any schooling or other services for young children. Ms. Anaya stated that she was not aware of any such activities at either Houses of Worship locations. Mr. Smith stated that he had performed research and the Daystar Life Center does not list that they have any worship services or school for young children at this facility. It is a social service charitable organization for rental and food assistance.

PROPONENT: None.

OPPONENT: None.

MOTION: The Planning and Development Commission finds application number **V-21-08 CONSISTENT** with the Citrus County Land Development Code and **IS** in keeping with the intent of the Policies of the Citrus County Comprehensive Plan and that this Board **APPROVES WITH CONDITION** of the application based upon the evidence and testimony presented and the staff report and conclusions regarding this petition with the following conditions.

MOTION:

1st Ms. Worthington 2nd Mr. Burda

VOTE: 7 - 0, Motion Carried

3. PLANNED UNIT DEVELOPMENT

a. PUD-21-04 Brentwood Farms, LLC

REQUEST: This request is to modify the Land Development Code Atlas and the Master Plan (Planned Unit Development–PUD) of Brentwood Farms for multiple conditions including a new entrance road, plat-wide stormwater calculations, and spec home construction prior to platting. This request is made pursuant to Section 4300, Planned Unit Developments (PUD) of the Citrus County Land Development Code.

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LOCATION: Portions of Sections 22 and 23, Township 18 South, Range 18 East; more specifically Brentwood Farms development.

STAFF CONTACT: Joanna Coutu, AICP, Director, Land Development Division

INTRODUCTION: Ms. Wright's overview included photos of the subject development and surrounding area and a proposed site plan submitted by the applicant indicating an additional access road to CR-486.

APPLICANT: Stephen Hallet represented the applicant. The application contains six requests for amendments to the Brentwood Planned Unit Development. The first request was to plat 400 +/- villa units on the 80 +/- acres west of the developed Brentwood subdivision. Request #2 is to construct an entrance road directly north of Ottawa Avenue at the intersection. They received an update via email from Engineering that they were in agreement with the proposed plan to have a single entrance road coming from Ottawa Avenue into Davis Reserve and not connecting to the existing Brentwood Farms. Request #3 was for the developer to be allowed to calculate stormwater at the time of platting. The fourth request was that all setbacks be measured to the vertical walls of the structures. The fifth request was to allow the developer to commence construction of up to 40 spec homes prior to platting. In the current PUD, the developer was allowed to build three model homes. Mr. Hallet stated that the developer is willing for the County to withhold the Certificates of Occupancy on these 40 spec homes until the infrastructure has been completed. The developer would not convey the homes until the property has been platted. Request #6 was to approve the ISR on the entire Planned Development at the time of platting.

QUESTIONS FROM STAFF: None.

COMMISSION QUESTIONS/COMMENTS:

Mr. Bass inquired if the developer had considered providing a connection to Brentwood and move the gatehouse to the north so the residents of Brentwood could access the proposed traffic signal at the intersection of Ottawa and CR-486. Mr. Hallet stated that the developer is not in agreement with that proposal. To move the gate farther back, the developer would have to create an additional road that would impact land that will be developed in the future. With the proposed road north of Ottawa, the developer is attempting to alleviate the burden of 1,400 residents using the one entrance/exit at Brentwood. Mr. Bass inquired about emergency access. Mr. Hallet advised that there would be two emergency accesses as required.

Mr. Bramblett requested clarification from Mr. Hallet that the density and number of units proposed are staying the same. Mr. Hallet stated yes.

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Mr. Facemyer asked if a traffic study had been conducted. Mr. Hallet advised that a traffic study had been performed and is expecting the results in the coming weeks. Mr. Facemyer commented that the Brentwood intersection is a very dangerous intersection. Mr. Hallet explained that the developer is attempting to alleviate the amount of traffic using the Brentwood intersection by proposing the construction of an entrance road north of Ottawa for Davis Reserve.

Mr. Bass inquired as to why the developer requested to develop the 40 spec homes prior to plat approval. Mr. Hallet advised that the developer requested to begin the construction of those homes now as there is a current need for more homes. The developer would also like to have the spec homes built for marketing purposes of the new development.

Mr. Bramblett asked for further explanation with regard to the Brentwood residents not having access to the proposed entrance road at Ottawa. Mr. Hallet explained that the developer's proposal for Davis Reserve was for a gated entrance to be staffed 24 hours. Mr. Bramblett commented that there are other ways to accommodate the gated entrance as well as providing Brentwood residents an alternate access.

STAFF: Ms. Coutu's presentation included a color Master Plan of the Brentwood Development. She reviewed the applicant's requests to plat 400 +/- villa units, to clarify drainage will be approved on a plat-wide basis, and that the ISR will be calculated on the entire Planned Development and not on individual homesites. The developer also requested for the setbacks to be measured to the vertical walls of the structures. An additional request was for the developer to be allowed to commence construction on up to 40 spec homes prior to platting. Ms. Coutu advised of concerns with allowing this request. If permits were issued for the construction of the spec homes, it would be placing more than one residential structure on one lot of record. The lots are formally created once the plat has been approved. This would also ensure that infrastructure is in place prior to occupancy of the homesites. In the Brentwood Planned Unit Development, the developer is allowed to construct three model homes, but they are requesting 40 spec homes which will create a multi-family use on a single-family lot. While Citrus Hills is very unlikely to not complete the plats, there is not much of a delay in permitting approval that would justify this request.

The developer has requested to plat and construct an entrance road directly north of Ottawa Avenue at the intersection of CR-486. The Engineering comments that were in the Staff Report were amended late on July 14, 2021, and she read the following comments received via email:

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The Engineering Division had requested as part of the new development that a cross access be installed from Brentwood through the Davis Reserve, so the residents in Brentwood could access CR-486 at the new traffic signal; however, this is very difficult because each subdivision will have its own gate and each subdivision is responsible for its own private roads.

Cross access is predominantly used to connect commercial to commercial, or residential to commercial, not gated community to gated community. Therefore, we would like the PDC to consider approving the Davis Reserve as proposed with connection to CR-486 at the Ottawa signal. Cross access from the Brentwood Subdivision to the Ottawa light at CR-486 should be reconsidered when the commercial property fronting CR-486 and east of the Ottawa signal is developed in the future.

Ms. Coutu stated there were several conditions proposed by the developer; however, she only highlighted the obvious additions/deletions to the proposed conditions.

COMMISSION QUESTIONS/COMMENTS:

Mr. Bass inquired about the possibility of the number of spec homes being the number of villa models/styles that would be available in the development. Ms. Coutu explained the difference between spec homes and model homes. She stated that the Brentwood PUD was allowed three model homes.

Ms. Lyn provided comments and explanation with regard to interconnectivity versus cross access. Section 7110 of the Land Development Code does not require a road frontage or cross access connection in this situation. The Code does not require a connection or interconnectivity within two subdivisions, and it was not a requirement of the PUD.

PROPONENT:

Gaston Hall advised of his support to allow the developer to construct spec homes due to the shortage of homes and construction costs rising. His belief is that this will benefit the buyers in the end.

OPPONENT:

The following persons spoke regarding concerns about the increased traffic, an unsafe entrance/exit, emergency accesses and the construction of an additional entry:

Dawn Van Beughem commented that the developer sent out letters; however, the letter was confusing, and the residents were not able to have a meeting to

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discuss due to COVID. She also expressed her concern regarding increased traffic and the unsafe entrance/exit into Brentwood.

Dennis Ronk stated his concern was the emergency exits.

George Guglielmo mentioned his concern with regard to increased traffic and the safety issues for the homeowners at Brentwood.

Ken Drange commented about the unsafe conditions for entering and exiting the subdivision without access to a traffic signal. He also commented about the density issues of constructing five homes per one-acre parcel. His concern was about the emergency exits and the increased volume of traffic.

Gail Palmer stated that in 2017 an accident closed the entrance to Brentwood, and this is a safety concern for the residents.

Marshall Bissonnette advised that he resides on Abigail Path and is not in favor of a gated entrance. He is also concerned about the density issues affecting the property values for the neighborhood.

Judith Weis commented that she also resides on Abigail Path and will be cut off from the amenities in Brentwood.

Chris Smith mentioned that she resides on Abigail Path. She is concerned about being cut off from the Brentwood subdivision and the amenities and the safety concern.

Robert Lackner commented that this is a safety issue due to the unsafe entrance/exit of Brentwood.

Calvin Irvin stated his concern about the unsafe conditions of the existing entrance/exit. He also questioned the planning purposes and effectiveness of the traffic signal at Ottawa.

Samantha Thompson stated she and her family own a two-acre commercial property on Brentwood Circle. Her belief is that the residents did not completely understand the developer's language regarding interconnection.

REBUTTAL:

Mr. Hallet stated that the Engineering Division supported the applicant's proposal that Brentwood and Davis Reserve have separate entrances. He further explained that the developer requested the allowance to construct the 40 spec homes and would withhold the issuance of Certificate of Occupancy until the infrastructure and platting is completed. He indicated that the developer's proposal is to add a second entrance at the Ottawa signal to

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alleviate the traffic concerns that have been stated by the residents and the PDC should support this, or all traffic would be forced to use existing access. At this time, the developer's proposal is that Brentwood and Davis Reserve will have two separate entrances. In accordance with the PUD, all of the required exits are there. He stated that the developer is well within the density range. Ms. Coutu asked Mr. Hallet to clarify the status of the three existing residents on Abigail Court, each of whom had just spoken. Mr. Hallet advised that the three existing residences on Abigail Court will be part of the new development and will utilize the entrance at Ottawa.

COMMISSION COMMENTS:

Mr. Bramblett stated that he cannot support the construction of 40 spec homes as this will not impact the sale value. He does support the other five requests by the applicant. He commented that the PUD was approved many years ago. He also offered the suggestion that the developer provide interconnectivity within the two subdivisions and should have considered a developer meeting with residents to work with their concerns. Mr. Bramblett also questioned why Engineering staff is not present to explain the change in their recommendation.

Mr. Burda advised that he cannot support the construction of 40 spec homes but does support the other requests of the applicant. He agreed that the developer should consider interconnectivity within the two subdivisions as an act of good will.

Ms. Worthington stated she would not support the construction of 40 spec homes but does support the additional requests by the applicant. She agreed that the PUD allows for the road, but this is not what the public desires.

Mr. Barmes commented that he agreed with the other comments and does not support the construction of 40 spec homes. He had a concern with lack of the traffic study at the time of this hearing.

Mr. Bass advised that he supports the construction of maybe 20 spec homes and the access road onto CR-486 via Ottawa. He commented that there should be interconnectivity from Brentwood and the new development, but not inside the gated area.

Mr. Facemyer stated that he cannot support the application and is troubled by the late change from Engineering staff.

MOTION: The Planning and Development Commission finds application number **PUD-21-04 – CONSISTENT** with the Citrus County Comprehensive Plan and Citrus County Land Development Code and that this Board recommends **APPROVAL WITH CONDITIONS** (not approving the allowance for 40 spec homes) of the application to the Board of County Commissioners

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based upon the evidence and testimony presented, and the staff report and conclusions regarding this petition.

MOTION:

1st Mr. Bramblett 2nd Ms. Worthington

VOTE: 6 - 1, Motion Carried

Nay: Facemyer

Ms. Coutu noted that the application has been scheduled for the County Commission on August 10 at 5:01 p.m. and that information was on the notice that was sent to the Brentwood residents.

RECESS: 11:35 – 11:42

4. LAND USE APPLICATION

a. V-21-09 Russell Hoffman

REQUEST: This request is for a Variance from the Citrus County Land Development Code (LDC) for an addition to an existing single-family dwelling having less than the required 50-foot (35-foot with a berm or swale) minimum building waterfront setback, pursuant to Section 3501, Surface Water Protection Standards, as specified in the LDC.

LOCATION: Section 30, Township 19 South, Range 17 East; specifically, Lot 37 BLK 34 of Riverhaven Village (AK 1938996), which address is 11615 W. Riverhaven Dr. Homosassa, FL.

STAFF CONTACT: Amy Bidwell, Senior Planner, Land Development Division

INTRODUCTION: Mr. O'Brien's overview included an aerial view of the subject property, photos of the subject property and surrounding area and a proposed floor plan and site plan as submitted by the applicant.

APPLICANT: Russell Hoffman requested a 28-foot waterfront setback to construct an addition to a single-family dwelling. There is an existing concrete slab on the rear of the home. His request is to extend the home to the edge of the existing concrete slab. The applicant proposed to remove the rear screen porch.

QUESTIONS FROM STAFF: None.

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Ms. Worthington inquired if the applicant had a stormwater management plan.

Mr. Hoffman advised that he does not; however, the impervious area would be increased by 124 square feet and the impact to the impervious area would be minimal. He understood that he would have to install a berm at the edge of the seawall to help capture the stormwater.

Mr. Bramblett asked the applicant if the concrete slab was there when he purchased the home. Mr. Hoffman advised that the concrete slab was poured when the house was constructed. Mr. Bramblett advised the applicant that the hardship is on the land and seven out of the eight findings of fact were negative and that he was not in favor of the application.

STAFF: Ms. Bidwell's presentation included photos of the subject property and surrounding area. She also presented photos that indicated the proposed placement of the addition. The applicant requested a 28-foot waterfront setback for the addition of a 520 square-foot room for additional living space. The subject property is approximately .12 acres with a 1,269 square-foot single-family residence that was constructed in 1980. There is also a 506 square-foot garage, a 143 square-foot rear screen porch and a 156 square-foot concrete rear slab, which were all constructed in 1980. As part of the proposed 520 square feet, the applicant proposed to remove the 143 square-foot screen porch which would become part of the addition. The six closest lots on either side of the subject property are similar in size and shape and a variance has been granted for two of the lots. The variances were for the addition of screen rooms and were approved in 1999 and 2015.

Ms. Bidwell read the suggested conditions into the record if the application is to be approved.

1. The room addition must maintain a 28-foot setback from the Mean High Water Line as outlined on the site plan received by the Land Development Division date-stamped June 24, 2021.
2. A berm, swale, or other engineered stormwater system approved by the Engineering Division must be installed and maintained.
3. Runoff and erosion shall be controlled to protect the adjacent wetland/waterbody. Install any measures necessary to prevent sediment transport. Protective measures shall be installed before starting land disturbance activities as per Citrus County Code Section 42-172(c).
4. The subject property is in Flood Zone AE and the Coastal High Hazard Area. Any improvements to the single-family residence, including the

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proposed addition, are considered a Substantial Improvement. The applicant will need to work with the Building Division for compliance at the time of permitting.

5. An as-built survey demonstrating compliance with these conditions must be submitted to and approved by the Land Development Division within 30 calendar days of establishing the addition.

Mr. Facemyer asked Ms. Bidwell if the suggested conditions had been discussed with the applicant. She advised yes.

COMMISSION QUESTIONS:

Mr. Bass requested clarification about the suggested condition regarding maintenance of the berm/swale. Ms. Bidwell stated that a berm or swale was required, and it must be maintained.

Mr. Burda inquired about the variances and conditions of the variances that were approved in 1999 and 2015. Ms. Bidwell stated that both of the variances were for screen rooms.

PROPONENT: None.

OPPONENT: None.

COMMISSION COMMENTS:

Ms. Worthington advised the applicant that the hardship is on the land. She suggested reviewing the remaining building envelope and locating the addition with a minimal request.

Mr. Facemyer said that he would not be in support of this application.

Mr. Hoffman requested a continuance.

MOTION: The Planning and Development Commission finds to **CONTINUE** application number **V-21-09**.

MOTION:

1st Mr. Bass 2nd Ms. Worthington

VOTE: 5 - 2, Motion Carried

Yays: Messrs. Facemyer, Bass, Roy and Burda and Ms. Worthington

Nays: Messrs. Bramblett and Barmes

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b. CU-21-05 Brenda McKenzie

REQUEST: This request is for a Conditional Use to allow for mini-warehouses in the GNC District, pursuant to Section 2412, General Commercial District, as specified in the LDC.

LOCATION: Section 5, Township 19 South, Range 18 East; more specifically, Lots 17, 18, 19, 20, 21, of James A. Gaynor unrecorded subdivision; also known as Alternate Key Number 2907487, which addresses are 4173, 4157, 4135, 4107 and 4165 W. Gulf to Lake Hwy., Inverness, Florida. A complete legal description of the property is on file with the Land Development Division.

STAFF CONTACT: Miranda Anaya, Senior Planner, Land Development Division

INTRODUCTION: Mr. O'Brien's overview included an aerial view of the subject property, photos of the subject property and surrounding area, the superseded Master Plan and the revised Master Plan submitted by the applicant.

APPLICANT: Brenda McKenzie represented the applicant. This request is to allow mini-warehouses in the GNC District. The original Master Plan that was submitted showed cross-access. A revised Master Plan was submitted removing the cross-access connections (one being to the east of the power lines and the second being to the west leading to Seven Rivers Presbyterian Church and private school). The church and school are opposed to the cross-access connection due to safety issues. Ms. McKenzie advised that the applicant requested an ISR of 62 percent.

COMMENTS FROM STAFF:

Ms. Coutu clarified that the cross-access requirement has been waived by the Engineering Division.

COMMISSION QUESTIONS/COMMENTS:

Mr. Bramblett requested an explanation with regard to the difference between the ISR requested and the ISR allowed. Ms. McKenzie explained that the site plan as drawn indicates an ISR of 62 percent; however, the LDC states that the IRS allowed in the GNC district is 70 percent.

One of the property owners, Scott Borgeson, addressed the Board and stated that the Master Plan was a conceptual plan for the subject property. The requested ISR is less than what is allowed in the GNC district. Ms. Coutu reminded the applicant that the Board was reviewing the application as submitted and that there could not be any changes as to the number of

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buildings or outdoor storage. Mr. Borgeson advised that there were no plans for additions or outdoor storage.

Mr. Bass inquired about parking spaces and loading zones. Mr. Borgeson stated that the number of parking spaces and loading zones would meet the requirements in the LDC.

STAFF: Ms. Anaya stated that the applicant requested a Conditional Use to allow for mini-warehouses in the General Commercial District (GNC). Her presentation included an aerial view of the subject property, photos of the subject property and surrounding area, the superseded Master Plan and the revised Master Plan. The subject property abuts Seven Rivers Presbyterian Church/Seven Rivers Christian School to the northwest and the Duke Energy powerlines to the southeast. The property is located in the 44 Interchange Management Area and the Planned Service Area. The property is approximately 3.74 acres. A majority of the property is located in the GNC district with a small portion on the rear of the property located in the PSO district. Mini-warehouses are not allowed in the PSO district per the LDC. The superseded version of the Master Plan did provide cross-access. The applicant submitted a revised Master Plan removing the cross-access connection to the northwest. The applicant requested three mini-warehouses on the GNC portion of the property with approximately 49,000 square-feet. Staff supports the proposed ISR of 54.12 percent; however, staff cannot support the text maximum allowables on the Master Plan because there is about 13,000 square-feet that is not shown on the Master Plan. Ms. Anaya stated that in analyzing the GNC portion with the requirements for large non-residential standards and the standards for the Interchange Management Area, the site is near its maximum development without the maximum allowables text.

The Engineering Division originally commented that the applicant would be required to provide cross-access to the Seven Rivers' property; however, recently the Engineering Division waived the cross-access requirement.

Ms. Anaya read the revised proposed conditions regarding cross-access.

1. At the time of permitting, the applicant must demonstrate compliance with the development standards in accordance with Chapter 7.
2. The site cannot exceed an Impervious Surface Ratio of 55 percent.

Ms. Anaya also stated that the applicant would be required to comply with the design standards for large non-residential development projects.

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COMMENTS FROM APPLICANT:

Ms. McKenzie restated the applicant's request for a deviation from the ISR requirement from 55 percent to 62 percent. She stated that per the LDC, the allowable ISR in GNC is 70 percent. Mr. Borgeson advised that buffering and drainage were the only items being placed in the PSO portion of the property.

COMMISSION QUESTIONS/COMMENTS:

Mr. Bramblett requested clarification of the difference between the ISR requested and the ISR allowed. Ms. Anaya explained that the rear portion of the property is designated PSO, and it is proposed to be a drainage area. The GNC portion of the property is the only area where the mini-warehouses can be located. The applicant will be required to install a 25 foot Type C buffer. The site is constricted with the proposed plan. Ms. Coutu commented that this is a Conditional Use application for a special use in this area and staff analyzed the intensity of the proposed project. Ms. Lyn explained that the maximum allowable ISR of 70 percent in the GNC district does not apply as the application is for a conditional use. She further explained that the Master Plan that was submitted by the applicant shows the proposed ISR at 54.12 percent and that the applicant stated that the Master Plan is a conceptual design. Ms. Anaya stated that the engineer did not revise the proposed ISR on the revised Master Plan which removed the cross access that was approximately 9,000 square-feet. She calculated the ISR without the cross access to be 49 percent.

COMMENTS BY COUNTY ATTORNEY:

Ms. Lyn commented that typically a conceptual plan is not approved. Normally, when the Board adopts a Master Plan, that is the finalized plan for the proposed project and any minor modifications to the Master Plan would be accepted through a minor modification. Ms. Anaya stated that she proposed the condition with regard to the ISR not exceeding 55 percent to ensure that all of the requirements were met with the conditional use.

COMMISSION QUESTIONS/COMMENTS:

Ms. Worthington requested why the Engineering Division waived the cross access requirement. Ms. Anaya stated that she received an email from the Engineering Division advising that they had spoken with Seven Rivers and the applicant. They found a determination from several years ago when Seven Rivers changed their zoning to PSI that Seven Rivers would not be required to connect to cross-access, so Engineering made the determination that the applicant would not be required to connect as well. This determination was made after the staff report was prepared.

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PROPONENT:

Gaston Hall stated his concerns with there not being a table or formula in the LDC or Comprehensive Plan that would apply to be able to generate a number from, specifically on the ISR.

Blair Commons, Director of Business Operations for Seven Rivers Presbyterian Church, stated that he was in favor of the proposed project. They have always been concerned about what would be done with the neighboring property. He visited the other mini-warehouses that are owned by the applicant and believes that the applicant will assist with the beautification of SR-44.

OPPONENT: None.

COMMISSION COMMENTS:

Mr. Bramblett stated that he was in favor of the application with the ISR at 55 percent.

Ms. Worthington commented that she was in favor of the application with the ISR being at 62 percent or the 70 percent as in the LDC. She also commented that staff explained that with removing the cross-access, the applicant had more available.

Mr. Bass advised of his support of the application as presented and that the calculations support the ISR of 55 percent.

Mr. Facemyer stated that he agreed with Mr. Bass.

Mr. Barmes voiced his concern with the application not being thorough, only conceptual. He stated that he could not support the application with the limited information that was presented.

MOTION: The Planning and Development Commission finds application number **CU-21-05 – CONSISTENT** with the Citrus County Comprehensive Plan and the Citrus County Land Development Code and that Board **APPROVES WITH AMENDED CONDITIONS** the application based upon the evidence and testimony presented, and the staff report and conclusions regarding this petition. It has been determined that **APPROVING** the proposed Conditional Use will not adversely affect the public interest; that there is compliance with special rules governing individual conditional uses of the type involved; that the proposed development, with conditions and safeguards attached, would be generally compatible with adjacent properties and other property in the district; and that the PDC is empowered under the section of the LDC described in the application to grant this Conditional Use.

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MOTION:

1st Mr. Bramblett 2nd Mr. Bass

VOTE: 6 - 1, Motion Carried

Nay: Barmes

5. **ORDINANCE AMENDMENT**

a. **OA-21-04 Land Development Division – Multiple Sections – Amendments to Land Development Code**

REQUEST: This request is to amend Ordinance No. 2012-06 of the Citrus County Land Development Code by amending Section 1500, Definitions (Setbacks); Section 1701, Planning and Development Commission; Section 2300, Building Setback Requirements and Height Requirements for All Land Use Districts; Section 3101, Residential Accessory Structures; Section 7320, Protection and Use of Rights-of-Way; Section 11005, Lot Reconfiguration; Section 11010, Minor Subdivision; Section 11015, Large Lot Rural Subdivision, and multiple Sections throughout the Land Development Code to correct references to the Growth Management Department.

STAFF CONTACT: Michael Sherman, AICP, Director, Department of Growth Management

APPLICANT: Mr. Sherman stated that this request is to revise various sections of the Land Development Code. The revisions are as follows:

1. Section 2300 - The change is to modify the definition of setbacks in Section 1500 and to relocate it to Section 2300, Building Setback Requirements and Height Requirements for all Land Use Districts.
2. Section 1701 - Staff recommends two changes to this section. One of the changes is to remove the term limits for PDC members. The second change is referencing the Land Development Director instead of Planning and Development Director.
3. Section 3101.G – This change would amend the allowable square footage from 750 sq. ft. to 850 sq. ft. for guest cottages and garage apartments and remove the requirement for use limited to family members and caretakers.
4. Section 5550 - This change would amend the current requirements for buffer types when residential subdivisions abut permitted and existing uses. Staff recommends removing the word “subdivision” and make it for all new residential lots. Ms. Worthington asked why this amendment was proposed.

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Mr. Sherman stated for consistency; it is a requirement for platted subdivisions.

5. Section 7320.B and C – The change would clarify that right-of-way utilization permits are obtained from Engineering instead of Land Development. Mr. Bass noted correction in the first sentence from “wired” to “wire”.
6. Section 11005 Lot Reconfiguration - This revision is to clarify requirements including noting that the process can only be utilized of unplatted lands.
7. Section 11010 Minor Subdivision - This revision is to clarify requirements including noting that the process can only be utilized of unplatted lands.
8. Section 11015 Large Lot Rural Subdivision - This revision is to clarify requirements including noting that the process can only be utilized of unplatted lands.
9. Staff suggested changes that reference Planning and Development/Planning and Development Department/Planning and Development Director to Growth Management Department/Growth Management Director throughout the LDC.

COMMISSION QUESTIONS/COMMENTS:

Mr. Bass inquired if clarification should be made in Section 11005.B.3(e) with regard to describing a minimum scale for the survey to be legible. Ms. Coutu commented that the County Engineer did not want to set a scale as it would change according to acreage. He also pointed out corrections to 11010.B and 11015.C changing the word “through” to “for”.

Mr. Bramblett requested clarification that sidewalks, driveways, a/c pads do not count against side and rear setbacks. Ms. Coutu explained that structures are defined in Chapter One and the definition specifically states that those items are not deemed structures. Mr. Bramblett also requested explanation of 11005.B(6) about all parts of the parent tract must be accounted for in the reconfiguration. Ms. Coutu explained that applicants must include the entire lot.

OPPONENT:

Gaston Hall spoke on behalf of Citrus County Building Alliance. They have concerns with Section 3101 regarding residential accessory uses for lots having less than two acres; they believe that is a deed restriction item and should be removed. He stated that Section 3102.B needs to have accessory dwelling units added to be consistent with Section 3101.G. He commented that

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when the LDC was written, the buffer type requirements were placed due buffering abutting commercial and industrial properties. He noted that if the requirement were changed and required buffering for all undeveloped residential lots that abut agriculture, commercial or industrial, this would be a large number of lots and would create a series of problems. Their request was that Section 5550 stay as written.

PROPONENT: None.

REBUTTAL:

Mr. Sherman said that when it comes to residential accessory units, he did not have any issues with the comments made. His thought was that it would be appropriate to add the language to 3102.B to make the Section clearer. Ms. Coutu stated that Section was not advertised and would have to be on a future amendment.

Mr. Bramblett and Ms. Worthington requested explanation to the definition of residential with regard to the required buffer type. Mr. Sherman stated residential is residential uses; a single-family home. Mr. Bramblett and Ms. Worthington both stated that they did not agree with the amendment to Section 5550. Mr. Facemyer agreed with their comments.

Ms. Worthington commented that she does not support amending the term limits of the PDC Board.

MOTION: The Planning and Development Commission finds application number **OA-21-04 – CONSISTENT** with the Citrus County Comprehensive Plan and Citrus County Land Development Code and that this Board recommends **APPROVAL WITH CONDITIONS** of the application to the Board of County Commissioners based upon the evidence and testimony presented, and the staff report and conclusions regarding this petition.

MOTION:

1st Mr. Bramblett 2nd Mr. Bass

VOTE: 6 - 1, Motion Carried; with removal of the proposed change to Section 5550 (Required Buffer Type)

Nay: Worthington

Planning and Development Commission**July 15, 2021****K. ADDITIONAL ITEMS:**

Ms. Coutu stated that both agenda for August have seven applications. The September 2 agenda has five applications. Development has accelerated in Citrus County.

Ms. Lyn reminded the Board that when a Conditional Use application is before them, all of the underlying criteria for that land use category are malleable because there are different criteria that apply to a Conditional Use. There is a section in the Land Development Code that specifically states the criteria for Conditional Uses.

L. PLANNING AND DEVELOPMENT COMMISSION MEMBER COMMENTS: None.**M. ADJOURN**

The Planning and Development Commission adjourned at 1:16 p.m.

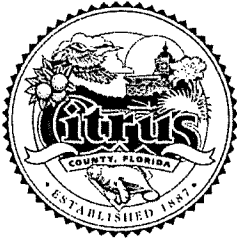
Respectfully submitted,

Cheryl Burton, Recording Secretary



AGENDA MEMORANDUM

FROM:	Michael Sherman, AICP Growth Management Director
SUBJECT:	V-21-12 Clark Stillwell for Miles and Colette Hall
AGENDA DATE:	September 16, 2021
<u>BRIEF OVERVIEW:</u> This request is for a Variance from the Citrus County Land Development Code (LDC) for the placement of a pool and pool deck having less than the required 50-foot (35 foot with a berm or swale) minimum building setback from a jurisdictional wetland line, pursuant to Section 3501, Surface Water Protection Standards, as specified in the LDC.	
<u>BUDGET IMPACT/FUNDING SOURCE:</u> 	
<u>RECOMMENDED ACTION:</u> Conduct a public hearing on September 16, 2021, to review and consider V-21-12, Clark Stillwell for Miles and Colette Hall.	



PM2-21-85

**DEPARTMENT OF GROWTH MANAGEMENT
LAND DEVELOPMENT DIVISION
STAFF FINDINGS REPORT
TO THE
PLANNING AND DEVELOPMENT COMMISSION**

VARIANCE APPLICATION NO. V-21-12 Clark Stillwell for Miles and Colette Hall

DATE: August 17, 2021

PREPARED BY: Amy Bidwell, Senior Planner; Land Development Division *AB*

VARIANCE REQUESTED	This request is for a Variance from the Citrus County Land Development Code (LDC) for the placement of a pool and pool deck having less than the required 50-foot (35 foot with a berm or swale) minimum building setback from a jurisdictional wetland line, pursuant to Section 3501, <u>Surface Water Protection Standards</u>, as specified in the LDC. The applicant is requesting a 25-foot setback from the jurisdictional wetland line.
SUBJECT PROPERTY	<u>Section 24, Township 18 South, Range 16 East</u>; more specifically parcel 13200 of an unrecorded tract (AK 1003067), which address is 12395 W. Ft. Island Trail, Crystal River. A complete legal description of the property is on file with the Land Development Division.
ACREAGE	Approximately 1,015,408 square feet (23.31 acres).
LAND USE	CL, Low Intensity Coastal District CL, Low Intensity Coastal District on the Future Land Use Map.
FLOOD ZONE	According to the Flood Insurance Rate Map (FIRM), subject property is located in <u>Flood Zone AE, VE and CAZ</u> with a base flood elevation of 14.00 feet, as found on Community-Panel Number 12017C0 170E.
SURROUNDING AREA	North – Vacant, Twin River Marina South – Ft. Island Trail, Vacant Conservation land East – Condominiums, Vacant, canal West – Vacant, Twin River, Marine Science Station
SOIL INFORMATION	According to the <i>Soil Survey of Citrus County</i> (1988), the soil type in the area is primarily Weekiwachee-Durbin Mucks, Candler Fine Sand with 0 to 5 percent slopes. Limitations to development include severe flooding, wetness, and low strength.

Attachment: Staff report and locator map (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)

BACKGROUND

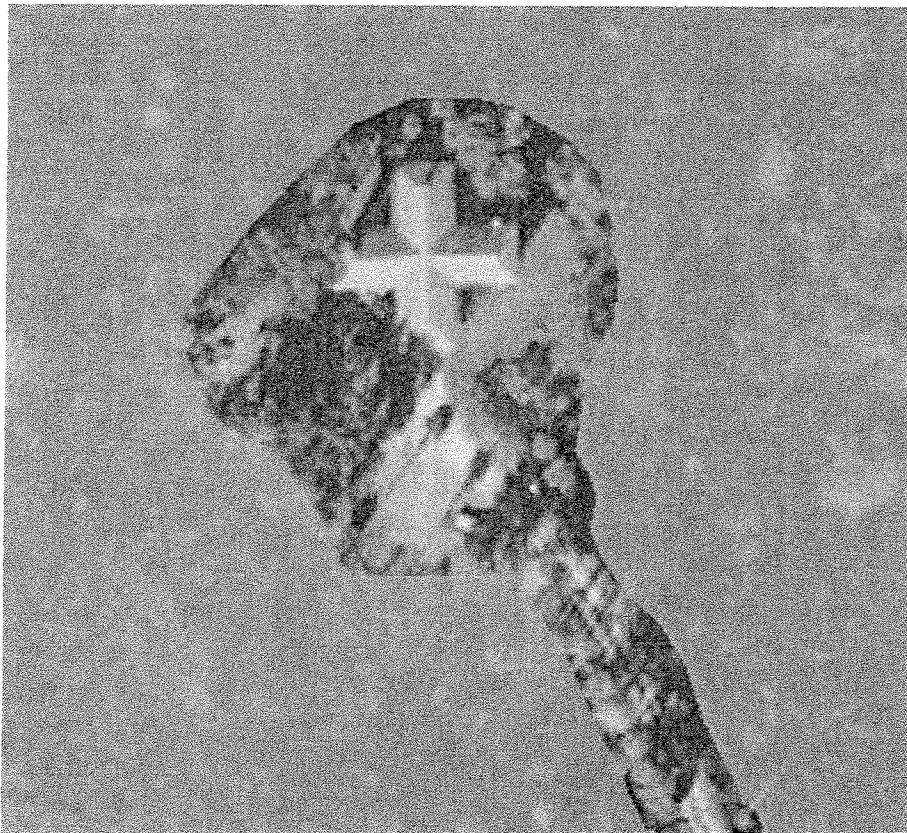
The subject property is an unrecorded tract in the Wood N Waters Neighborhood. It abuts vacant land, the Twin River, and a marina to the north, vacant conservation land and Ft. Island Trail to the south, condominiums and vacant land to the east, and vacant land, the Marine Science Station, and the Twin River to the west. It takes access from W. Ft. Island Trail, a 50-foot wide, paved, public right-of-way.

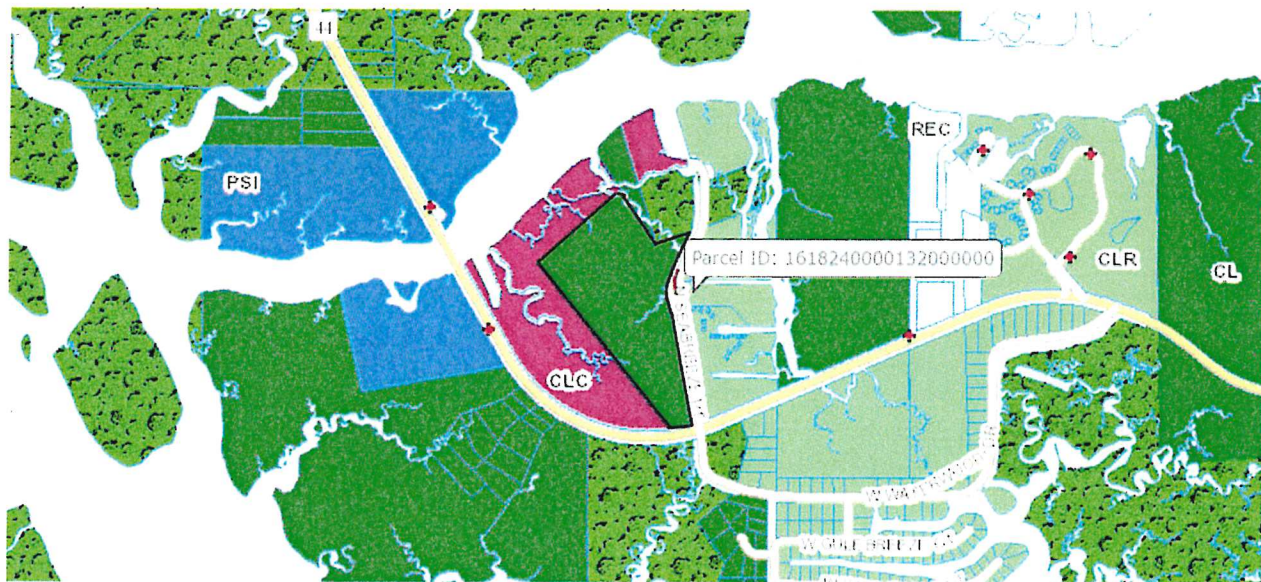
The property is approximately 23.31 acres in size and is developed with a 2,041 square foot single-family residence, a 260 square foot carport, and a 117 square foot screen porch, constructed in 1980.

No variance has been granted for the six closest lots on either side of the subject property since the LDC adoption.

ANALYSIS

The applicant is requesting a reduction in wetland jurisdictional setbacks proposing a 774 square foot pool and deck with a 25-foot setback. A large majority of the 23.31-acre parcel is wetland with approximately 0.51 acres being upland. The wetland jurisdictional lines delineating the upland area create an irregularly shaped building area.



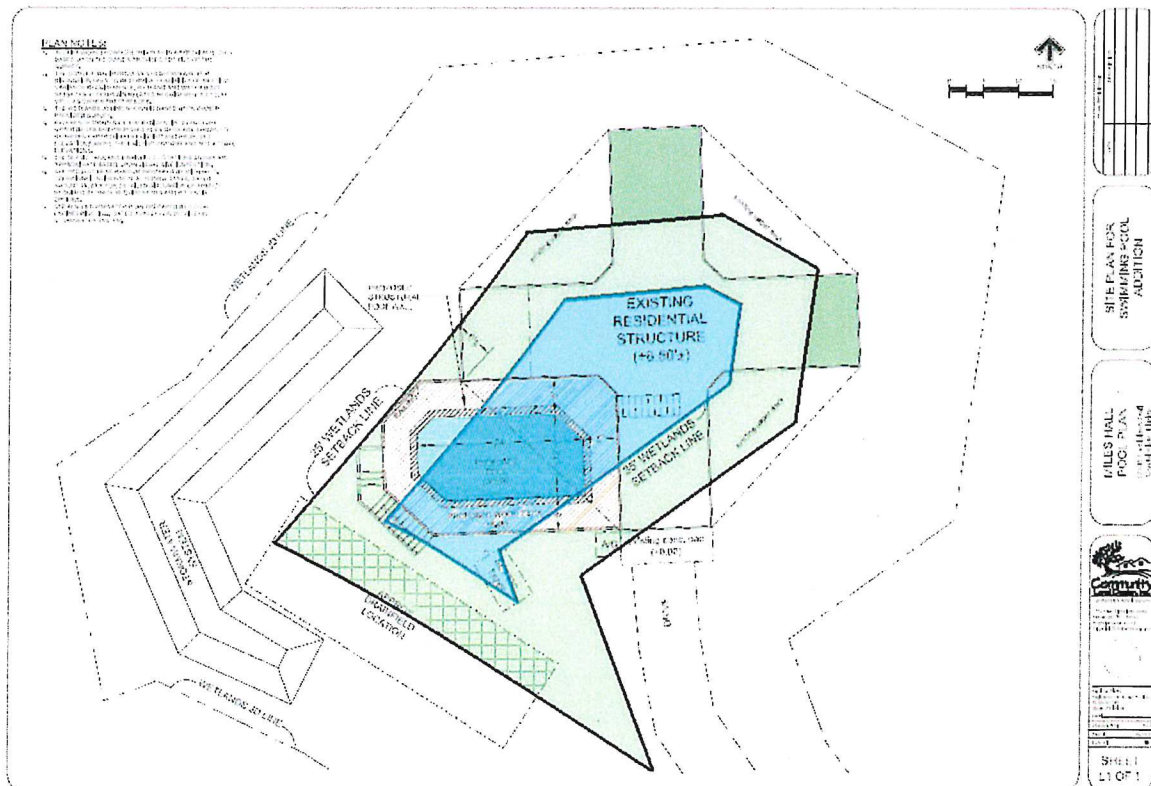


The six closest lots on either side of the subject property have similar natural characteristics but vary in size and shape. There are no variances recorded for these properties.

Attachment: Staff report and locator map (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)

<u>Building envelope and setback analysis</u>			
Required wetland Setback (with a berm or swale)	50 ft. (35 ft.)	Proposed wetland setback	25 ft.
Existing building footprint	2,418 sf.	Proposed building footprint	3,192 sf.
Available building envelope (approximate)	1,024 sf.	Proposed sf. outside of available building envelope	275 sf.

The area in blue on the site plan below is the available building envelope of approximately 1,024 square feet. The area in green is delineated by the 35-foot wetland setback line and indicates the encroachment into the setback.



The Engineering Division has provided the following comments:

Engineering would have no objection to this application so long as a stormwater system were installed as proposed by the applicant.

Runoff and erosion shall be controlled to protect the adjacent wetland/waterbody. Install any measures necessary to prevent sediment transport. Protective measures shall be installed BEFORE starting land disturbance activities as per Citrus County Code Section 42-172 (c).

Submit a grading and drainage plan prepared by a professional engineer licensed in the State of Florida, and meeting the requirements of Land Development Code, Chapter 6, Section 6420.B.2.

Consistency with the Comprehensive Plan - All development applications shall demonstrate complete compliance with the Comprehensive Plan. The application is/is not consistent with the Comprehensive Plan goals, policies, and standards including:

- Policy 3.16.1** The County shall continue to implement wetlands protection standards of the LDC. The County shall ensure that the following steps are taken, in order, when assessing proposed activities that may result in wetland impacts:
1. avoidance of wetland impacts
 2. minimization of unavoidable wetland impacts
 3. compensation for wetland impacts through mitigation

Staff comment: *The proposed pool and pool deck encroach into the wetland jurisdiction. No wetland mitigation has been proposed with this application.*

- Policy 17.9.1** Runoff from structures, streets, yards, and parking areas shall be carefully controlled to prevent flooding in adjacent areas or pollution of water bodies.

Staff comment: *Stormwater has been addressed in this application. The applicant is proposing a gutter system to capture pre and post development runoff.*

Consistency with the Land Development Code (LDC) - Staff reviewed this application per Section 2300, Building Setback Requirements and Height Requirements for All Land Use Districts, as specified in the LDC. This application is not consistent with the following provisions of the LDC.

3501. Surface Water Protection Standards

- A. All structures shall be a minimum of 50 feet from either the mean high-water line or ordinary high-water line, except as follows:

1. Structures shall be set back a minimum of 50 feet, or 35 feet from the mean high-water line, ordinary high-water line, and/or jurisdictional wetland line, if swales or berms are provided.

Staff comment: *The application does not meet the provisions of the LDC. The applicant is proposing a 25-foot setback from a jurisdictional wetland line.*

PROPOSED FINDINGS OF FACT

Pursuant to Section 4400, Variances, of the Citrus County Land Development Code (LDC), approval of a petition for variance from the provisions and requirements of this code shall be granted by the PDC only if all of the following are positive:

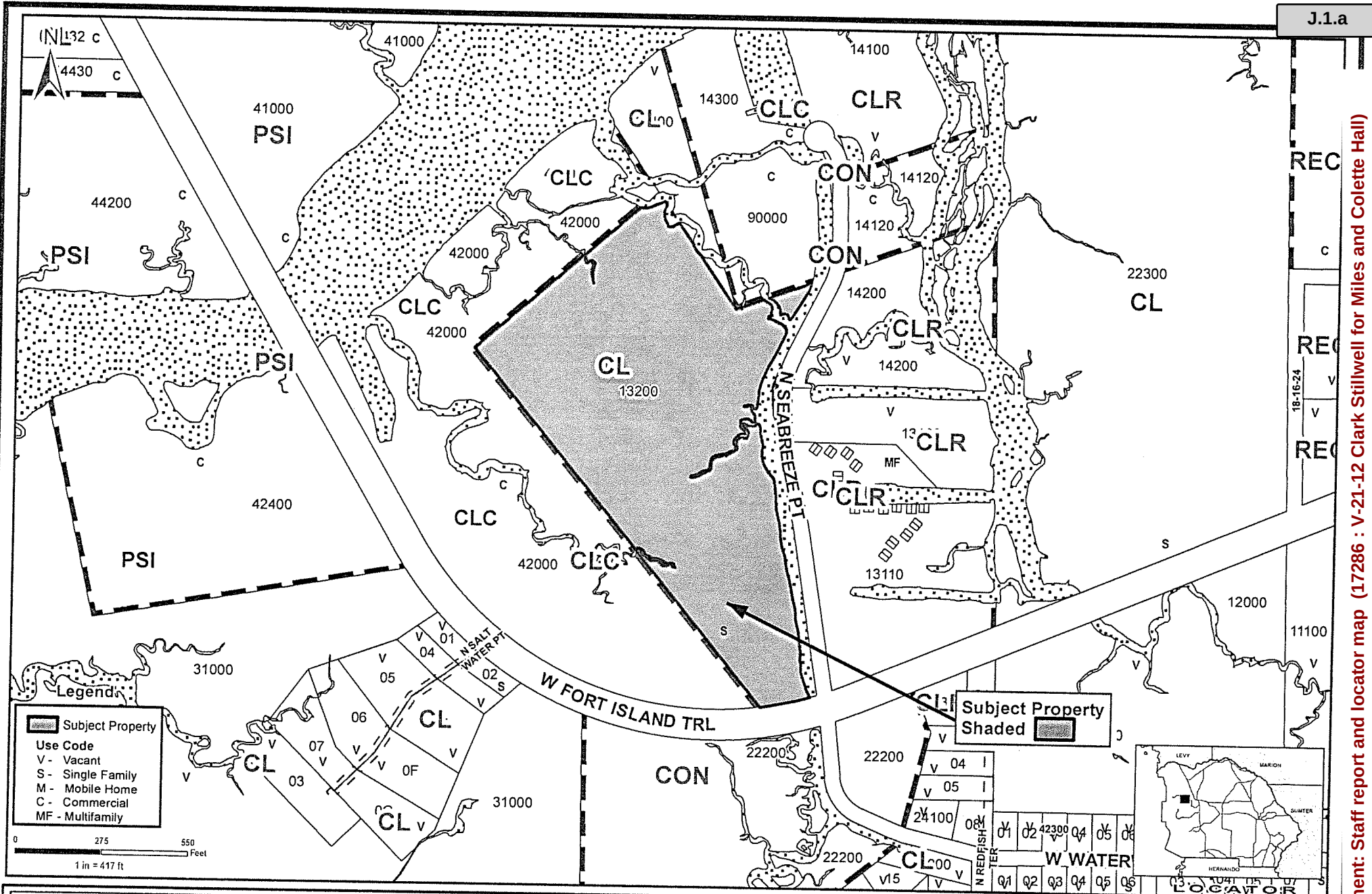
1. ***Special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to land, structures, or buildings in the same land use district.*** The subject property is 23.31 acres of which 0.51 acres are upland, the remaining 22.8 acres are wetland. The building envelope of the 0.51 acres is circular in shape with a long narrow drive access.
2. ***The special conditions and circumstances do result from the actions of the applicants.*** The proposed encroachment into the required wetland setback for the development of a pool and deck is the result of the applicant/property owner. The property established the primary use with a single-family residence-built pre-code which extends into the wetland jurisdictional line. The applicant is requesting a 25-foot wetland setback to construct a pool and deck. The pool and pool deck are a convenience and not necessary to establish the primary residential use of the property. Therefore, the request is not a hardship of the land that would constrain the reasonable development based on the primary residential use of the property.
3. ***A granting of the variance requested will confer on the applicant any special privilege that is denied by this code to other lands, buildings, or structures in the same land use district.*** The lot is similar in natural characteristics to surrounding properties. However, the lots in the general area vary in size and shape and have not required a variance.
4. ***Literal interpretation of the provisions of this code which would not deprive the applicant of rights commonly enjoyed by other similarly situated properties and would not work unnecessary and undue hardship on the applicant.*** The applicant is proposing a 774 square foot pool and deck. A pool and deck are not necessary to utilize the property for a single-family residence.
5. ***The variance granted is not the minimum variance that will make possible the reasonable development and/or use of the land, building, or structure.*** It is possible for the applicant to reduce the building footprint and shape of the pool and deck which would eliminate or reduce the need for a variance. Approximately 275 square feet of the 774 square foot proposed footprint of the pool and deck encroach the wetland setback; therefore, the proposed is not a minimal request.
6. ***The granting of the variance will not be in harmony with the general intent and purpose of this code and will be injurious to the area involved or otherwise detrimental to the public welfare.*** The proposed structure does not meet standards for Building Setback Requirements and Height Requirements for All Land Use Districts.
7. ***There will be full compliance with any additional conditions and safeguards which the PDC may prescribe, including but not limited to reasonable time limits within which the action for which the variance is required shall be begun or completed, or both.*** Where standards are not specified herein, the Citrus County Land Development Code standards (or current code standards) will apply. In addition, noncompliance with or any

violation of the above referenced conditions, as may be determined by Citrus County Compliance may, in addition to any penalty imposed by Code Compliance and subsequent to the procedural requirements set forth in Section 1800 of the Citrus County Land Development Code being satisfied, render this Variance null, void, and of no force or effect.

8. **Granting of the variance will deviate from the clear intent of the adopted Comprehensive Plan.** The application is not consistent with policy 3.16.1, as discussed in this staff report.

AB/cb

Attachment: Staff report and locator map (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)



Application #: V-21-12

Applicant: Clark A. Stillwell for Miles & Colette Hall

Proposal: Variance for reduced setback
from a jurisdictional wetland line for a pool

Location: 12395 W. Fort Island Trail Crystal River

Land Use Atlas: CL, Low Intensity Coastal District

S-T-R -24-18S-16E NE

Planner Initials: *UB*

Date: 7/30/21

Geographic Information Systems

Prepared By: William Braunsch

Date: July 20, 2021

Source: Enterprise Geodatabase

Map Number: WB0000622

Cynthia P. Skelhorn
Director

This information is to be used for general purposes only. The County does not warrant the accuracy, completeness, or timeliness of the information. The County is not responsible for any errors or omissions. The County is not responsible for any damages or losses resulting from the use of this information.



LAW OFFICE OF
CLARK A. STILLWELL, LLC
ATTORNEY AT LAW

BRANNEN BANK BUILDING
320 U.S. HIGHWAY 41 SOUTH
INVERNESS, FLORIDA 34450

TELEPHONE: (352) 726-6767
FAX: (352) 726-8283
caslaw@tampabay.rr.com

June 29, 2021

MAILING ADDRESS:
POST OFFICE BOX 250
INVERNESS, FL 34451-0250

Hand Delivery

Joanna Coutu
Citrus County Growth Management Department
3600 W. Sovereign Path, Ste. 113
Lecanto, FL 34461

Re: Miles and Colette Hall – Waterfront Setback Variance
Alternate Key No.: 1003067
12395 W Fort Island Trail, Crystal River, Florida

Dear Ms. Coutu:

On behalf of our clients, Miles and Colette Hall, the owners of the noted parcel, enclosed is an LDC Section 3501 waterfront setback variance application for an accessory use, pool addition to the existing single family residence.

On review you will determine the parcel has an existing permitted residential structure of 2,418 feet which was built pre-code. The parcel – while large has only a small circular upland area. The existing residence, in shape of a cross, encumbers into the 35 ft. setback area. The attached exhibits “C” and “G” identifies the existing house and deck and proposed new elevated pool. Note, the new pool is above the FEMA flood zone elevation. Only supporting columns will be added below the FEMA flood elevation. ISR is well below code. The application shows proposed pool in area of parcel which is furthest from wetland line. The deck and pool size is 774 sq. ft. of which 275 sq. ft. represents the encroachment area into LDC setback. The proposed stormwater system is identified on Exhibits “F and “H” which treats both pre and post development stormwater.

The new elevated pool area over existing deck will be built to meet FEMA Building Code Standards. The LDC waterfront setback goal of maintaining water quality via setback standards is met by stormwater system which captures any new runoff plus existing runoff. The application text matrix addresses the LDC variance standards.

Please review for completeness; a filing fee of \$400.00 per County regulations is enclosed. Thank you

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V-21-12

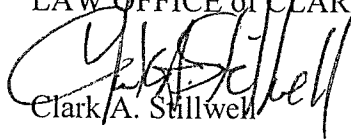
Land Development Division

Packet Pg. 45

Attachment: Applicant's submittal (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)

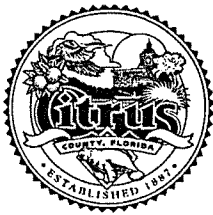
Very truly yours,

LAW OFFICE of CLARK A. STILLWELL, LLC


Clark A. Stillwell

CAS/cv
Enclosure
Client

Attachment: Applicant's submittal (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)

**Board of County Commissioners**

DEPARTMENT OF GROWTH MANAGEMENT

LAND DEVELOPMENT DIVISION

3600 W. Sovereign Path, Suite 140

Lecanto, FL 34461

Telephone: (352) 527-5239 TTY Dial 711

Web Address: www.citrusbocc.com**CITRUS COUNTY LAND DEVELOPMENT CODE
VARIANCE APPLICATION**

Application No.: _____ Date: _____

* Written Authorization is required if Applicant is different than Owner.

Applicant*Name: Law Office of Clark A. StillwellAddress: PO Box 250City: InvernessState: Florida Zip: 34451

Home No.: _____ Cell No.: _____

Work No.: 726-6767 Fax No.: 726-8283Email: caslaw@tampabay.rr.com**Property Owner**Name: Miles and Colette HallAddress: 798 Oakdale RD NECity: AtlantaState: GA Zip: 30307

Home No.: _____ Cell No.: _____

Work No.: _____ Fax No.: _____

Email: _____

Property Description: Section: 24 Township: 18 South Range: 16 EastLegal Description: See Exhibit "A"Subdivision: 003530 Unrec tracts 24-18-16 Lot(s): _____ Block/Parcel: _____Alternate Key #: 1003067 Parcel ID: _____Is this hearing being requested as a result of a Code Violation Notice? Yes _____ No X

If "Yes", explain on a separate sheet and attach a copy of the Notice of Violation.

Variance Request: Variance for waterfront setback, LDC Sections 3500-3502, for existing improved lot of record to add accessory use.**State hardship that justifies the granting of the variance:** See Exhibit "F"

I am aware that if the property cannot be located using information from the submitted application, this application may be rescheduled to a later hearing date. I also understand that a sign must be placed (and marking flags may be placed) on the property by the Land Development Division at least seven days prior to the scheduled meeting.

I understand that approval for the proposed use shown hereon does not in any way relieve me of the responsibility of observing and complying with any deed restrictions applicable to the subject property.

I hereby authorize Citrus County or its agents to enter upon the property, which is the subject of this application and the date of the hearing thereon, at any time between the hours of 8:00 AM and 5:00 PM for the purpose of gathering any information relevant to this application.

I DO HEREBY SWEAR THAT THE INFORMATION CONTAINED HEREIN AND THE ATTACHMENTS HERETO ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

STATE OF FLORIDA
COUNTY OF CITRUS

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Clark A. Stillwell, who is personally known to me or provided _____ as identification and who did not take an oath.

WITNESS my hand and official seal this 28th day of June, 2021Carla Venard
Printed Name

Notary Public - State of Florida

For Staff Use Only

Date: _____

Time: _____

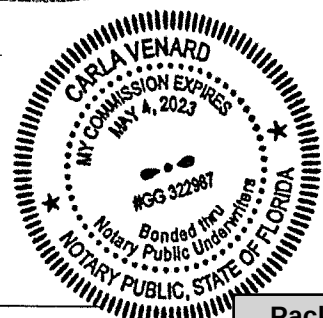
Initials: _____

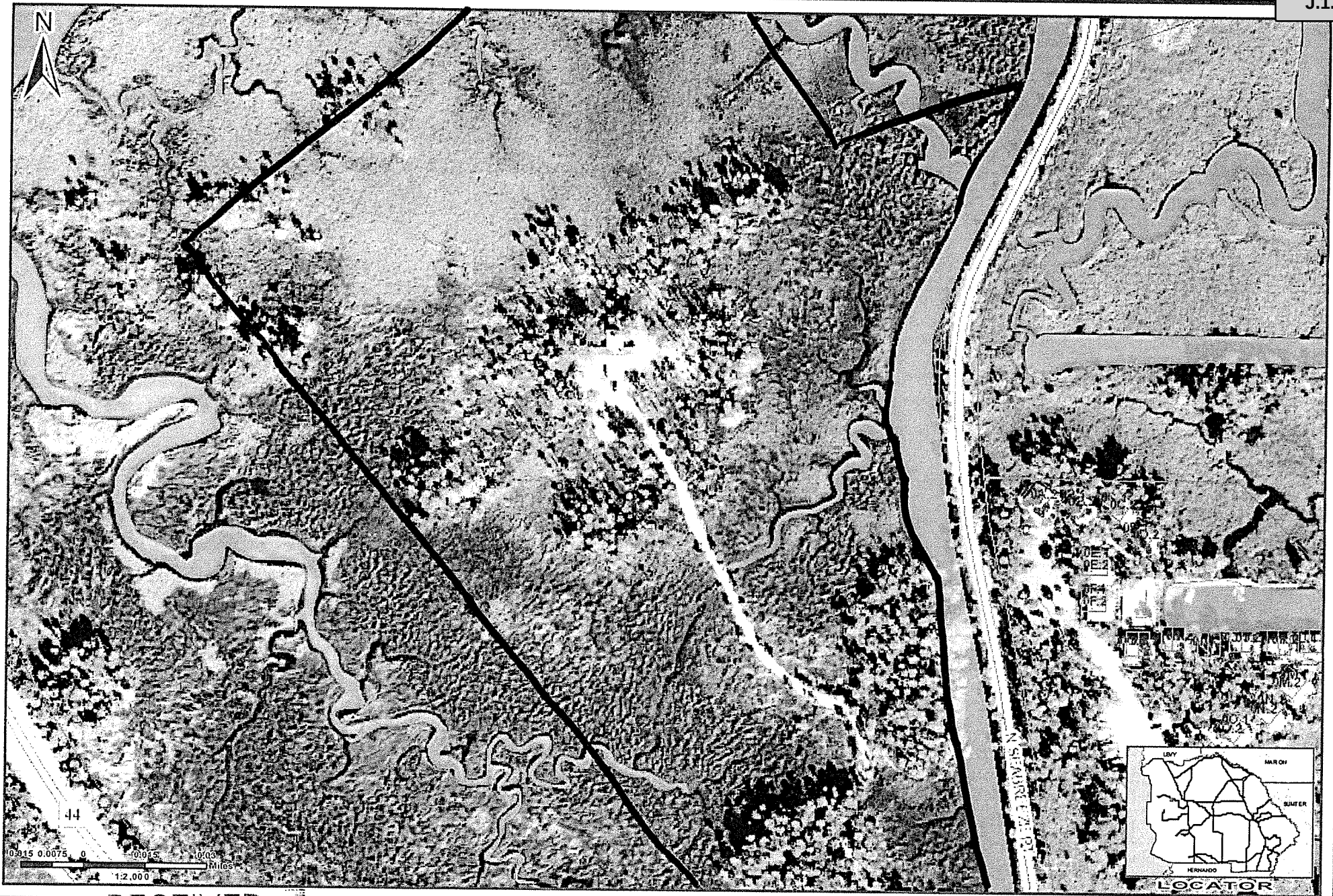
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V-21-12





DESCRIPTION	1. General 2. Physical 3. Chemical 4. Biological 5. Environmental 6. Other
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DEATH NOTICE
 DEATH NOTICE
 DEATH NOTICE

[illegible]

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1902	100	100
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14	1/1/19	23:00	23.0	23.0	23.0	23.0
15	1/1/19	24:00	24.0	24.0	24.0	24.0



APPARENT FLOOD HAZARD ZONE: "A" COMPANY PARCELS 120170017 OFF LOT 120170017 DATE 09/26/2011

TIS SURVEYORS AND MAPPERS, INC.

[illegible]

1. Name of the person or organization 2. Address 3. City 4. State 5. Zip	6. Date 7. Time 8. Location
--	-----------------------------------

11/14/2001

CONCRETE, COMB- COMBINED V./B. POKK, EQUALLY
NO. FRNT- FOURTH FLOOR, 4TH F. FCM- FORMED CON-
FOOTE, FIRM- PERMANENT SUPPORTING STRUCTURE

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MINY PAGE NO. 120170517 OF 121212 DATE 09/20/2018

CLASS	225	THESE CLASSES COVER THE SAME EXTENT OF AREA AS THE PREVIOUS ONE, CLASSES 210 AND 220, BUT THE STAFFING IS DIFFERENT.
CLASS	226	THESE CLASSES COVER THE SAME EXTENT OF AREA AS THE PREVIOUS ONE, CLASSES 210 AND 220, BUT THE STAFFING IS DIFFERENT.

44A	PL/SDA ADMINISTRATIVE CONC. PLAINTEXT TO POLY IN 872A-27 PL/SDA 77A1110
188	

FOOTPLAND 12709	100 % 100% (47)	100%
5.7M	100% 100% 100%	100%

24 1972-1980

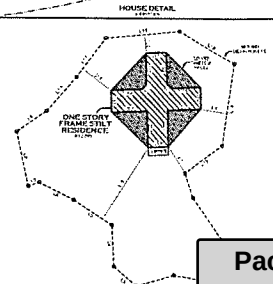
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V-21-12

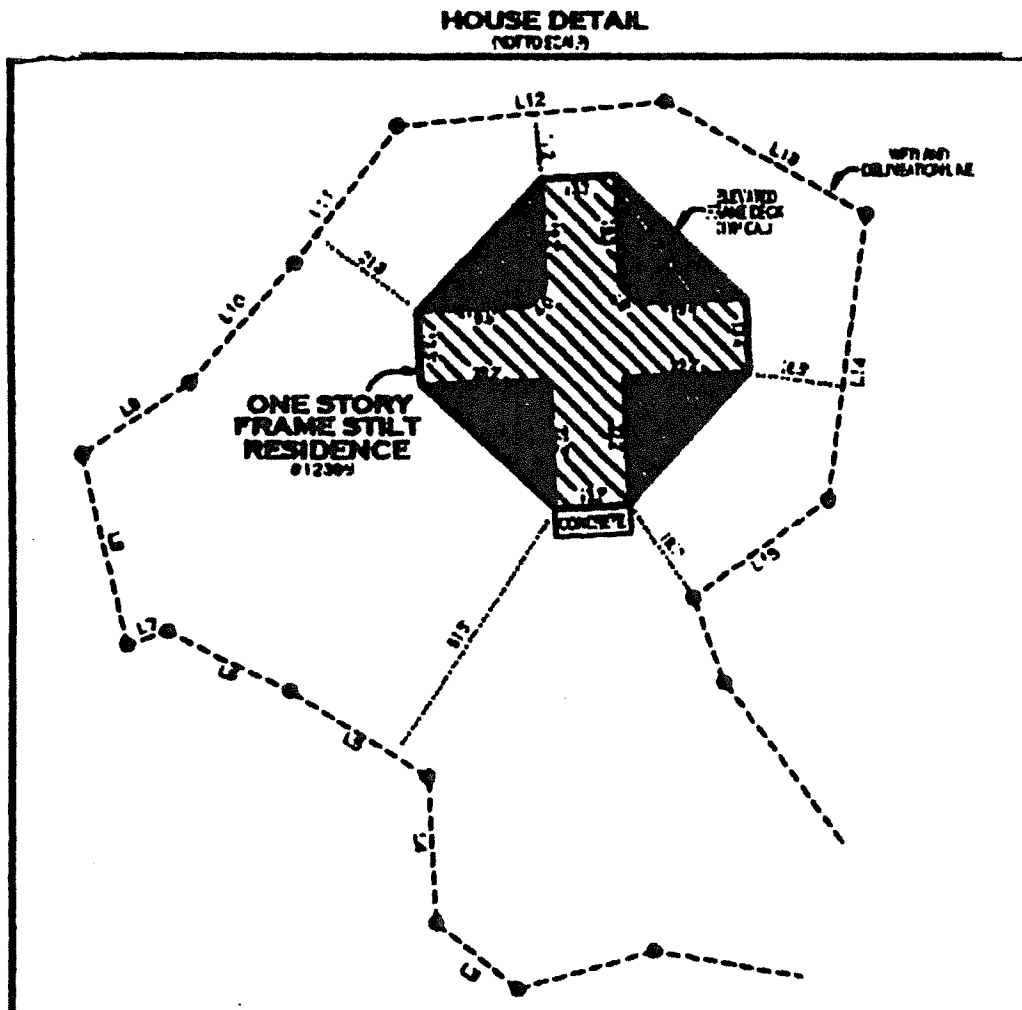
Latent Development Division



Packet Pg. 49

Attachment: Applicant's submittal (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)

Exhibit "C-2"

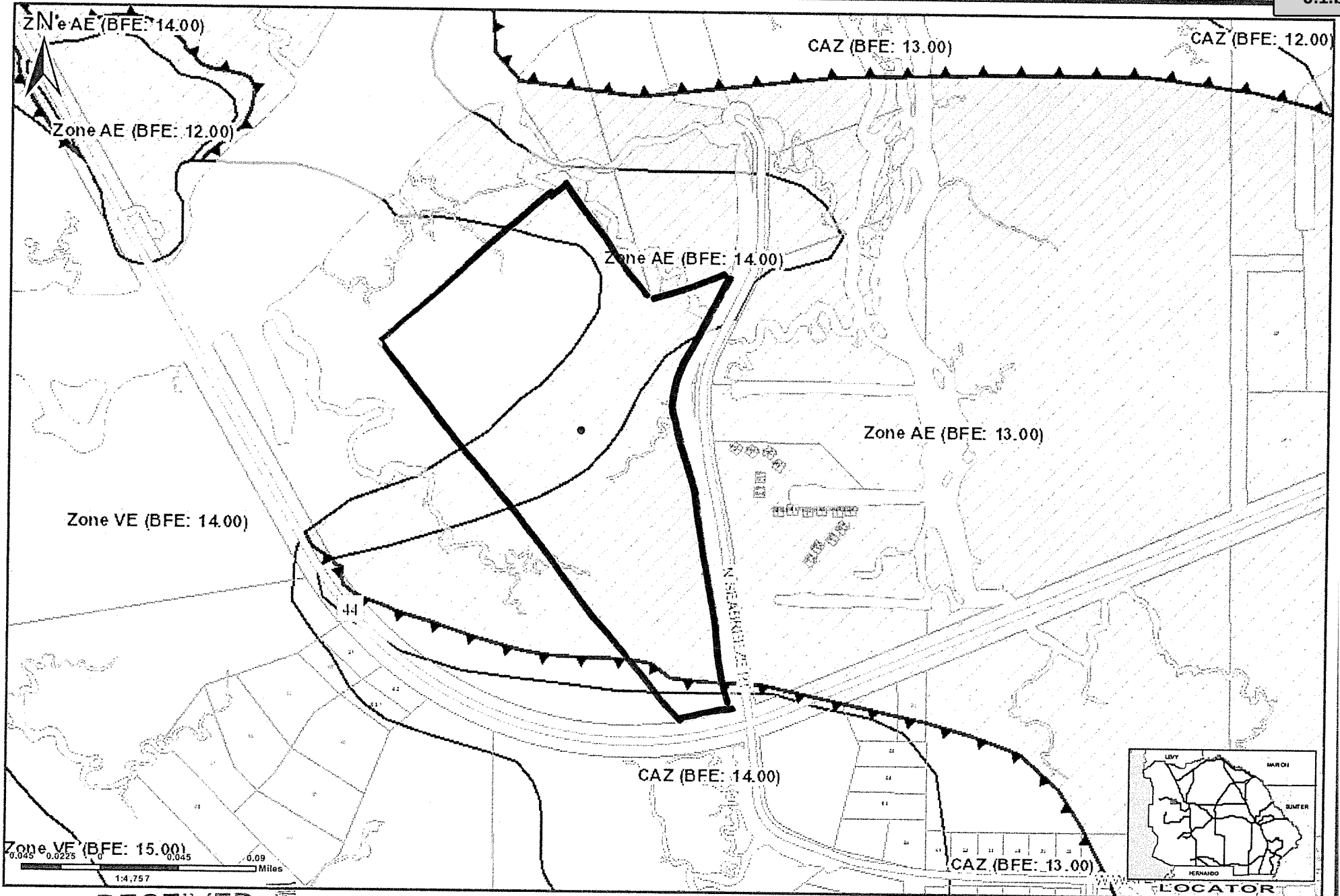


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JUL 01 2021

V-21-12

Land Development Division



RECEIVED

JUL 01 2021
V-21-12

FIRM Map

Geographic Information Systems

Prepared By : Web User
Date: 5/18/2021
Source: Enterprise Goodatabase
Copyright © 2014 Citrus County B.O.C.C.

Cynthia Skehan
Director



Exhibit “E” - Application Text

- I. Background: The subject waterfront parcel is located west of Crystal River on Fort Island (see aerial Exhibit “B”). The C/L parcel is 23.31 acres and is irregularly shaped. A large majority of the parcel is the wetlands. The MHWL and wetland boundaries irregularly meander throughout the parcel. The upland portion of parcel represents 0.51 acres (MOL) which includes the driveway. This represents 0.022% of the 23.31 acres per Property Appraiser records. The survey, Exhibit “C” reflects the narrow access road and a circular upland area (0.51 acres). The parcel has one (1) single family residence thereon which was built in 1980. The residence is in a shape of a cross. Residence is 2,418 sq. ft. under roof. Access is via a narrow driveway off Ft. Island Trail. There are no abutting approximate residential uses north of Ft. Island Trail in this area. Actual uses are commercial shrimp docks to the west, a large marina to the north and east and a 32 unit condominium – Sawgrass Landings to east. Sawgrass Landing has a 22x40 ft. (MOL) pool directly off the waterline. The parcel has regional water service and onsite wastewater. The onsite wastewater system was repaired and upgraded in year 2021. Flood zone is A/E, Exhibit “E”. The request is for an accessory pool use to existing residential use.

As stated, the parcel and the useable upland areas are irregularly shaped. The existing residence sets into 35 foot setback (see Exhibit “C-2”). Exhibit “F” identifies the setback encroachment proposed of 10 ft. to a closest point of 25 ft. which tapers off to a point outside of setback. The deck and pool size is 774 sq. ft. (MOL), of which 275 sq. ft. (MOL) is in the 35’ setback area. A majority (65%) of the pool and deck lies outside of the 35 foot setback area. The stairs (pervious) are located in the 35 foot setback. Note per Florida’s Building Code the pool area must have two (2) entrances/exits.

Applicant proposes stormwater system to capture pre and post development with gutters. This system is designed for OFW standards as set forth in LDC criteria as if a new residence. Existing ISR ratio is 1.20%; proposed ISR is 1.28%. (Exhibit “H”); an increase of just 0.08% (<1%).

II. Variance Standards:

LDC Section 4400 (C)(1-8)	Applicant Response
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to land, structures, or buildings in the same land	Before the house was built, the parcel’s upland area of 12,000 sq. ft. (MOL). is extremely limited, circular in design, which is surrounded by wetlands and MHWL. The size and shape of the uplands is unique and peculiar to the parcel. The existing and prior or current owners did <u>not</u> create the factors

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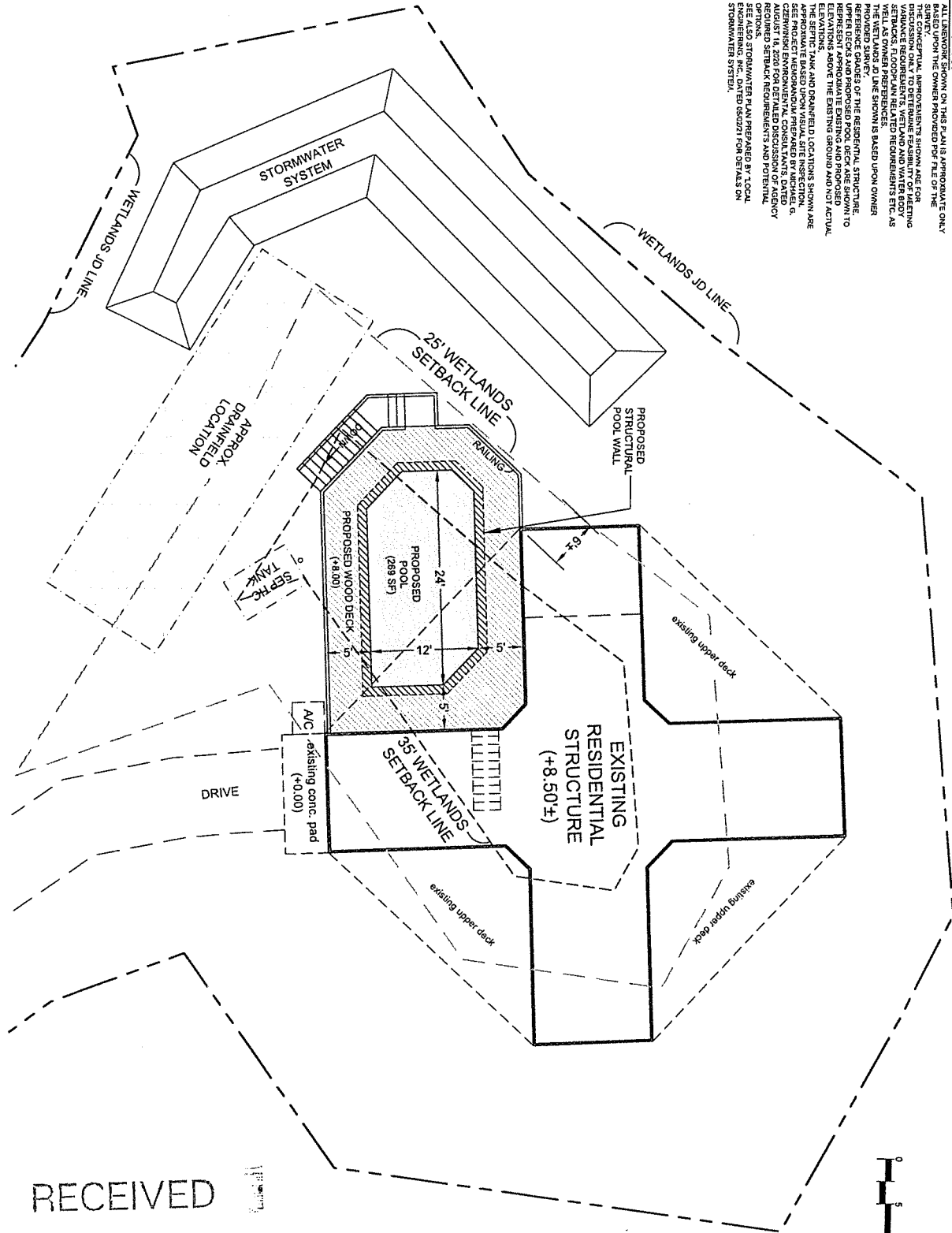
17286

use district.	defining these special conditions. Application of 50 ft. and 35 ft. setbacks to upland area shows an extremely limited buildable area.
2. The special conditions and circumstances do not result from the actions of the applicants.	As stated the parcel was created prior to County zoning codes setting setbacks (1980 code) following shape of waterfront and wetlands. The lot and residence is pre any Code with waterfront setback. Applicant did not create the shape of the upland area or the national functions, to wit wetlands and MHWL which define buildable area and necessitate a variance. Need for variance arises out of lot shape; <u>not</u> action of applicant. See: <u>City of Coral Gables v. Geary</u>, 383 So. 2d 1127, Fla 3rd DCA 1980) where court stated as follows: As we indicated in <u>Wilson v. Borough of Mountainside</u>, 42 N.J. 426, 452-453, 201 A.2d 540 (1964), when neither the owner *1129 of the lot at the time of adoption of the zoning ordinance . . . nor a subsequent owner, did anything to create the condition . . . for which the variance is sought, a right to relief possessed by the original owner passes to the successor in title. <u>Such right is not lost simply because the succeeding owner bought or contracted to buy with knowledge of the . . . restriction.</u> See 2 Rathkopf, Law of Zoning & Planning, c. 48, p. 48-20 (3d ed. 1966). (e. s.)(<i>emphasis supplied</i>)
3. A granting of the variance requested will not confer on the applicant any special privilege that is denied by this code to other lands, buildings, or structures in the same land use district.	The County waterfront setback variances from Section 3501 of the LDC are historically regularly granted to waterfront lots on a case by case basis in C/L and C/L/R district. Two (2) specific examples, V-14-14 in which a pool was granted on an irregular triangular shaped parcel in the Crystal River area. Staff report was positive as to variance standards being met (see Exhibit "J-1"). More recently, V-17-11, on a Crystal River peninsula parcel surrounded by water, a setback variance was granted to a distance of 25 feet - see Exhibit "J-2". Both variances were granted from LDC variance standards at time which are basically identical to current LDC variance standards.
4. Literal interpretation of the provisions of this code which [would] deprive the applicant of rights commonly enjoyed by other similarly situated properties and would work unnecessary and undue	Size and irregular shape upland area is unnecessary hardship peculiar to land. As noted the existing residence already exists in setback. The developable footprint less than size of existing house. Public purpose of setbacks – aesthetics and

hardship on the applicant.	water quality are both preserved. New and existing stormwater impacts are addressed. The latter enhanced by engineering plan addressing pre and post drainage. The above text (No.3) identifies two (2) similar variances in the Crystal River area/water basin. Others exist; County records reflect > 5000 residential pools in Citrus County. Applicant seeks rights (accessory pool uses) commonly enjoyed by others in Citrus County. There is no aesthetic impact given locale of parcel and surrounding higher intensity uses.
5. The variance granted is the minimum variance that will make possible the reasonable development and/or use of the land, building, or structure.	The request variance is the minimum in the context of a <u>reasonable</u> development standard, it conforms to limited area as to size. An accessory pool on waterfront parcels is a "reasonable" development in the area west of US 19. The original applicants design was 336 ft. pool size with a deck of 772 sq. ft. Applicants pre filing modifications have resulted in a reduction of 30% with a small area of encroachment.
6. The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the area involved or otherwise detrimental to the public welfare.	The intent of Code Section 3500 is to address stormwater impacts of development near waterbodies. Here the stormwater impacts are addressed and enhanced. There is no injury to the area or public. Water quality is addressed and improved via engineering design system. The ISR is well below code standards
7. There will be full compliance with any additional conditions and safeguards which the PDC may prescribe, including but not limited to reasonable time limits within which the action for which the variance is required shall be begun or completed, or both.	As to conditions, applicant proposes the following: a. Retain 100% guttering of residence and direct rain water into proposed DRA b. Engineered stormwater system addressing (pre and post) flows to LDC standards c. Any decking and access stairs will qualify as impervious area per code
8. Granting of the variance will not deviate from the clear intent of the adopted Comprehensive Plan.	Land use plan does <u>not</u> specifically address the issue of waterfront setback for existing improved lots. Plan policy 3.11 states [50 foot setback] is for <u>new</u> lots. The standards of Plan Policy 3.13 are applicable "during construction" and will be met. By use of the engineered system, Policy 3.1.7 is addressed. The engineered stormwater system will meet Plan Policies 3.1.9 and 3.1.10.

III. Conclusion: The above demonstrates code compliance standards.

- PLAN NOTES:**
1. ALL LINES SHOWN ON THIS PLAN IS APPROXIMATE ONLY, BASED UPON THE OWNER PROVIDED PDF FILE OF THE CONCEPTUAL IMPROVEMENTS SHOWN ARE FOR DISCUSSION ONLY TO DETERMINE FEASIBILITY OF SETBACKS, FLOODPLAIN RELATED REQUIREMENTS ETC. AS WELL AS OWNER PREFERENCES.
 2. THE CONCEPTUAL IMPROVEMENTS SHOWN ARE FOR DISCUSSION ONLY TO DETERMINE FEASIBILITY OF SETBACKS, FLOODPLAIN RELATED REQUIREMENTS ETC. AS WELL AS OWNER PREFERENCES.
 3. THE CONCEPTUAL IMPROVEMENTS SHOWN ARE FOR DISCUSSION ONLY TO DETERMINE FEASIBILITY OF SETBACKS, FLOODPLAIN RELATED REQUIREMENTS ETC. AS WELL AS OWNER PREFERENCES.
 4. REFERENCE GRADES OF THE RESIDENTIAL STRUCTURE, APPROXIMATE BASED UPON THE EXISTING GROUND AND NOT ACTUAL ELEVATIONS.
 5. APPROXIMATE BASED UPON THE EXISTING GROUND AND NOT ACTUAL ELEVATIONS.
 6. SEE PROJECT MEMORANDUM PREPARED BY MICHAEL G. HARRIS ENGINEERING FOR SETBACK REQUIREMENTS AND POTENTIAL OPTIONS.
 7. THE STORMWATER PLAN PREPARED BY LOCAL ENGINEERING INC. DATED 08/01/2017 FOR DETAILS ON STORMWATER SYSTEM.



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V-21-12

Land Development Division

SHEET L1 OF 1		Paul G. Clark 11773 SW 11th Street Fort Lauderdale, FL 33309 954-571-1172 paul@clarkstillwell.com
		11773 SW 11th Street Fort Lauderdale, FL 33309 954-571-1172 paul@clarkstillwell.com

**MILES HALL
POOL PLAN**

12395 Fort Island Trail
Crystal River, Florida

**SITE PLAN FOR
SWIMMING POOL
ADDITION**

PLAN REVISIONS	
DATE	DESCRIPTION

Exhibit "G"

Michael G. Czerwinski, P.A.
 ENVIRONMENTAL CONSULTANTS MGC

PROJECT MEMORANDUM

Project: 12395 Fort Island Trail Wetland Delineation
To: Miles Hall, Prospective Buyer hallmiles@comcast.net
CC: Kyle Messier, Trotter Realty Kylemessier82@gmail.com
From: Andrew Holland, Environmental Scientist
 MICHAEL G. CZERWINSKI, P.A., ENVIRONMENTAL CONSULTANTS
Date: August 18, 2020
Subject: Results of Wetland Line Delineation Assessment

Miles Hall contracted with MICHAEL G. CZERWINSKI, P.A., ENVIRONMENTAL CONSULTANTS (MGC) to inspect the subject site and delineate the wetland-upland boundaries. The subject site was inspected on August 14, 2020 by Andrew Holland, Environmental Scientist with MGC. The subject site is 23.31 acres (MOL) (based on Citrus County Property Appraiser (CCPA) records) and comprised of a single parcel with listed physical address 12395 Fort Island Trail (parcel altkey 1003067) in Crystal River, Citrus County, Florida. It is our understanding the owner is considering development of a pool addition on-site, requiring the wetland limits be delineated for verifying Citrus County Land Development Code (LDC) setback requirements. The parcel is improved, with an existing residence, a long winding limestone drive access from Ft Island Trail and other associated improvements, though with the majority of the parcel comprised of saltmarsh wetlands and tidal channels. The subject site is located directly adjacent (to the north) of Fort Island Trail, with the drive access roughly 2,000' southwest of the Salt River bridge. The property is bound by vacant salt marsh parcels to the north and west, Seabreeze Point to the east, and Ft. Island Trail to the south. The entire property is located within a FEMA 100 Year "VE" Flood Zone, according to the FEMA floodzone mapping database. Ultimately, the assessment determined the majority of the parcel to be wetlands, but with an upland drive access and central residential development area.

Soil mapping data was reviewed in advance of the site assessment. The Natural Resources Conservation Service (NRCS) soil database identifies two soil mapping unit on-site: Weekiwachee-Durban Mucks, and Candler Fine Sand. According to the NRCS, Candler Fine Sand is an uplands soil unit, with a depth to seasonal high water (SHW) approximately 7" below the soil surface; Candler is only identified as occurring around the central home site area. Weekiwachee-Durban Mucks is a hydric (wetland) soil, with a SHW above the soil surface in most years. According to SWFWMD lidar data, the elevations on site are relatively flat, generally between 1-2' (NAVD88), but with an elevated mound area at the existing residence of elevation 2-4'.

The vast majority of the property (approximately 22.8 acres, MOL) was delineated as wetlands based upon FDEP / USACE wetland jurisdiction criteria. One wetland line was established on-site to demarcate the limits of upland / wetland boundary on-site. There is a roughly ¼ acre upland associated with the existing residence in the central portion of the property, and another ¼ acre upland associated with the existing drive access from Ft. Island Trail.

Uplands on-site are comprised of existing residential development areas and fringe hardwood hammock. The upland tree canopy on-site includes live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), and red cedar (*Juniperus virginiana*). The ground cover includes St. Augustine grass (*Stenotaphrum secundatum*), bahiagrass (*Paspalum notatum*), beggarticks (*Bidens alba*), turkey tangle fogfruit (*Phyla nodiflora*), and tropical Mexican clover (*Richardia brasiliensis*). Soils within upland areas are principally gray fine sand (10YR 5/1) to a depth of 2-6" below the soil surface, with no hydric soil indicators present in the upper 6" of the soil profile. Limestone is frequently encountered at or near the soil surface.

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Phone (352) 249-1012 • Fax (352) 249-1013 • E mail: mczerwinski@mgcenvironmental.com

One wetland line was delineated on-site. Wetland Line A delineates the edge of the central residential development area and winding drive access from Fort Island Trail. Wetland Line A contains points WA-1 through WA-53end (in numerical order). Vegetation noted within wetland areas on-site includes a sparse canopy of cabbage palm, with mostly saltmarsh areas dominated by needle rush (*Juncus roemerianus*), saltgrass (*Distichlis spicata*), giant leather fern (*Acrostichum danaeifolium*), red mangrove (*Rhizophora mangle*), saltwater falsewillow (*Baccharis angustifolia*), Eurasian watermilfoil (*Myriophyllum spicatum*), and bigleaf sumpweed (*Iva frutescens*). Wetland soils are comprised of a surface layer of mucky mineral over muck coated sands to 10", meeting NRCS hydric soil indicators S7 and A7. Hydrologic indicators include tidal water stain lines on trees, standing water, saturated soils, and fiddler crab burrows.

Ultimately, our investigation revealed the majority of the site to be wetlands (roughly 22.8 acres, MOL), with uplands present around the existing central residence. The uplands are directly accessible from Fort Island Trail. Proposed future structural improvements will need to comply with Citrus County Land Development Code (LDC) requirements. The LDC typically requires that structures be setback 50' from wetlands, which can usually be reduced to 35' through creation of a berm & swale system designed to intercept stormwater runoff. However, the site is currently mapped as falling within a VE (velocity zone) FEMA floodzone, which requires a mandatory 50' structural setback from wetlands / mean high water line under the LDC. A review of proposed flood zone revisions (see map exhibits) indicates this site is proposed to fall just east of the LIMWA (Limit of Moderate Wave Action) Line, and therefore should no longer be considered a Coastal A or VE flood zone if / when these flood zone revisions are adopted. However, it is not clear at this time exactly when these revisions will be adopted. A cursory review of approximate wetland setbacks in the central upland area indicates there is essentially no potential building space for a pool under the currently required 50' setback; however, if the flood zone change is adopted, then there may potentially be a roughly 25-30' x 15-20' pool development area off the southwest residence corner. **However, it is critical to note this is based off a handheld gps recording and the wetland line around the home would need to be surveyed by a professional land surveyor and depicted on a site plan to determine the precise potential development area available under a 35' wetland setback.**

Recommendations:

The following recommendations should be followed prior to further consideration in purchasing the property

- 1) The Citrus County Planning and Development Department should be contacted to determine if / when the flood zone changes may be approved, and to reconfirm the change to required wetland setbacks and any other potential setback issues due to the extremely small potential development area present under a 35' wetland setback.
- 2) If the County provides satisfactory information such that development could potentially proceed within desired timeline, then the wetland line will need to be surveyed and site plan drafted to determine precise development area available and make sure this will meet owners requirements.
- 3) There is the option to apply for a hardship variance to reduce wetland setback down to 15', however this is a time consuming process and applications are reviewed and approved / denied on a case by case basis, with no guarantee of obtaining County development approval. Therefore, this should only be considered / pursued as a last resort.



Photo 1. Photo of the existing residence within the central upland area on-site.



Photo 2. A photo of the winding limestone base drive access present on-site.



Photo 3. Photo of typical saltmarsh wetlands which comprise the majority of the property



Photo 4. Photo of one of several shrub sized red or black mangroves noted in wetland areas on-site.

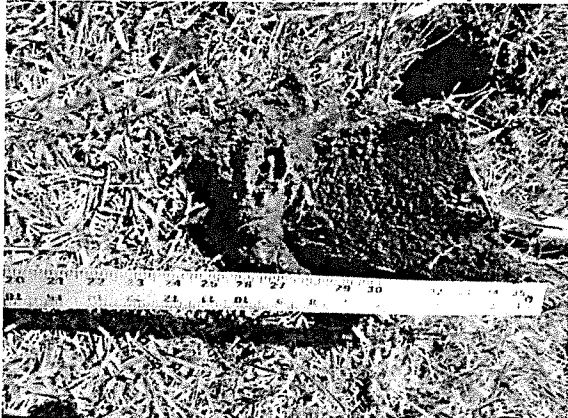
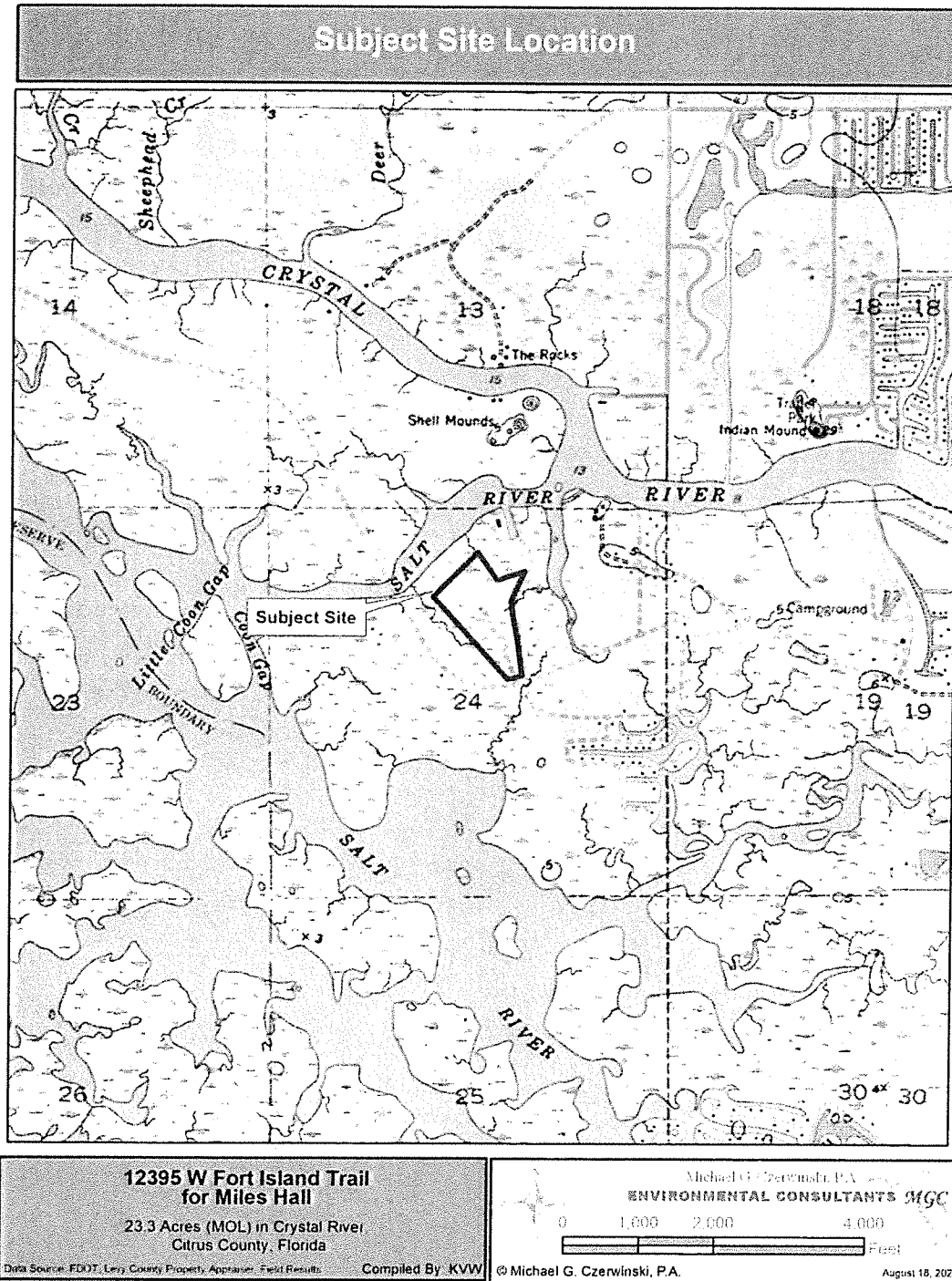


Photo 5. Photo of typical wetland soil profile meeting NRCS mucky mineral (A7) and dark surface (S6) hydric soil indicators



Photo 6. A photo of a culvert under the driveway crossing through a tidal stream on-site.

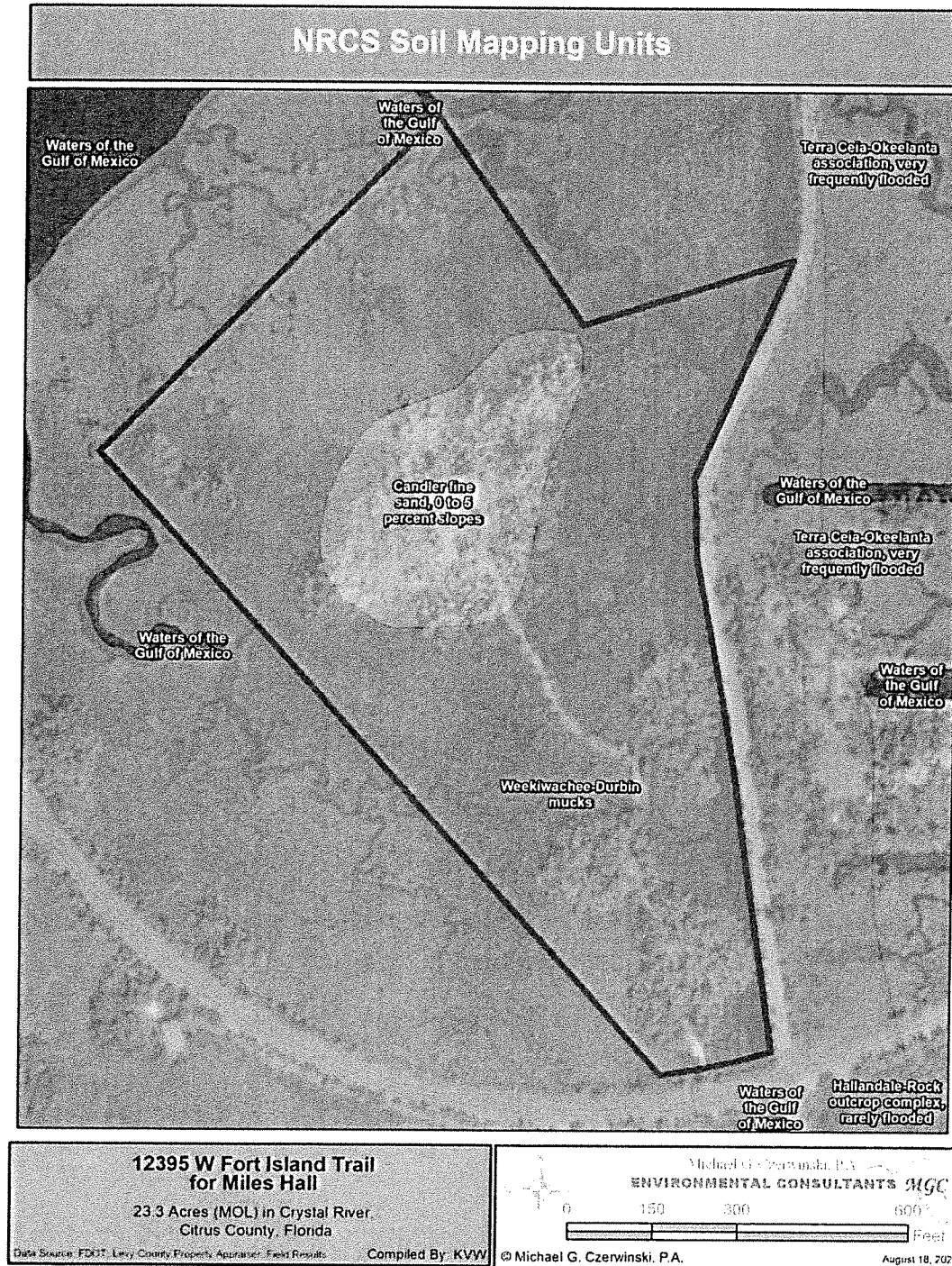
Michael G. Czerwinski, P.A.
ENVIRONMENTAL CONSULTANTS MGC



This map is for informational purposes only. This is not a survey. Boundaries are approximate.

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Michael G Czerwinski, P.A.
ENVIRONMENTAL CONSULTANTS *MGC*



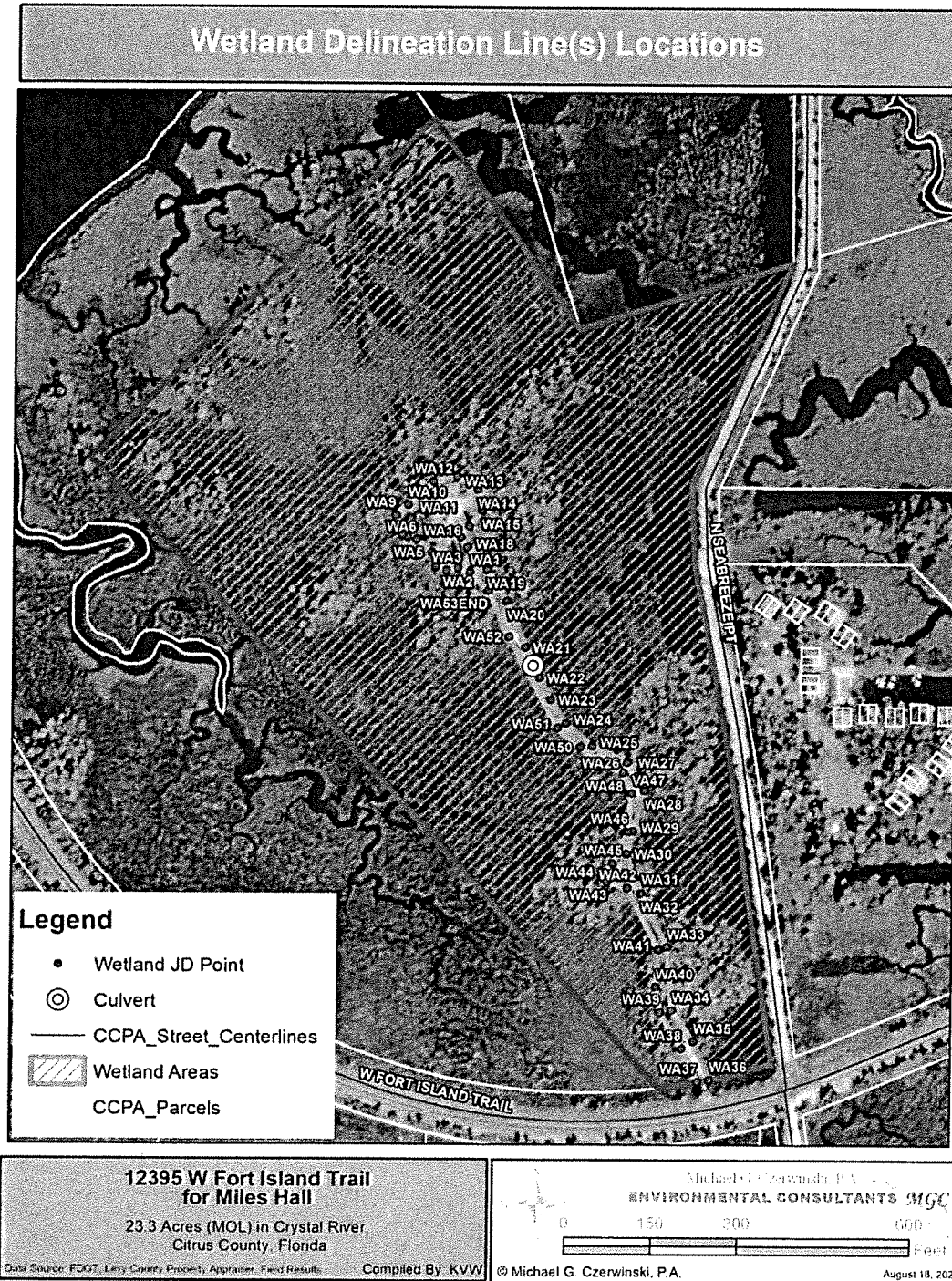
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Phase I ESA's • Wetland Delineation • Sinkhole Probability & Evaluation • Listed Species & Habitat Assessments & Mapping • Cultural Resource Assessments • Water Quality Studies • Environmental Impact Assessment

Michael G Czerwinski, P.A.
ENVIRONMENTAL CONSULTANTS MGC



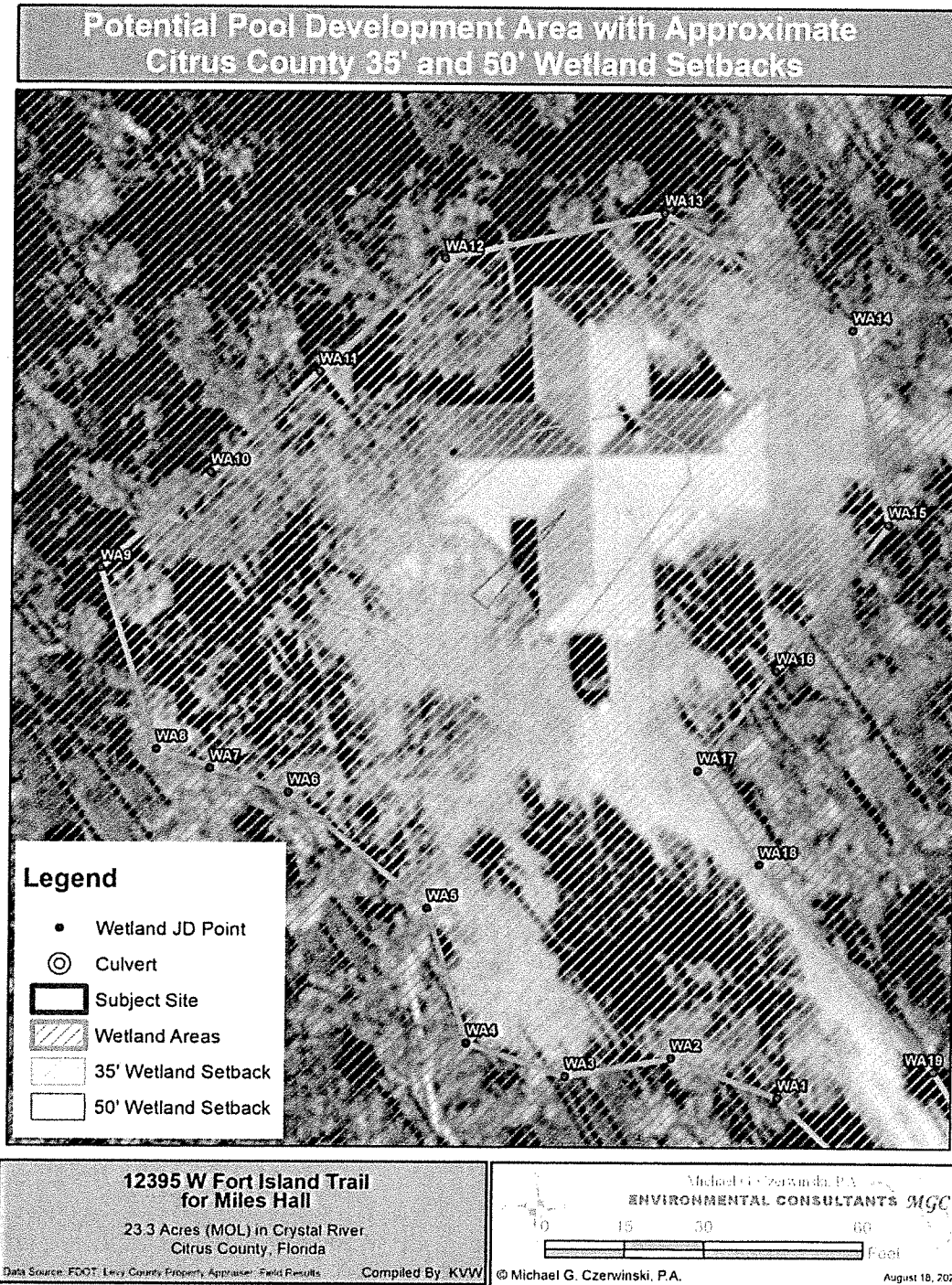
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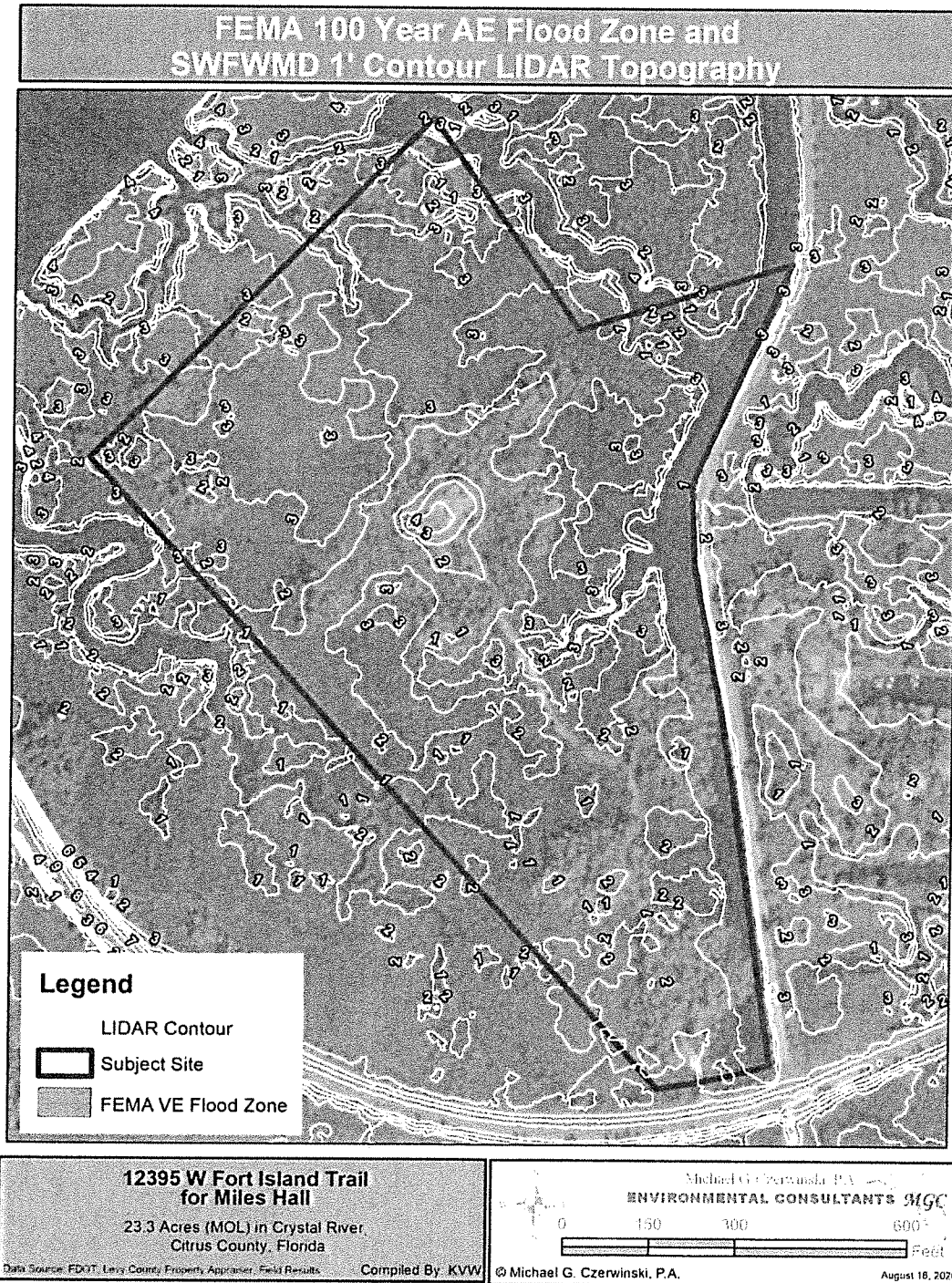
Michael G. Czerwinski, P.A.
ENVIRONMENTAL CONSULTANTS *MGC*

PROPOSED FLOOD MAP



Attachment: Applicant's submittal (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)

Michael G Czerwinski, P.A.
 ENVIRONMENTAL CONSULTANTS *MGC*



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HALL RESIDENCE
Proposed Pool Addition



HALL RESIDENCE
Proposed Pool Addition

Exhibit "J-1"



Board of County Commissioners
 DEPARTMENT OF PLANNING AND DEVELOPMENT
 LAND DEVELOPMENT DIVISION
 3600 W. Sovereign Path, Suite 141
 Lecanto, FL 34461
 Telephone: (352) 527-5239 Fax (352) 527-5428
 Toll Free (352) 489-2120 TTY (352) 527-5312

**CITRUS COUNTY LAND DEVELOPMENT CODE
 VARIANCE APPLICATION**

Application No.: 11-14-14 Date: 9-30-14
 * Written Authorization is required if Applicant is different than Owner.

Applicant*

Name: Benn Pollard
 Address: 6785 W 2 Rivers Dr
 City: Crystal River
 State: FL Zip: 34429
 Home No.: _____ Cell No.: 302 3580
 Work No.: 794 6047 Fax No.: _____
 Email: Tropicalbenn@gmail.com

Property Owner

Name: Robert & Maria Fross
 Address: 9276 N Harbor Isle Ct
 City: Crystal River
 State: FL Zip: 34429
 Home No.: _____ Cell No.: 361-6999
 Work No.: _____ Fax No.: _____
 Email: robert.fross@yahoo.com

Property Description: Section: 28 Township: 18 South Range: 17 East
 Legal Description: Paradise CTBY Club Unit 3 PB 4 PG 47
 Subdivision: Paradise Country Club Lot(s): 6 Block/Parcel: C
 Alternate Key #: 1101433 Parcel ID: 17 E 1 8 S 3301 30000 COM 60

Is this hearing being requested as a result of a Code Violation Notice? Yes _____ No ✓
 If "Yes", explain on a separate sheet and attach a copy of the Notice of Violation.

Variance Request: To build a concrete inground swimming pool which would be improving county set back allowances

State hardship that justifies the granting of the variance: Almost every house on the Harbor Isle Ct. has a swimming pool which has been approved a variance or was grandfathered in.

I am aware that if the property cannot be located using information from the submitted application, this application may be rescheduled to a later hearing date. I also understand that a sign must be placed (and marking flags may be placed) on the property by the Land Development Division at least seven days prior to the scheduled meeting.

I understand that approval for the proposed use shown hereon does not in any way relieve me of the responsibility of observing and complying with any deed restrictions applicable to the subject property.

I hereby authorize Citrus County or its agents to enter upon the property, which is the subject of this application and the date of the hearing thereon, at any time between the hours of 8:00 AM and 5:00 PM for the purpose of gathering any information relevant to this application.

I DO HEREBY SWEAR THAT THE INFORMATION CONTAINED HEREIN AND THE ATTACHMENTS HERETO ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature: Benn Pollard

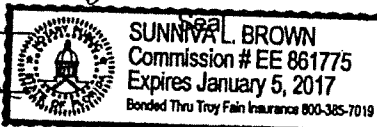
STATE OF FLORIDA
 COUNTY OF CITRUS

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Benn Pollard, who is personally known to me or provided as identification and who did not take an oath.

WITNESS my hand and official seal this 30th day of Sept 2014.

Printed Name

Sunniva L Brown
 Notary Public - State of Florida



For Staff Use Only

Date: 9-30-14
 Time: 11:20
 Initials: SLB

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ATF: NoQTR: SELUD: CLKFZ: ALL/10

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SEP 30 2014

CITRUS COUNTY

V-14-14



Board of County Commissioners
 DEPARTMENT OF PLANNING AND DEVELOPMENT
 LAND DEVELOPMENT DIVISION
 3600 W. Sovereign Path, Suite 141
 Lecanto, FL 34461
 Telephone: (352) 527-5239 Fax (352) 527-5428
 Toll Free (352) 489-2120 TTY (352) 527-5312

FILING REQUIREMENTS FOR VARIANCE APPLICATIONS

- ☒ 1. Completed application (additional sheets may be added if more space is needed).
- ☒ 2. Applicable filing fee as required by Resolution adopted by the Board of County Commissioners. The applicant will also be billed for advertising and postage fees, to be billed at a later date. In accordance with the requirements of the Citrus County Land Development Code (Ord. 12-06 as amended), the applicant is responsible for payment of all costs for public notification of the application review. These costs include notification of abutting property owners by mail and advertising in a newspaper of general circulation. Applicants shall be billed actual costs incurred for public notification. **No application shall be processed for final adoption until all fees are paid.**
- ☒ 3. Proof of ownership and legal description of property (tax notice or deed may suffice).
- ☒ 4. Site plan (**DRAWN TO SCALE**), which shall be no smaller than one inch equals 200 feet on a minimum of an 8 1/2 x 11 sheet. **If the site plan is larger than 8 1/2 x 11, 30 copies will need to be submitted.** Include North arrow to indicate orientation. **SITE PLANS SHALL SHOW THE FOLLOWING INFORMATION:**
 - ☒ A. Lot area and percentage of lot covered (impervious surface ratio).
 - ☐ B. Driveway access location and parking space arrangement included in the site plan.
 - ☐ C. All rights-of-way and easements adjacent to and crossing subject property.
 - ☐ D. All water courses, water bodies, jurisdictional wetlands, and floodplains. The mean high water line (tidal) or line of ordinary high water (non-tidal) must be shown when determining waterfront setbacks.
 - ☐ E. Proposed or existing potable water/well and waste disposal system/septic *Central Sewer & Water*
 - ☐ F. Existing and proposed location of building/structures including heights and separation.
 - ☐ G. All setbacks between building/structures and property lines/waterbodies/jurisdictional wetlands.
 - ☐ H. Any walls or fences – give location, height, and material type.
 - ☐ I. Existing and proposed stormwater management systems including proposed or existing swales and/or berms.
 - ☐ J. Proposed stormwater management systems.
 - ☐ K. Fire hydrant – give location (if provided).
 - ☐ L. Signs – give location, size, and height (as applicable).
 - ☒ M. Loading – give location and dimensions (as applicable).
- ☒ 5. "Letter of Authorization", if applicant is other than owner (form provided).
- ☒ 6. Written directions to the property from Department of Development Services office.
- ☒ 7. Signed "Appeal Notice" (form provided).
- ☒ 8. Flood Zone designation including base flood elevation.
- ☒ 9. A survey, no more than one year old or re-certified by the original surveyor no more than one year prior to the application date. (NOT applicable for residential applications).

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

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Return this application to:
 CITRUS COUNTY LAND DEVELOPMENT DIVISION
 3600 W Sovereign Path, Suite 141
 Lecanto, FL 34461

SEP 30 2014

CITRUS COUNTY

Signature: _____

Date: _____

9-30-14

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V-21-12

Attachment: Applicant's submittal (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)



LES COOK, C F A

CITRUS COUNTY PROPERTY APPRAISER

Commitment ~ Innovation ~ Respect ~ Integrity ~ Service

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Citrus County Property Appraiser - Current Taxroll In Work As Of: 22-SEP-14

Owner & Property Information

Altkey 1101433
 Owner Name FROSS ROBERT & MARIA
 Mailing Address 7158 SE 12TH CIR
 OCALA FL 34480
 Site Address 09278 W HARBOR ISLE CT CRYSTAL RIVER

[Print Property Card \(Pdf\)](#)
[GIS Map Viewer](#)
[2014 TRIM \(Original as mailed\)](#)
[Tax Estimator](#)

[Oblique View \(Pictometry\)](#)



1101433 04/12/2016

Parcel Identification	Neighborhood Code	PC Code / Desc.	Millage Code / Desc.	Map Sec	Map Twp	Map Rng
17E18S330130 000C0 0060	2180	(01) SINGLE FAMILY RESIDENTIAL	(0000) COASTAL	28	18	17

Tax History

Year	Pc Code	Market / Just	Assessed	Exemptions	Taxable	Tax Levy	Land Value	Improvements	Cost	Direct Sales Est.
2013	01	\$242,720	\$242,720	\$0	\$242,720	\$4,645.07	\$162,864	\$131,032	\$293,896	\$301,200
2012	01	\$256,070	\$256,070	\$0	\$256,070	\$4,055.21	\$169,128	\$135,333	\$304,461	\$316,300
2011	01	\$286,976	\$286,976	\$0	\$286,976	\$4,559.00	\$231,768	\$127,236	\$359,004	\$367,300
2010	01	\$314,610	\$314,610	\$0	\$314,610	\$4,888.16	\$275,616	\$125,945	\$401,561	\$393,400
2009	01	\$319,948	\$319,948	\$0	\$319,948	\$5,203.68	\$275,616	\$143,708	\$419,324	\$415,900
2008	01	\$385,059	\$385,059	\$0	\$385,059	\$6,218.75	\$300,700	\$154,864	\$455,564	\$484,500
2007	01	\$394,600	\$394,600	\$0	\$394,600	\$8,205.92	\$300,700	\$170,058	\$470,758	\$491,100
2006	01	\$393,300	\$138,400	\$25,000	\$113,400	\$1,871.04	\$300,700	\$140,266	\$440,966	\$468,000

Sales and Transfer History

Book	Page	Month	Year	Instr. Code	Transfer Code	Vac. / Imp.	Sale Price
2638	0820	08	2014	WARRANTY DEED	NONE	I	\$375,000
1985	1252	03	2006	WARRANTY DEED	NONE	I	\$450,000
0537	1371	03	1979	WARRANTY DEED	NONE	I	\$104,000

Full Legal Description

PARADISE CTRY CLUB UNIT 3 PB 4 PG 43 LOT 6 BLK C

Planning and Building Permits

Bldg #	Permit #	Amount	Issue Date	Occ. #	Occ. Date	Description
00	201105416	\$7,200	26-JUL-11			REROOF TEAR OFF TILE & REPLACE W SHINGLES***NOC IN
00	200614086	\$21,550	11-DEC-06			CONSTRUCTION OF A 4'X96' DOCK INSTALL 22 PILINGS &
00	9307857	\$9,580	01-NOV-93			GLASS & SCRNM RM

Land Value Summary

Land Line	Land Use	Zoning	Front Actual/Std/Err	Depth Actual/Std	Unit Type / Description	Units
001	SFR CANAL FRONT	CLR	224/100/125.28	133/0	EF EFFECTIVE FRONT FOOT	171

Building Characteristics

Building #	Bldg Type	Beds	2 Fixture Baths	3 Fixture Baths	4 Fixture Baths	Year Built	FLA Area
01	RESIDENTIAL	3	0	3	0	1977	1,748

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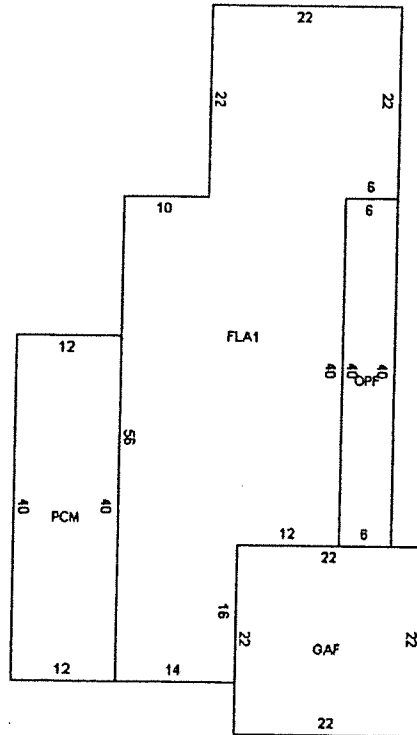
SEP 01 2014
 V-21-12
 Land Development Division

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SEP 30 2014

CITRUS COUNTY

V-14-14



Residential Section Details

Building #	Section #	Year Built	Area	Type / Description
01	01	1977	1,748	FLA
01	02	1977	240	OPF
01	03	1977	484	GAF
01	04	1994	480	PCM

Miscellaneous Improvements

Bldg #	Imprv. #	Type / Description	Length	Width	Unit Type / Description	Unit Type	Year Added
01	001	SEA WALL	0	0	330	LF	1970
01	002	PATIO CONCRETE	40	12	480	SF	1994
01	003	BOAT DOCK	89	4	356	SF	2007

release 1.0

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V-14-14
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Division



Board of County Commissioners
 DEPARTMENT OF DEVELOPMENT SERVICES
 LAND DEVELOPMENT DIVISION
 3600 W. Sovereign Path, Suite 141
 Lecanto, FL 34461
 Telephone: (352) 527-5239 Fax (352) 527-5428
 Toll Free (352) 489-2120 TTY (352) 527-5312

AUTHORIZATION

APPLICATION REQUEST: (check one)

☒ Variance ☐ Conditional Use ☐ Minor Subdivision ☐ Lot Reconfiguration
☐ Plat Vacation ☐ Street Vacation ☐ Comprehensive Plan Amendment
☐ Atlas Amendment ☐ Other (specify): _____

LEGAL DESCRIPTION OF PROPERTY:

Section 28 Township 18 Range 17 Alternate Key # 1101433
 Lot/Parcel 6 Block C
 Subdivision Paradise Country Club

I, Robert Frass, owner of the above described property,
 (Name of Owner)

authorize Benn Pollard of Tropical Pools to
 (Name of Representative) (Name of Business)

serve as agent on my behalf for the purpose of making application for the proposed request. No further authorization is expressed or implied, than that which is described herein.

★ SIGNATURE: [Signature]
 (Signature of Owner)

STATE OF FLORIDA
 COUNTY OF CITRUS

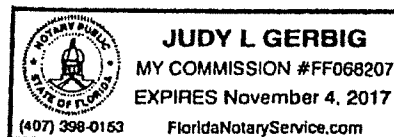
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Robert C. Frass, who is personally known to me or provided _____ as identification and who did not take an oath.

WITNESS my hand and official seal this 29th day of September, 2014

Judy L Gerbig
 Printed Name

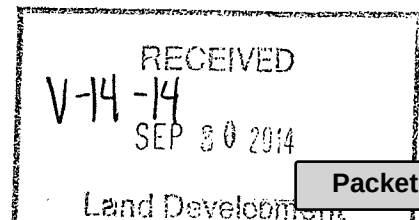
Seal

[Signature]
 Notary Public - State of Florida



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JUL 01 2021
 V-21-12
 Land Development Division





Board of County Commissioners
 DEPARTMENT OF PLANNING AND DEVELOPMENT
 LAND DEVELOPMENT DIVISION
 3600 W. Sovereign Path, Suite 141
 Lecanto, FL 34461
 Telephone: (352) 527-5239 Fax (352) 527-5428
 Toll Free (352) 489-2120 TTY (352) 527-5312

APPEAL NOTICE

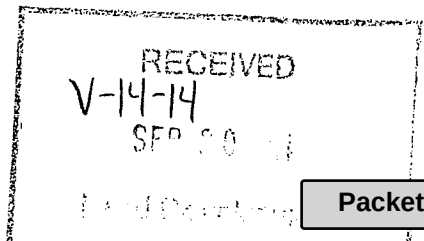
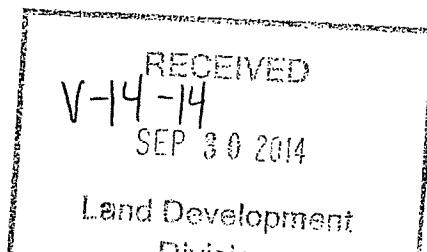
I, the undersigned, understand that the actions of the Citrus County Planning and Development Commission and/or the Board of County Commissioners are subject to Quasi-judicial proceedings which provide for parties in opposition to intervene, cross-examine and/or provide expert witnesses in regard to your application. Further, the actions of the Planning Development Commission and/or the Board of County Commissioners is subject to appeal within 30 days of said action. Appeals of decisions of the Planning and Development Commission and/or the Board of County Commissioners quasi-judicial actions shall be as required by law.

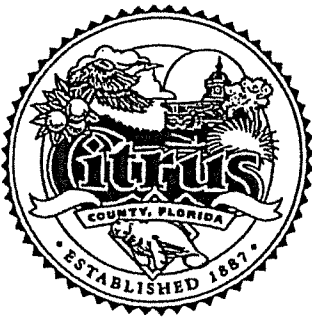
Signature: Bruce Stillwell

Date: 9-29-14

Attachment: Applicant's submittal (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)

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 JUL 01 2021
 V-21-12
 Land Development Division





Board of County Commissioners

DEPARTMENT OF PLANNING AND DEVELOPMENT

3600 W. Sovereign Path, Lecanto, FL 34461-8070

Toll Free (352) 489-2120 TTY (352) 527-5312

Web Address: www.bocc.citrus.fl.us

In reply, refer to:

PL2-14-244

November 24, 2014

COPY

Benn Pollard
6785 W. Seven Rivers Dr.
Crystal River, FL

SUBJECT: Application V-14-14 Pollard for Robert and Maria Fross

Property Location: Section 28, Township 18, Range 17; more specifically Lot 6, Block C, Paradise Country Club Unit 3, Plat Book 4, Page 43, which address is known as 9276 W. Harbor Isle Ct., Crystal River, FL 34429.

Dear Mr. Pollard:

At the November 20, 2014 hearing of the Citrus County Planning and Development Commission (PDC), your request for a variance from the provisions of the Citrus County Land Development Code (LDC) was considered as advertised (public notice will be furnished upon request).

On the basis of the evidence presented at the hearing on this case, your request for a Variance from the Citrus County Land Development Code (LDC) to allow for the construction of a swimming pool having less than the required 50-foot minimum building setback from the mean high water line (35-feet with berm and swale), pursuant to Section 3501, Surface Water Protection Standards, of the LDC was **APPROVED** with the following **THREE CONDITIONS**:

1. The pool shall maintain a minimum 15-foot setback to the outer edge of the concrete seawall, as outlined on the site plan date-stamped September 30, 2014 by the Land Development Division.
2. A tie-in survey demonstrating the maintenance of the required minimum 15-foot setback for the pool to the outer edge of the concrete seawall must be submitted to and approved by the Land Development Division within 21 calendar days.
3. A berm/swale system must be installed between the proposed pool and the concrete seawall. This system is to be installed and maintained in accordance with the Land Development Code.

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V-21-12
JUL 01 2021

Administration	Building	Code Compliance	Geographic Information Systems	Land Development
Suite 109 (352) 527-5220	Suite 111 (352) 527-5310	Suite 147 (352) 527-5350	Suite 140 (352) 527-5544	Suite 141 (352) 527-5220

Pollard for Robert & Maria Fross
V-14-14
November 24, 2014
Page 2 of 2

It is the responsibility of the property owner to obtain a Building Permit or other Development Order within three years of the PDC approval, subject to the above conditions. This office will conduct a compliance inspection of the site within six months to one year from the date of the approval.

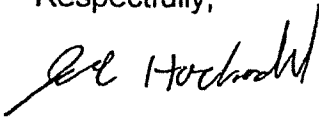
A complete record of the hearing, findings of fact, and the decision of the PDC are available for your inspection at the Department of Planning and Development office, 3600 West Sovereign Path, Suite 141, Lecanto, Florida. If copies are desired, they may be secured upon request and payment of transcription costs.

Section 1403. of the LDC establishes the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the PDC and all appeals must be filed within 30 days after rendition of the decision by the PDC.

If any person decides to appeal any decision made by the PDC with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings and, for such purpose, he or she may need to insure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

If you have any questions on this case, do not hesitate to contact the Land Development Division (352-527-5239).

Respectfully,



Joe Hochadel, Planner
Land Development Division

JH/jah

CC: Jim Faulkner, Director, Geographic Resources and Community Planning
Master File

Attachment: Applicant's submittal (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)



Board of County Commissioners

DEPARTMENT OF PLANNING AND DEVELOPMENT

3600 W. Sovereign Path, Lecanto, FL 34461-8070

Toll Free (352) 489-2120 TTY (352) 527-5312

Web Address: www.bocc.citrus.fl.us

In reply, refer to:

PL2-14-244

November 24, 2014

COPY

Benn Pollard
6785 W. Seven Rivers Dr.
Crystal River, FL

SUBJECT: Application V-14-14 Pollard for Robert and Maria Fross

Property Location: Section 28, Township 18, Range 17; more specifically Lot 6, Block C, Paradise Country Club Unit 3, Plat Book 4, Page 43, which address is known as 9276 W. Harbor Isle Ct., Crystal River, FL 34429.

Dear Mr. Pollard:

At the November 20, 2014 hearing of the Citrus County Planning and Development Commission (PDC), your request for a variance from the provisions of the Citrus County Land Development Code (LDC) was considered as advertised (public notice will be furnished upon request).

On the basis of the evidence presented at the hearing on this case, your request for a Variance from the Citrus County Land Development Code (LDC) to allow for the construction of a swimming pool having less than the required 50-foot minimum building setback from the mean high water line (35-feet with berm and swale), pursuant to Section 3501, Surface Water Protection Standards, of the LDC was **APPROVED** with the following **THREE CONDITIONS**:

1. The pool shall maintain a minimum 15-foot setback to the outer edge of the concrete seawall, as outlined on the site plan date-stamped September 30, 2014 by the Land Development Division.
2. A tie-in survey demonstrating the maintenance of the required minimum 15-foot setback for the pool to the outer edge of the concrete seawall must be submitted to and approved by the Land Development Division within 21 calendar days.
3. A berm/swale system must be installed between the proposed pool and the concrete seawall. This system is to be installed and maintained in accordance with the Land Development Code.

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V-21-12

Administration	Building	Code Compliance	Geographic Information Systems	Land Development
Suite 109 (352) 527-5220	Suite 111 (352) 527-5310	Suite 147 (352) 527-5350	Suite 140 (352) 527-5544	Suite 141 (352) 527-5220

Pollard for Robert & Maria Fross
 V-14-14
 November 24, 2014
 Page 2 of 2

It is the responsibility of the property owner to obtain a Building Permit or other Development Order within three years of the PDC approval, subject to the above conditions. This office will conduct a compliance inspection of the site within six months to one year from the date of the approval.

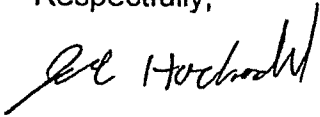
A complete record of the hearing, findings of fact, and the decision of the PDC are available for your inspection at the Department of Planning and Development office, 3600 West Sovereign Path, Suite 141, Lecanto, Florida. If copies are desired, they may be secured upon request and payment of transcription costs.

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If any person decides to appeal any decision made by the PDC with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings and, for such purpose, he or she may need to insure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

If you have any questions on this case, do not hesitate to contact the Land Development Division (352-527-5239).

Respectfully,



Joe Hochadel, Planner
 Land Development Division

JH/jah

CC: Jim Faulkner, Director, Geographic Resources and Community Planning
 Master File

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V-21-12

Land Development Division

Attachment: Applicant's submittal (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)

Total lot Size: 15,773 Square Feet

House & Patios Ground Coverage: 3,891 Square Feet

Proposed Pool & Deck Ground Coverage: ~~4,839~~ ^{BP} 996 Square Feet

~~ISR 30.7%~~
AP

3891

additional conc.
at boat slip 166

pool & deck 996

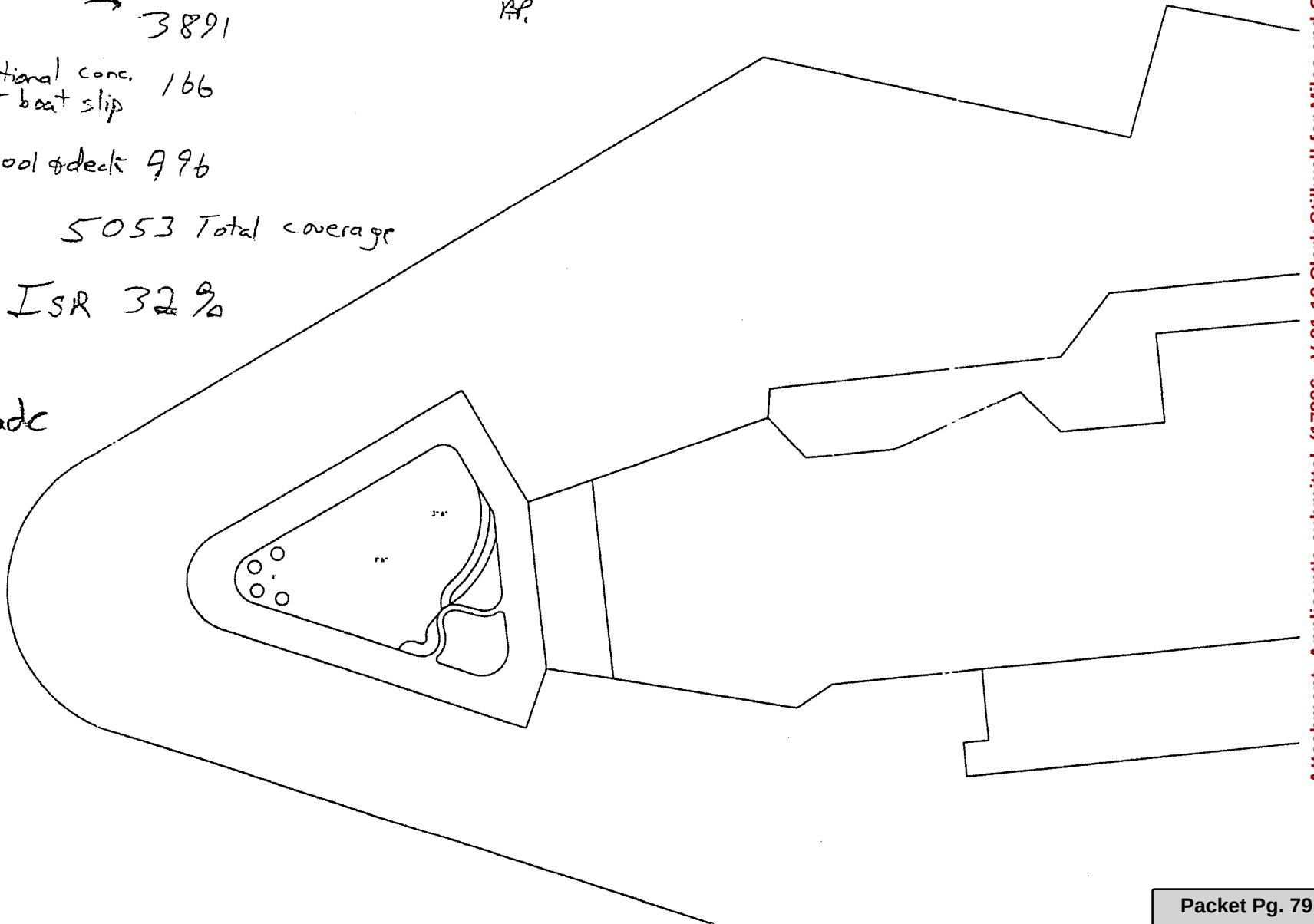
5053 Total coverage

ISR 32%

changes made

Oct. 14, 14

see filled

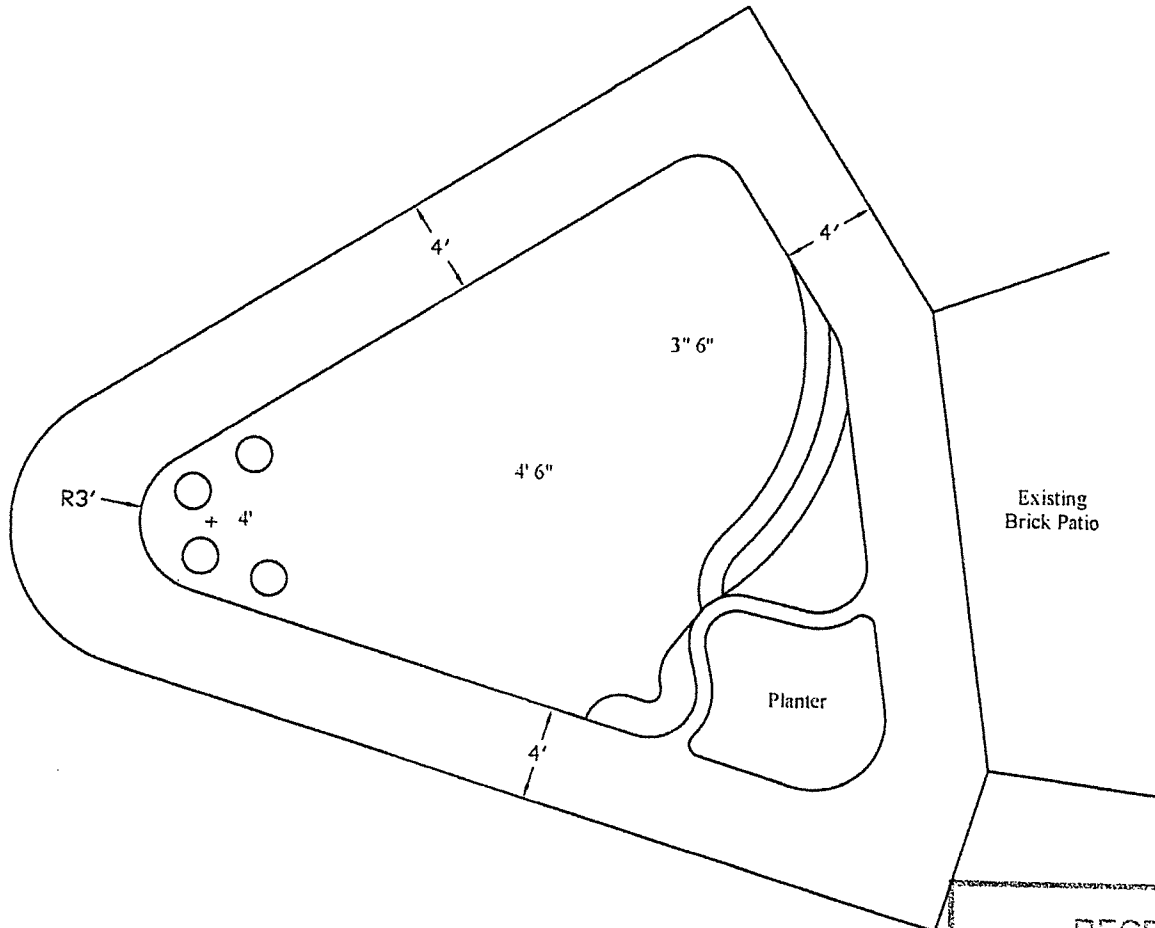


Scale
1/8" = 1'

Tropical Pools of Central Florida LLC

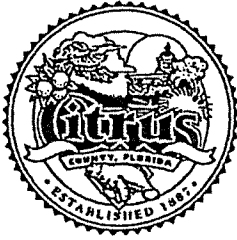
Benn (352) 302-3580

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V-21-12
Land Development Division



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V-14-14
SEP 20 2014
Land Development

PM2-14-105



**DEPARTMENT OF PLANNING AND DEVELOPMENT
LAND DEVELOPMENT DIVISION
STAFF FINDINGS REPORT
TO THE
PLANNING AND DEVELOPMENT COMMISSION**

VARIANCE APPLICATION NO. - V-14-14 Pollard for Robert and Maria Fross

DATE: November 12, 2014

PREPARED BY: Joe Hochadel, Planner; Land Development Division *JH*

VARIANCE REQUESTED	This request is for a Variance from the Citrus County Land Development Code (LDC) to allow for the construction of a swimming pool having less than the required 50-foot minimum building setback from the ordinary high water line (35-feet with berm and swale), pursuant to Section 3501, <u>Surface Water Protection Standards</u>, of the LDC. Specifically, the applicant is asking for a 15-foot setback for a swimming pool to the outer edge of the concrete seawall.
SUBJECT PROPERTY	<u>Section 28, Township 18, Range 17</u> ; more specifically Lot 6, Block C, Paradise Country Club Unit 3, Plat Book 4, Page 43, which address is known as 9276 W. Harbor Isle Ct., Crystal River, FL 34429.
ACREAGE	Approximately 15,773 square feet (.36 acres)
LAND USE	CLR, Coastal and Lakes Residential District on the LDC Atlas; CL, Low Intensity Coastal and Lakes Residential District on the Future Land Use Map
FLOOD ZONE	According to the Flood Insurance Rate Map (FIRM), the subject property appears to be located in Flood Zone AE as found on Community-Panel Number 12017C0189D.
SURROUNDING AREA	North – A canal South – A canal East – Single family residence West – A canal The subject property is a residential lot and is surrounded by canals and residential lots. See attached map for a complete graphic description of the characteristics of the surrounding area.

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V-21-12

Land Development Division

BACKGROUND

The subject property is part of Paradise Country Club Unit 3 subdivision which was created in 1962. Many of the residences were built prior to 1989, and have non-conforming setbacks that predate current adopted Surface Water Quality Protection Standards.

The subject property is irregularly shaped and has an average depth of 203 feet and a width of 119 feet at its widest point. The residence was constructed in 1977 and has 1,748 square feet of living area. A concrete seawall was constructed in 1970. The property gains access from W. Harbor Isle Ct., a 50-foot, paved, public right-of-way.

ANALYSIS

The subject property consists of one lot that is constrained by a canal and a right-of-way. The existing house is centered on the lot. The applicant is asking to construct a triangular shaped pool with a pool deck. The pool measures roughly 25 feet, by 25 feet, by 30 feet with a 4 foot wide deck around it. The average waterfront setback in the general area is approximately 21 feet. The closest setback to the water appears to be approximately five feet, with the largest waterfront setback approximately 40 feet. Many of the residences in the area are closer to the mean high water line than the required 35 feet with a berm and swale system. The proposed swimming pool is compatible with the setbacks in the general area.

The applicant has not requested an increase in the impervious surface ratio (ISR) on the subject property. The proposed ISR is 32 percent which is below the maximum ISR of 35 percent.

Consistency with the Comprehensive Plan - All development applications shall demonstrate complete compliance with the Comprehensive Plan. The application is consistent with the Comprehensive Plan goals, policies, and standards including:

- Policy 3.1.3 During construction in the vicinity of water bodies or wetland areas, the following criteria shall be met:
- A buffer of 15 feet or greater shall be established to reduce adverse impacts on natural vegetation
 - A buffer of 25-feet or greater shall be established upland of springs, spring-fed water bodies, and open sinkholes
 - Existing topography and vegetation shall be retained within the buffer area...
- Policy 17.4.1 All new construction shall be built in conformance with FEMA and the County's Flood Plain Standards as described in the County LDC.
- Policy 17.9.2 Runoff from streets and yards will be carefully controlled to prevent flooding in adjacent areas and pollution of water bodies.
- Policy 17.9.3 All development and redevelopment shall be designed to minimize stormwater discharge and shall be designed to meet or exceed the requirements of Chapter 62-25, Florida Administrative Code (F.A.C.)....

Consistency with the Land Development Code (LDC) - Staff reviewed this application under the standards of Sections 3501, Surface Water Protection Standards, of the LDC. This application is consistent with the provisions of the LDC.

- C. The development proposal shall include adequate evidence and assurances that the following requirements will be met during construction:

A minimum 15-foot buffer measured from the mean high water line or ordinary high water line for tidal/nontidal waters and/or jurisdictional wetland line shall be established adjacent to the water body or wetland in order to protect the water body from adverse impacts of construction activity including, but not limited to, erosion and siltation. The proposal shall confirm in writing that a 15-foot buffer is adequate for such protection, or shall indicate the size (width) of the buffer deemed to be adequate that shall be provided to meet this requirement.

FINDINGS OF FACT

Pursuant to Section 4400. Variances, of the Citrus County Land Development Code (LDC), approval of a petition for variance from the provisions and requirements of this code shall be granted by the PDC only on a finding that:

1. ***Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to land, structures, or buildings in the same land use district.*** The subdivision of Paradise Country Club Unit 3 was platted prior to current standards that require lots to maintain adequate land area to meet 50-foot waterfront setbacks (35-foot with swale/berm).
2. ***The special conditions and circumstances do not result from the actions of the applicants.*** The subdivision was created in the 1960's and the setback constraints are not a result of action of the applicant/property owner.
3. ***A granting of the variance requested will not confer on the applicant any special privilege that is denied by this code to other lands, buildings, or structures in the same land use district.*** The waterfront setback as proposed is consistent with those of the surrounding area.
4. ***Literal interpretation of the provisions of this code which [would] deprive the applicant of rights commonly enjoyed by other similarly situated properties and would work unnecessary and undue hardship on the applicant.*** The position of the residence, the right-of-way setback and the setback from the water body limits the ability to locate the pool without the need of a variance.
5. ***The variance granted is the minimum variance that will make possible the reasonable development and/or use of the land, building, or structure.*** The evidence indicates that it would be difficult to develop the property in strict conformance to provision of the LDC due to hardship conditions on the site. Although, a swimming pool is not necessary to make reasonable development of property.

6. ***The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the area involved or otherwise detrimental to the public welfare.*** The visual impact of the pool is consistent with the aesthetic character of the surrounding neighborhood.
7. ***There will be full compliance with any additional conditions and safeguards which the PDC may prescribe, including but not limited to reasonable time limits within which the action for which the variance is required shall be begun or completed, or both.*** Where standards are not specified herein, the Citrus County Land Development Code standards (or current code standards) will apply. In addition, noncompliance with or any violation of the above referenced conditions, as may be determined by Citrus County Compliance may, in addition to any penalty imposed by Code Compliance and subsequent to the procedural requirements set forth in Section 1800 of the Citrus County Land Development Code being satisfied, render this Variance null, void, and of no force or effect.
8. **Granting of the variance will not deviate from the clear intent of the adopted Comprehensive Plan.** The application is consistent with the policies of the Comprehensive Plan, as discussed in this staff report.

SUMMARY – Staff finds that the applicant has provided substantial competent evidence to support the variance as requested.

RECOMMENDATION – Based on the findings of fact, staff recommends **Approval** of Variance Application V-14-14 with the following **THREE CONDITIONS**:

1. The pool shall maintain a minimum 15-foot setback to the outer edge of the concrete seawall, as outlined on the site plan date-stamped September 30, 2014 by the Land Development Division.
2. A tie-in survey demonstrating the maintenance of the required minimum 15-foot setback for the pool to the outer edge of the concrete seawall must be submitted to and approved by the Land Development Division within 21 calendar days.
3. A berm/swale system must be installed between the proposed pool and the concrete seawall. This system is to be installed and maintained in accordance with the Land Development Code.

JH/jah

Attachment: Applicant's submittal (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)

BOUNDARY SURVEY

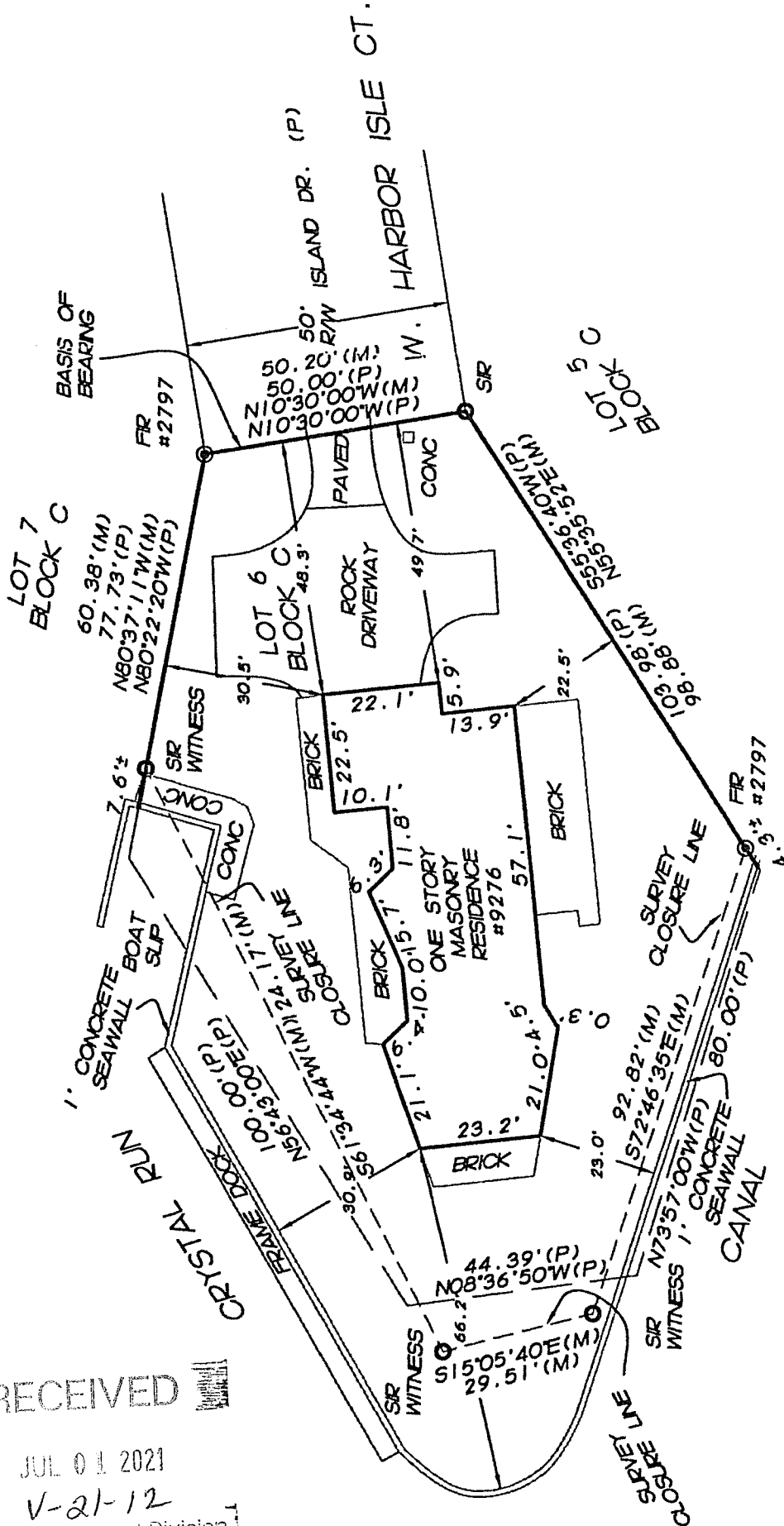
SEC. 28, TWP. 18 S., RNG. 17 E.
CITRUS COUNTY, FLORIDA

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JUL 01 2021

V-21-12

Land Development Division



LEGEND

- FCM FOUND 4"x4" CONCRETE MONUMENT (PLAN UNLESS NOTED)
- SR SET 1/2" IRON ROD (LB# 6962)
- ◎ FRI/FP FOUND IRON ROD OR IRON PIPE (PLAN UNLESS NOTED)
- △ DESCRIPTIVE POINT (UNLESS NOTED)
- P PLAT INFORMATION
- D DEED OR DESCRIPTION INFORMATION
- M MEASURED INFORMATION
- PLS PROFESSIONAL LAND SURVEYOR
- ORB OFFICIAL RECORD BOOK
- PG PAGE
- SW SIDEWALK
- EQUIP EQUIPMENT
- O/A OVERALL
- P — OVERHEAD POWERLINE
- X — FENCE
- SB SPLICE BOX
- L.B. LICENSED BUSINESS



Board of County Commissioners

DEPARTMENT OF GROWTH MANAGEMENT

3600 W. Sovereign Path, Lecanto, FL 34461-8070

(352) 527-5226 Fax (352) 527-5317

Web Address: www.citrusbocc.com

In reply, refer to: PL2-17-138

May 19, 2017

Michael Rosselet
P.O. Box 1829
Crystal River, FL 34423

SUBJECT: Application V-17-11 Michael Rosselet for NCDC LLC/Hugh Tolle

Property Location: Section 20, Township 18, Range 17; more specifically, Lot 3 of LR-07-04, which address is known as 10945 W. Fort Island Trl., Crystal River, FL 34429.

Dear Mr. Rosselet:

At the May 18, 2017 hearing of the Citrus County Planning and Development Commission (PDC), your request for a variance from the provisions of the Citrus County Land Development Code (LDC) was considered as advertised (public notice will be furnished upon request).

On the basis of the evidence presented at the hearing on this case, your request for a Variance from the Citrus County Land Development Code (LDC) to allow for the construction of a single-family dwelling having less than the required 50-foot minimum building setback from the jurisdictional wetland line and the mean high water line (35-feet with berm and swale), pursuant to Section 3501, Surface Water Protection Standards, as specified in the LDC, was **APPROVED** with the following **FOUR CONDITIONS**:

1. The single-family dwelling and pool deck shall maintain a minimum 25-foot setback to the jurisdictional wetland line, as delineated on the site plan date-stamped February 28, 2017 by the Land Development Division.
2. A tie-in survey demonstrating the maintenance of the required minimum 25-foot setback for the single-family dwelling and pool deck to the jurisdictional wetland line must be submitted to and approved by the Land Development Division within 21 calendar days of establishing the lowest habitable floor level

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V-21-12
JUL 01 2021

Administration
Suite 109
(352) 527-5220
FAX 527-5317

Building
Suite 111
(352) 527-5310
FAX 527-5394

Code Compliance
Suite 147
(352) 527-5350
FAX 527-5523

Land Development
Suite 141
Land Development Division
(352) 527-5239
FAX 527-5428

Michael Rosselet
V-17-11
May 19, 2017
Page 2 of 2

3. The driveway must maintain a 15-foot vegetative buffer between the edge of surface and the jurisdictional wetland line if made of an impervious surface.
4. A berm/swale system consistent with the requirements of the LDC is required to be installed between the single-family dwelling and the wetlands at time of permitting.

It is the responsibility of the property owner to obtain a Building Permit or other Development Order within three years of the PDC approval, subject to the above conditions.

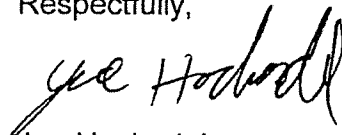
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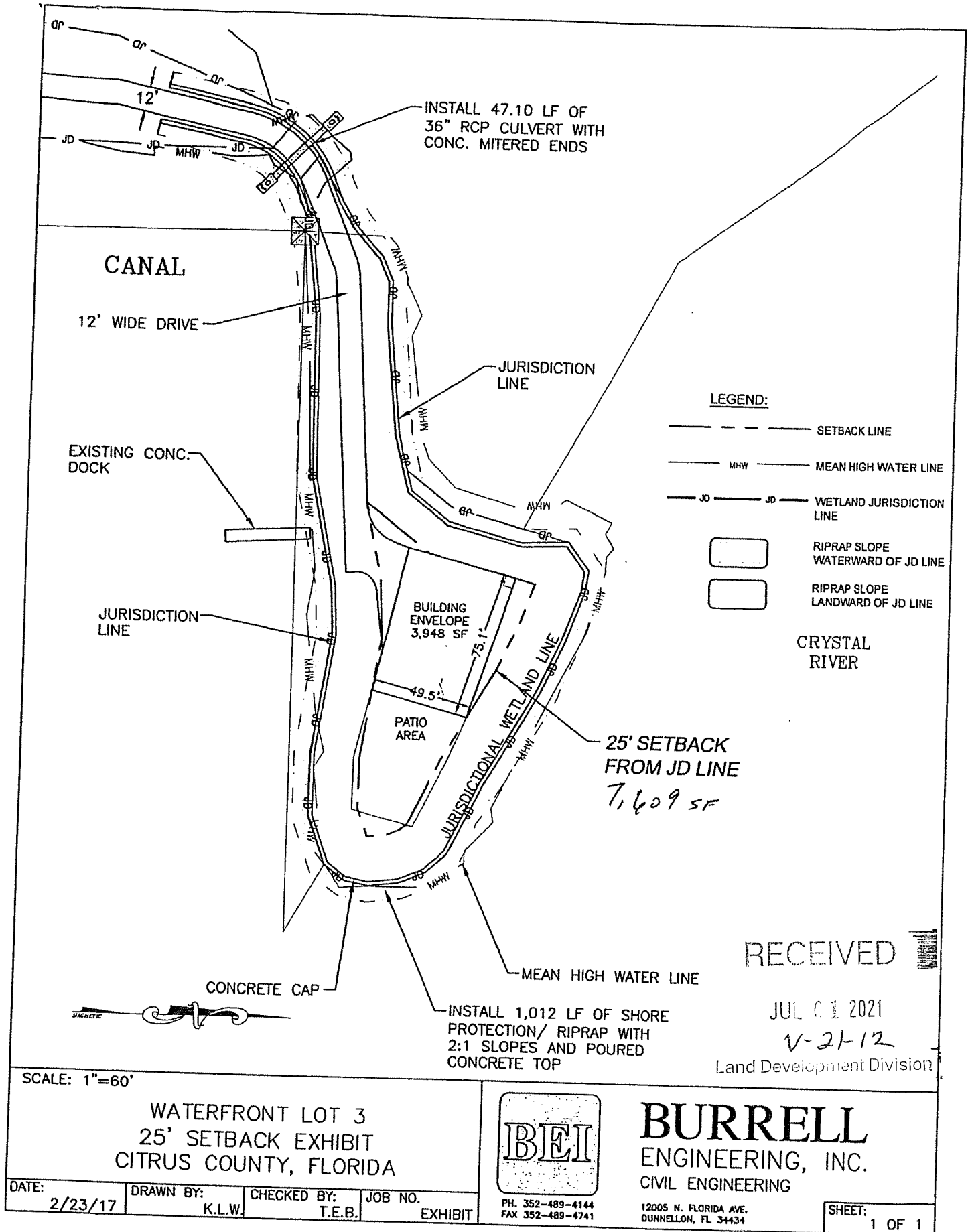
Respectfully,

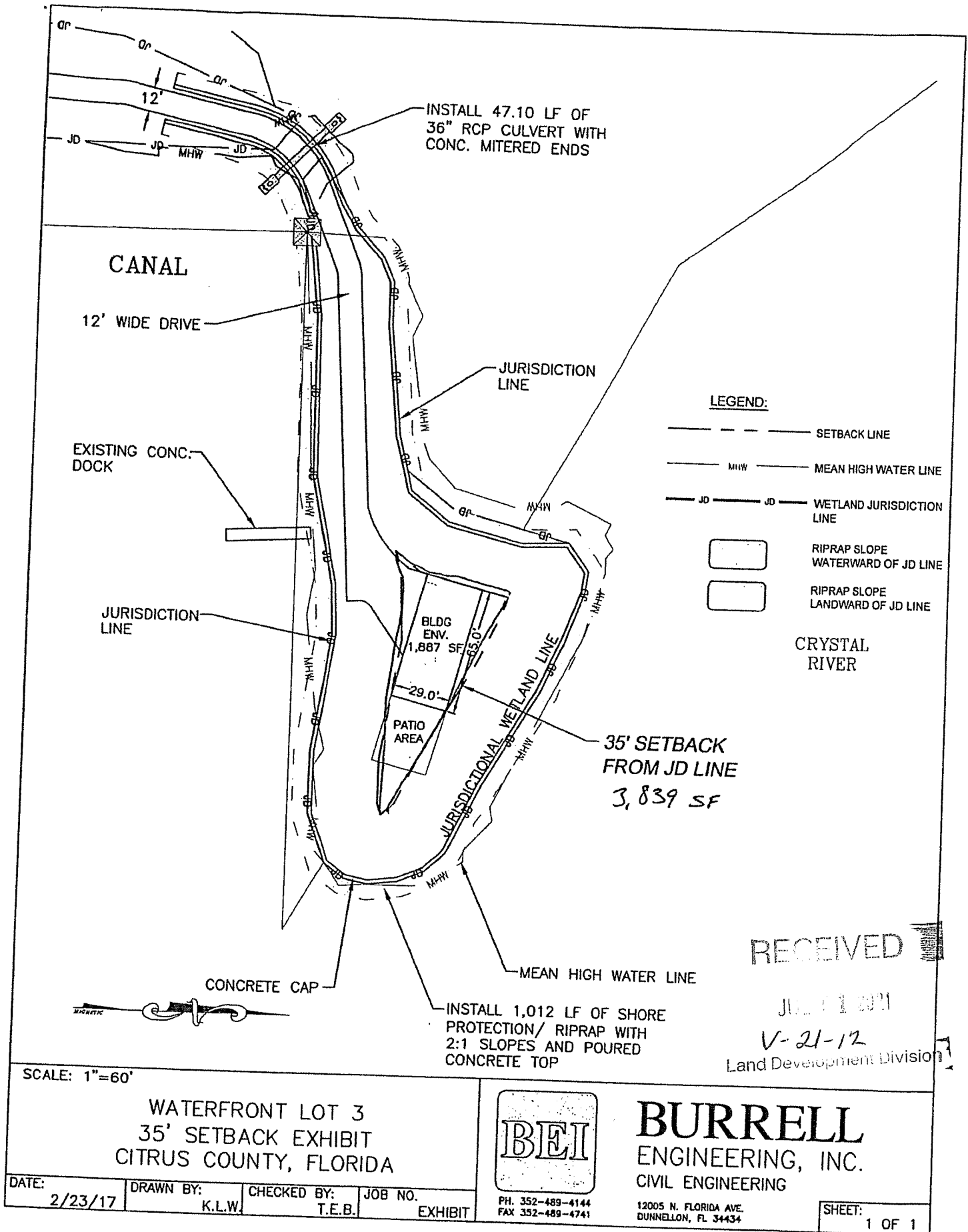


Joe Hochadel
Planner
Land Development Division

JH/cw

Attachment: Applicant's submittal (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)





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JUL 11 2012

Land Development Division

INSTALL 47.10 LF OF
36" RCP CULVERT WITH
CONC. MITERED ENDS

CANAL

12' WIDE DRIVE

EXISTING CONC.
DOCKJURISDICTION
LINEFLOATING WEIGHTED
TURBIDITY CURTAIN

FILL HATCHED AREA
TO ELEV. 5.00'
(24,679 SF)

CONCRETE CAP

INSTALL 1,012 LF OF SHORE
PROTECTION/ RIPRAP WITH
2:1 SLOPES AND POURED
CONCRETE TOP

BEI

BURRELL
ENGINEERING
CIVIL ENGINEERING

TROY E. BURRELL
REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
DATE: 12/20/04

LEGEND:

- SS — PRE DEVELOPMENT CONTOURS
- EROS — EROSION CONTROL
- ○ — FLOATING WEIGHTED TURBIDITY CURTAIN
- MHW — MEAN HIGH WATER LINE
- JD — JD — WETLAND JURISDICTION LINE
- [] — PIPE WITH CONC. MITERED ENDS
- [] — HATCHED AREA INDICATES FILL AREA
- [] — RIPRAP SLOPE WATERWARD OF JD LINE
- [] — RIPRAP SLOPE LANDWARD OF JD LINE

CRYSTAL RIVER

SITE AREA

PLATTED SITE AREA = 886,448 SQ FT/ 20.35 AC.
NET SITE AREA = 849,072 SQ FT/ 19.49 AC
PROJECT AREA = 84,527 SQ FT/ 1.94 AC.
LAND USE DISTRICT: ZONING = CL

NOTES:

1. THE LAND BOUND BY THIS SURVEY IS LOCATED IN FLOOD ZONE A11 (ELEVATION 11'), PER FLOOD INSURANCE RATE MAP NUMBER 120063 0115 B, EFFECTIVE DATE: AUGUST 15, 1984.
2. SEED AND MULCH ALL DISTURBED AREAS.
3. SANITARY SEWAGE TO BE PUMPED TO SEPTIC TANK ADJACENT TO FORT ISLAND TRAIL.
4. POTABLE WATER SUPPLIED BY OZELLO WATER ASSOC.
5. CROSS SECTION E-E PROVIDES ADDITIONAL 499 SF OF AVOIDANCE AS REQUESTED BY NMFS.
6. PLATTED SITE AREA IS THE AREA BASED ON THE ORIGINAL PLAT AND THE NET SITE AREA IS BASED ON CURRENT JURISDICTIONAL LINES.

1. REVISED 9/ 10/ 12
2. REVISED 5/ 17/ 13

SCALE: 1"=60'

WATERFRONT LOT 3
SITE PLAN
CITRUS COUNTY, FLORIDA

DATE: 4/10/12 DRAWN BY: K.L.W. CHECKED BY: T.E.B. JOB NO. BASE11-33

PH. 352-489-4144
FAX 352-489-4741

12005 N. FLORIDA AVE.
DUNNELLON, FL 34434

SHEET:

7 OF 11

Variance Standards

Variance No. V-17-11

LDC Section 4400 (C)(1-8)	Applicant Response
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to land, structures, or buildings in the same land use district.	Due to being surrounded by water, the developable land fronting on the river is limited to 1.94 acres in size. Area is surrounded by water – unique and a special condition. A standard fifty (50) ft. waterfront setback allows for extremely limited use. The thirty five (35) ft. setback allows for 1,856 sq. ft. The proposed setback of twenty five (25) ft. allows for the use of 3,880 sq. ft. – consistent with abutters and ISR of area.
2. The special conditions and circumstances do not result from the actions of the applicants.	The riverfront developable uplands area was created by natural geography and prior development i.e. canal.
3. A granting of the variance requested will not confer on the applicant any special privilege that is denied by this code to other lands, buildings, or structures in the same land use district.	The County setback variances from Section 3501 of the LDC are historically regularly granted to waterfront lots on a case by case basis.
4. Literal interpretation of the provisions of this code which would deprive the applicant of rights commonly enjoyed by other similarly situated properties and would work unnecessary and undue hardship on the applicant.	Loss of use of the valuable point parcels, staff report concedes this irregular shape lot area is unnecessary hardship. Public purpose of setbacks – aesthetics and water quality are both preserved.

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V-21-12

Land Development Division

Variance Standards Continued

Variance No. V-17-11

5. The variance granted is the minimum variance that will make possible the reasonable development and/or use of the land, building, or structure.	The request variance is the minimum in the context of reasonable development standard, it conforms to area as to size.
6. The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the area involved or otherwise detrimental to the public welfare.	There is no injury to the area. Value's maintained; water quality is addressed via engineering design. Abutting developed lots, pre 1990, have <u>no</u> water quality standards.
7. There will be full compliance with any additional conditions and safeguards which the PDC may prescribe, including but not limited to reasonable time limits within which the action for which the variance is required shall be begun or completed, or both.	As to conditions, applicant proposes the following: a. 100% guttering b. Rain barrels c. Engineered stormwater system d. Any decking quality as impervious area per code e. Setback is 25' feet per site plans
8. Granting of the variance will not deviate from the clear intent of the adopted Comprehensive Plan.	Land use plan does <u>not</u> specifically address the issue of waterfront setback for existing lots. Plan policy 3.11 states [50 foot setback] is for <u>new</u> lots. The standards of Plan Policy 3.13 are applicable "during construction" and will be met. By use of swale and berm, Policy 3.1.7 is addressed. The engineered stormwater system will meet Policy 3.1.9 and 3.1.10.

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JUL 01 2021

V-21-11

Land Development Division

Survey of Residential Swimming Pools Assessed by Florida County Property Appraisers, Summer 2006

By Kristal Hall, MPH Candidate, Florida State University, and Michael Lo, MSPH,
Injury Epidemiologist, Office of Injury Prevention, Florida Department of Health

Background

Florida has the highest drowning death rate in the nation for children under age 5.¹ Over 60% of these drowning deaths occur in residential swimming pools every year.² Lapses in adult supervision and lack of pool safety features as mandated in the Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act (Florida Statutes, Chapter 515) have been identified as contributing to these needless and preventable tragedies. In 2005, there were 50 reported drowning deaths of children under age 5 in residential swimming pools in Florida.² While this number may seem inconsequential, there are also an unknown number of near-drowning incidents that occur in swimming pools every year. Residential swimming pools thus pose a significant drowning hazard for children in this age group in Florida. However, current estimates of the number of residential swimming pools that exist in Florida have not been readily available. Therefore, during the summer of 2006, the Florida Department of Health, Office of Injury Prevention conducted a survey of residential swimming pools in Florida by contacting county property appraisers' offices to determine the number of pools that they currently assess for property taxes.

Methods

Contact was initially made by e-mail in June 2006 to all 67 Florida county property appraisers' offices. One month later, in July 2006, a letter was sent by mail to counties that had not responded. Two months later, in August 2006, a phone call was made to counties that still had not responded. Two items were requested from each county: the total (cumulative) number of private residential swimming pools that have been assessed in that county to date, and the number or percent of new residential swimming pools that have been assessed in that county since October 1, 2000, when the state's Residential Swimming Pool Safety Act went into effect. All correspondence from county property appraisers' offices were filed in alphabetical order in a binder for future reference. Data was entered into a Microsoft Excel spreadsheet and statewide totals calculated.

Results

During the three-month data collection period, 61 of Florida's 67 counties responded, for a response rate of 91%. Sixty counties reported a grand total of 1,095,347 pools that they currently assess (see attached table). Taylor County responded but did not have data available to report. The number of new pools assessed since October 1, 2000, and are thus subject to the Residential Swimming Pool Safety Act, is 225,987, reported from 49 of the 61 counties that responded. Six counties were unable to report the number of new pools that they have assessed since October 1, 2000. Dixie, Hamilton, Highlands, Suwannee, Union, and Walton counties did not respond at all. However, these are thinly populated rural counties that are not expected to have added significantly to the approximately 1.1 million total residential swimming pools estimated to exist currently in Florida from this survey.

Discussion

Two limitations should be noted in estimating the number of residential swimming pools in Florida from property tax assessment data. However, several county property appraisers' offices have indicated that this data is more reliable than construction permit data, as many pools are unpermitted. First, only permanent, in-ground pools are included in this data, which excludes above-ground pools and other temporary pools in which drownings are known to have occurred in Florida², and public pools. However, drowning deaths in public pools have not been specifically documented in Florida death certificate records.² Second, some counties reported the number of new pools that they have assessed since January 1, 2000, or January 1, 2001, instead of October 1, 2000, since January 1 is the date that property assessments are made every year. Some misclassification error therefore exists in the estimate of the number of new pools that have been built in the state since October 1, 2000. Future updates to this data should take the January 1 assessment date into consideration when determining the number of pools in the state that are subject to the Residential Swimming Pool Safety Act.

References

- ¹ Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS), 1999-2003. Available at <http://www.cdc.gov/ncipc/wisqars>.
- ² Florida Department of Health, Office of Vital Statistics. Florida Death Certificate Database, 1999-2006.

Acknowledgements

The authors would like to thank the Florida county property appraisers' offices who contributed data to this survey.

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JUL 01 2021

V-21-12

Land Development Division

Clark A. Stillwell

From: Dan Robbins <d Robbins@citruspa.org>
Sent: Monday, January 25, 2021 2:20 PM
To: Ric Fritz
Cc: Clark A. Stillwell
Subject: Re: Assessed Residential Pools - Citrus County, FL

Good Afternoon,

Here are the Residential Pool Counts for Citrus County as of today 1/25/2021.

All Residential Pools Total = 16,312

Residential Pools built Year 2000 and Newer = 7,715

Thanks,

Dan

Dan Robbins, CFE
 Director of Appraisal Services
 Representing Cregg E. Dalton
 Citrus County Property Appraiser
 Phone: 352-341-6641
 Fax: 352-341-6515
d Robbins@citruspa.org

On Mon, Jan 25, 2021 at 12:41 PM Ric Fritz <rfritz@citruspa.org> wrote:
 Dan

Is this something that you can help Mr. Stillwell with?

Thank you and stay safe.

Ric Fritz, CFE, GISP
 Cadastral Records Manager

Representing Cregg E. Dalton
 Citrus County Property Appraiser
 Phone: 352-341-6665
 Fax: 352-341-6515
rfritz@citruspa.org

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JUL 01 2021

V-21-12

Land Development Division

**Survey of Private Residential Swimming Pools
Assessed in Florida, By County, Tax Year 2006**

County	Total	Assessed Since October 1, 2000*	County	Total	Assessed Since October 1, 2000*
Alachua	6,996	1,214	Lee	62,481	19,141
Baker	408	100	Leon	7,712	N/A
Bay	7,936	5,722	Levy	774	N/A
Bradford	378	42	Liberty	88	11
Brevard	43,153	6,818	Madison	194	24
Broward	113,157	19,139	Manatee	26,246	8,717
Calhoun	169	119	Marion	13,077	3,569
Charlotte	25,334	4,497	Martin	16,478	3,845
Citrus	12,775	3,968	Miami-Dade	76,477	7,538
Clay	8,213	1,699	Monroe	4,668	1,505
Collier	34,854	11,478	Nassau	2,880	N/A
Columbia	1,097	237	Okaloosa	11,008	3,122
DeSoto	764	N/A	Okeechobee	689	129
Dixie	N/A	N/A	Orange	61,096	14,145
Duval	23,226	4,332	Osceola	18,943	4,542
Escambia	9,085	N/A	Palm Beach	101,463	15,885
Flagler	9,112	3,925	Pasco	29,760	8,810
Franklin	394	138	Pinellas	65,505	N/A
Gadsden	491	N/A	Polk	29,291	8,847
Gilchrist	211	69	Putnam	1,247	384
Glades	145	44	Saint Johns	9,951	3,645
Gulf	207	N/A	Saint Lucie	18,301	4,598
Hamilton	N/A	N/A	Santa Rosa	6,512	2,148
Hardee	321	25	Sarasota	45,000	10,700
Hendry	566	75	Seminole	38,086	6,551
Hernando	18,932	3,992	Sumter	1,692**	N/A
Highlands	N/A	N/A	Suwannee	N/A	N/A
Hillsborough	71,960	13,958	Taylor	N/A	N/A
Holmes	213	12	Union	N/A	N/A
Indian River	12,018	3,379	Volusia	27,622	5,888
Jackson	766	N/A	Wakulla	448	143
Jefferson	344	114	Walton	N/A	N/A
Lafayette	87	20	Washington	257	N/A
Lake	14,089	6,984	FLORIDA	1,093,655	225,987

* The Residential Swimming Pool Safety Act (Florida Statutes, Chapter 515) went into effect on this date for all new residential swimming pools built in Florida, but some counties reported the number of pools assessed since January 1, 2000, or January 1, 2001.

** Includes both residential and commercial pools.

Data Source: Florida County Property Appraisers' Offices.
Compiled By: Kristal Hall, MPH Candidate, Florida State University.
October 2006

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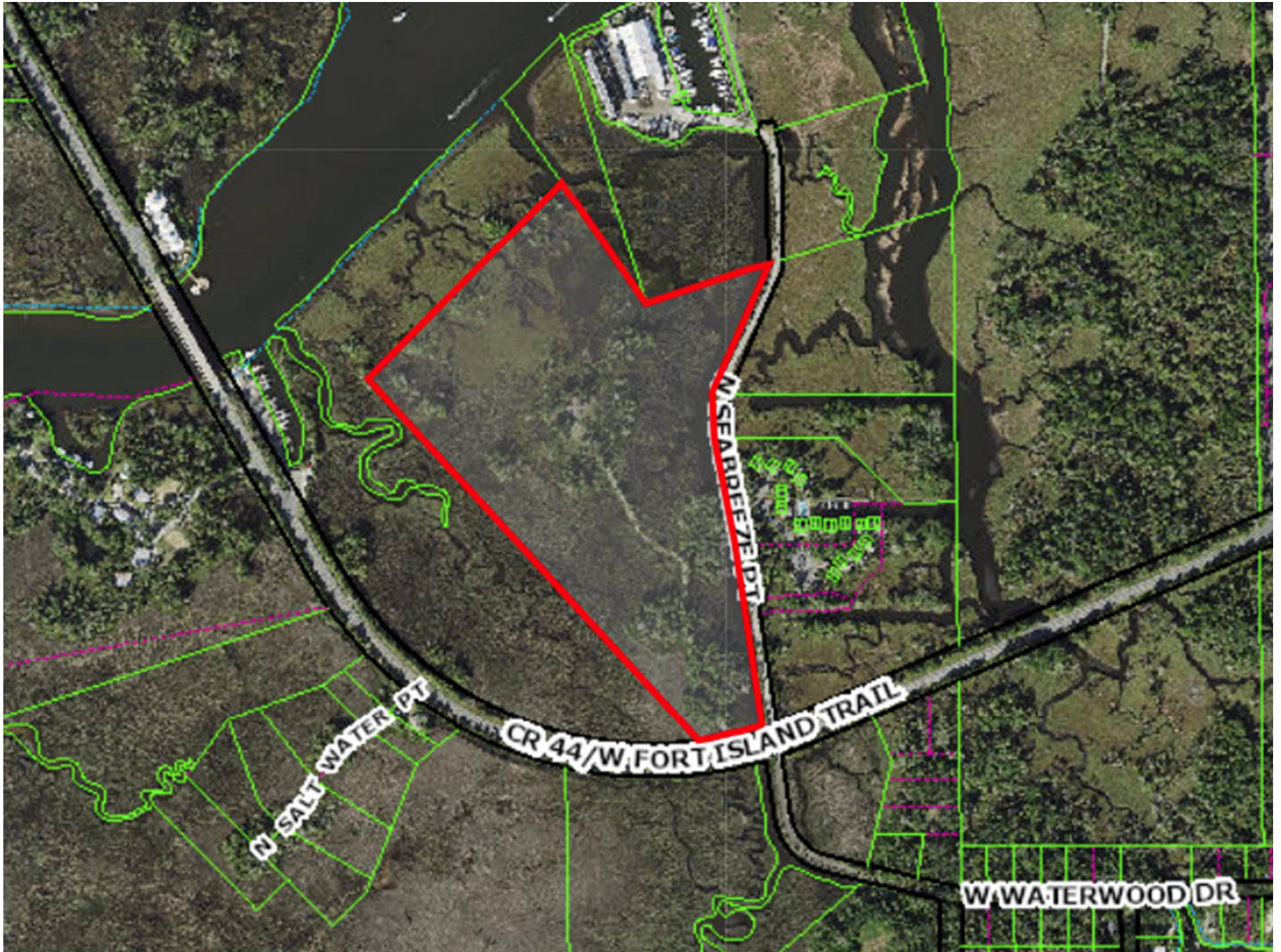
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V-21-12

V-21-12

Stillwell for Mike and Colette Hall





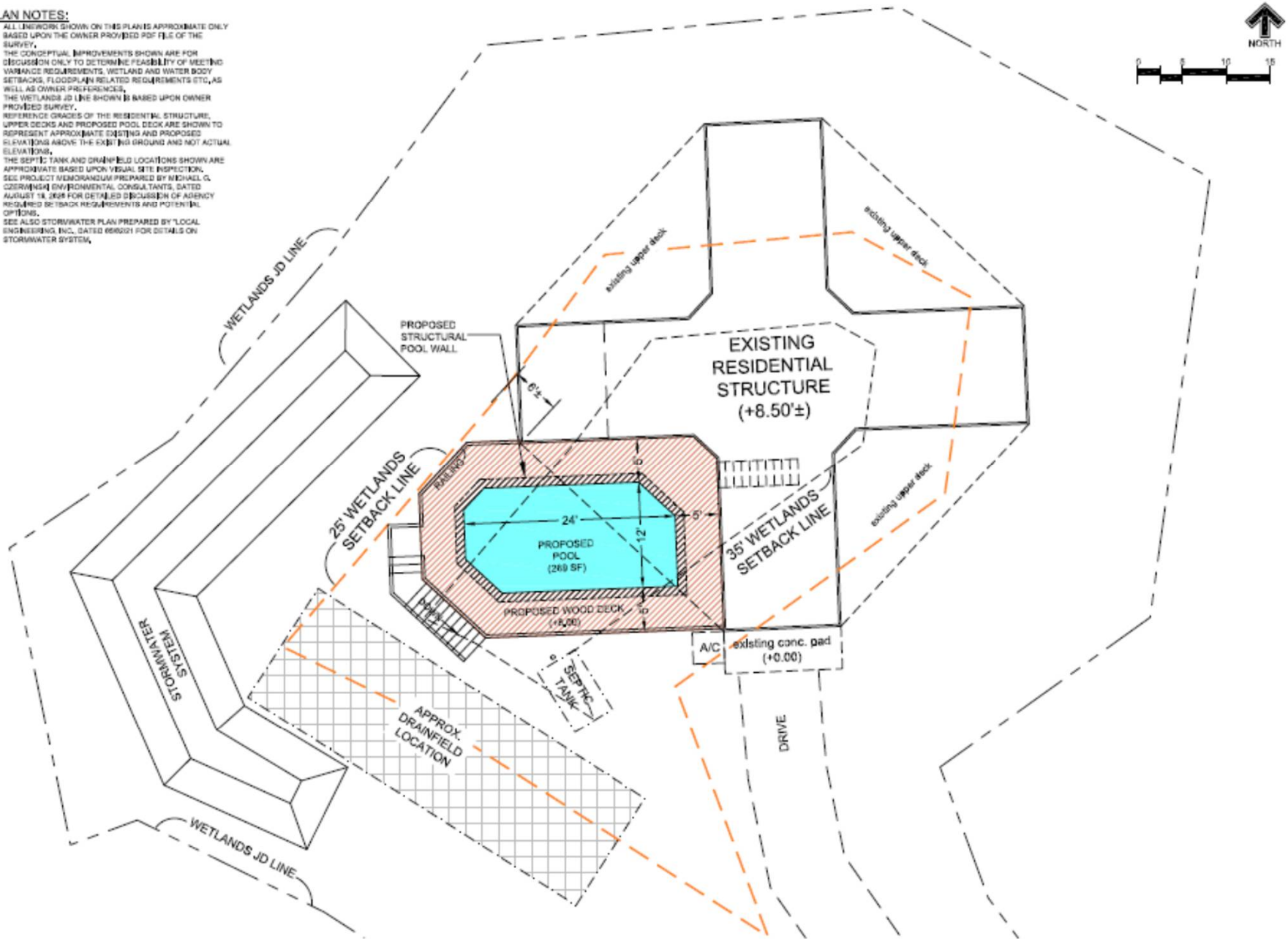


Attachment: Coordinator PowerPoint (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)



PLAN NOTES:

1. ALL LINEWORK SHOWN ON THIS PLAN IS APPROXIMATE ONLY BASED UPON THE OWNER PROVIDED PDF FILE OF THE SURVEY.
2. THE CONCEPTUAL IMPROVEMENTS SHOWN ARE FOR DISCUSSION ONLY TO DETERMINE FEASIBILITY OF MEETING VARIANCE REQUIREMENTS, WETLAND AND WATER BODY SETBACKS, FLOODPLAIN RELATED REQUIREMENTS ETC, AS WELL AS OWNER PREFERENCES.
3. THE WETLANDS JD LINE SHOWN IS BASED UPON OWNER PROVIDED SURVEY.
4. REFERENCE GRADES OF THE RESIDENTIAL STRUCTURE, UPPER DECKS AND PROPOSED POOL DECK ARE SHOWN TO REPRESENT APPROXIMATE EXISTING AND PROPOSED ELEVATIONS ABOVE THE EXISTING GROUND AND NOT ACTUAL ELEVATIONS.
5. THE SEPTIC TANK AND DRAINFIELD LOCATIONS SHOWN ARE APPROXIMATE BASED UPON VISUAL SITE INSPECTION.
6. SEE PROJECT MEMORANDUM PREPARED BY MICHAEL G. COLETTA ENVIRONMENTAL CONSULTANTS, DATED AUGUST 18, 2008 FOR DETAILED DISCUSSION OF AGENCY REQUIRED SETBACK REQUIREMENTS AND POTENTIAL OPTIONS.
7. SEE ALSO STORMWATER PLAN PREPARED BY LOCAL ENGINEERING, INC., DATED 08/02/01 FOR DETAILS ON STORMWATER SYSTEM.



PLAN REVIEW

DATE

DATE

SITE PLAN FOR

MILES HALL

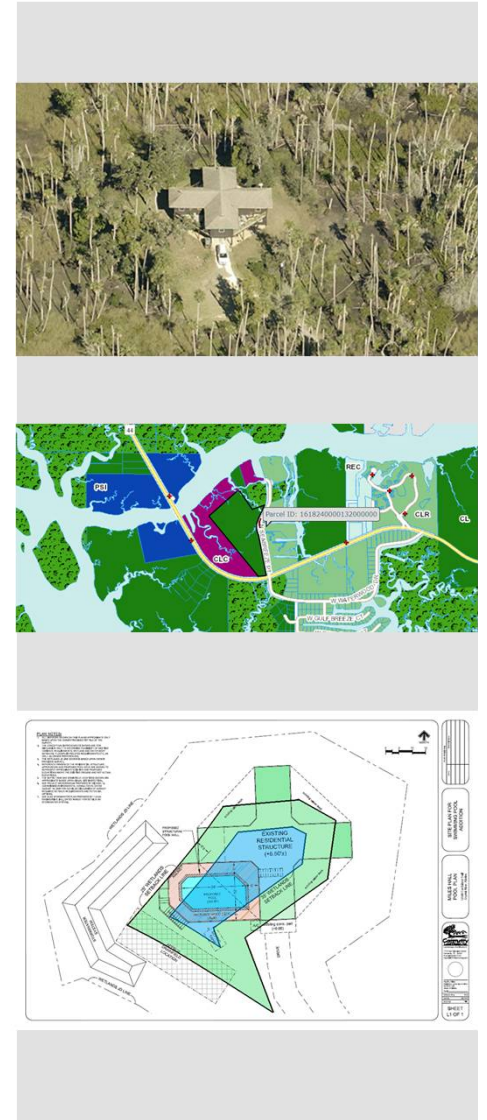


Project: 08-001
Project Name: 08-001
Scale: 1" = 10'-0"
Drawn: J. Coletta
Date: 08/02/01
Sheet: 1 of 1

SI
L1

V-21-12

Clark Stillwell for Mike and Colette Hall



Attachment: Planner PowerPoint (17286 : V-21-12 Clark Stillwell for Miles and Colette Hall)

APPLICATION PENDING

FOR THE DEVELOPMENT OF THIS PROPERTY

PUBLIC INPUT ACCEPTED

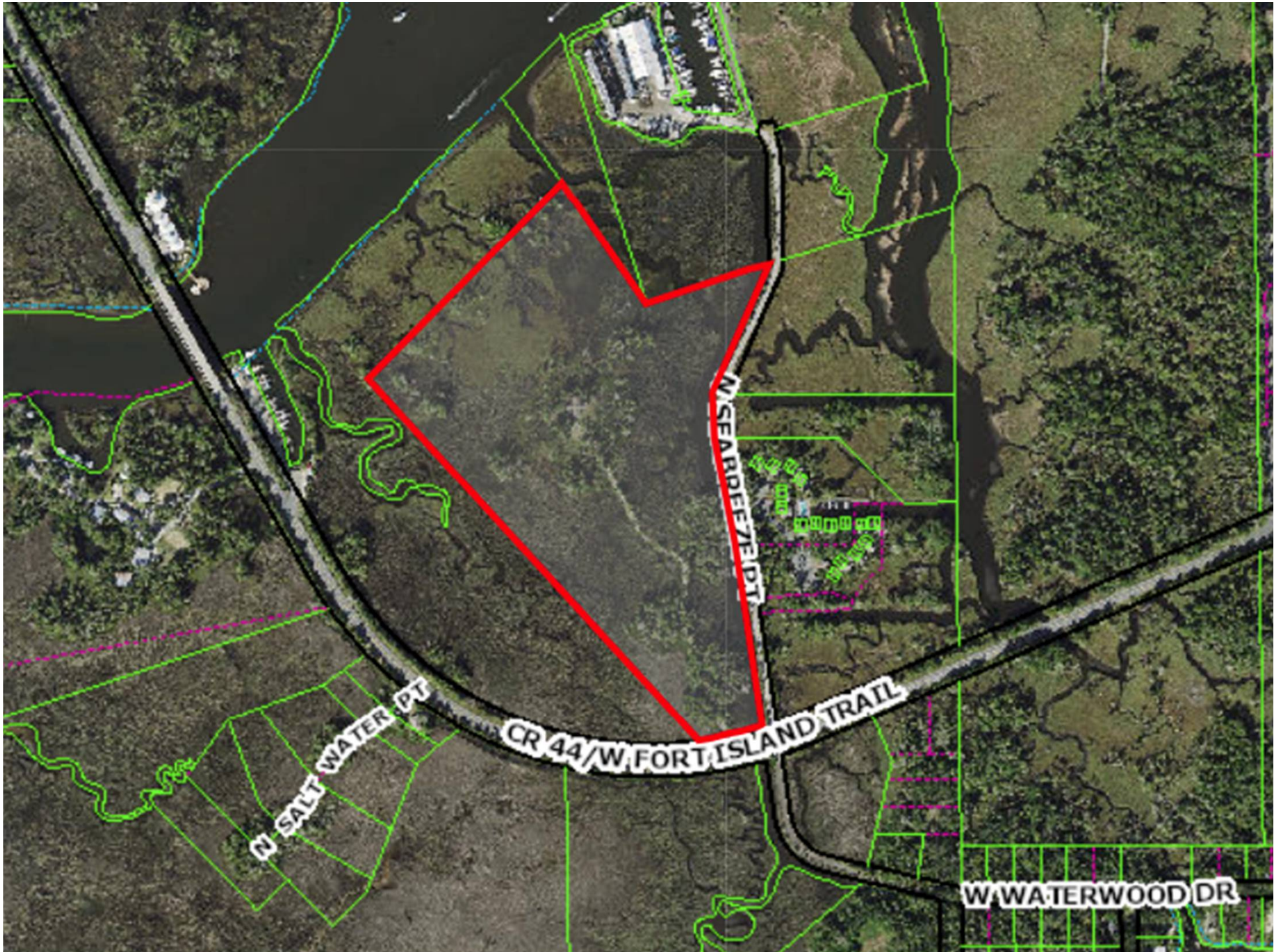
CONTACT CITRUS COUNTY

DEPT. OF GROWTH MANAGEMENT

(352) 527-5239

APPL# V-21-12

DO NOT REMOVE THIS SIGN UNDER PENALTY OF LAW



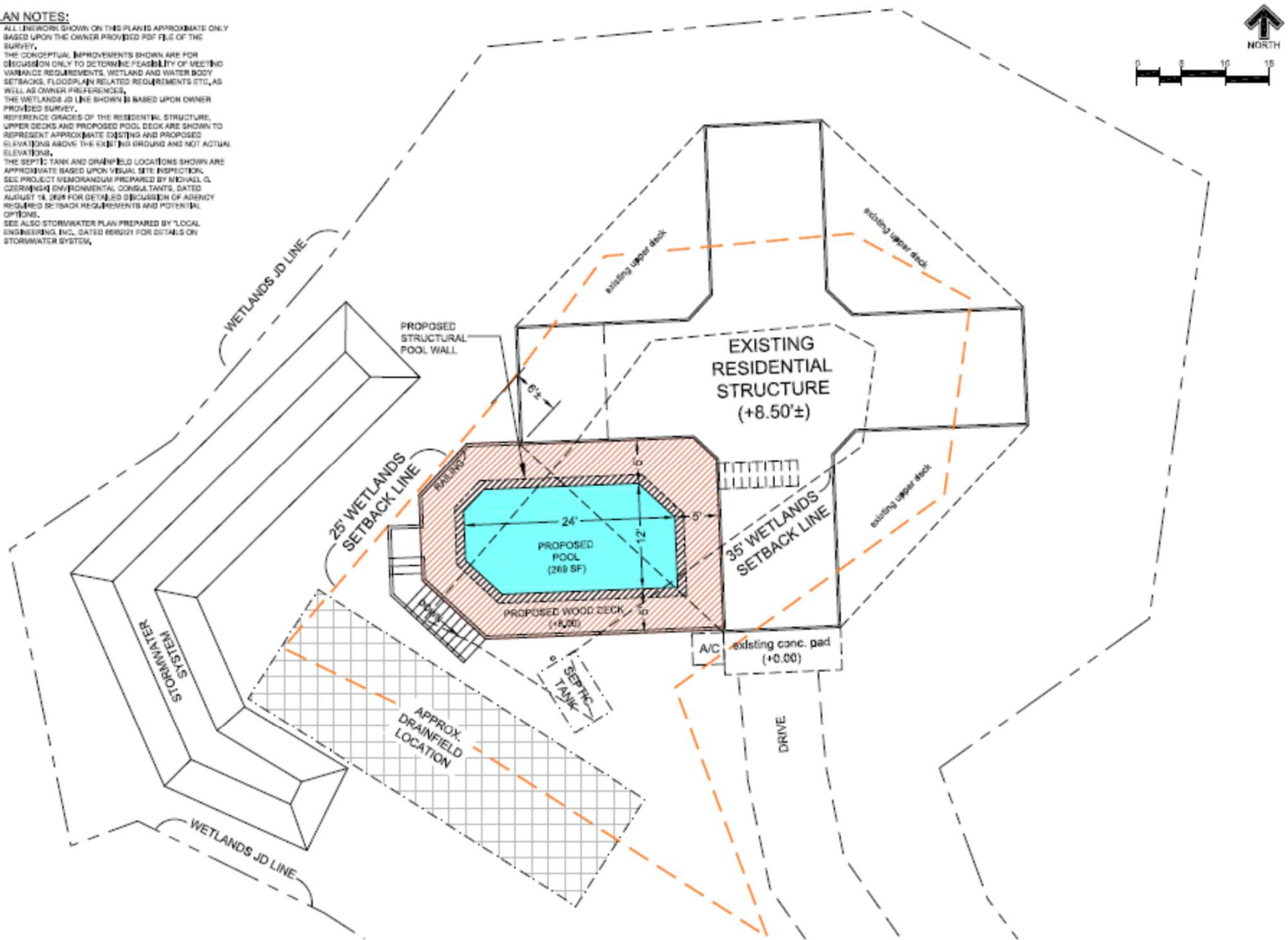






PLAN NOTES:

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2. THE CONCEPTUAL IMPROVEMENTS SHOWN ARE FOR DISCUSSION ONLY TO DETERMINE FEASIBILITY OF MEETING VARIANCE REQUIREMENTS, WETLAND AND WATER BODY SETBACKS, FLOODPLAIN RELATED REQUIREMENTS ETC, AS WELL AS OWNER PREFERENCES.
3. THE WETLANDS JD LINE SHOWN IS BASED UPON OWNER PROVIDED SURVEY.
4. REFERENCE GRADES OF THE RESIDENTIAL STRUCTURE, UPPER DECKS AND PROPOSED POOL DECK ARE SHOWN TO REPRESENT APPROXIMATE EXISTING AND PROPOSED ELEVATIONS ABOVE THE EXISTING GROUND AND NOT ACTUAL ELEVATIONS.
5. THE SEPTIC TANK AND DRAINFIELD LOCATIONS SHOWN ARE APPROXIMATE BASED UPON VISUAL SITE INSPECTION.
6. SEE PROJECT MEMORANDUM PREPARED BY MICHAEL G. CZERNIENSKI ENVIRONMENTAL CONSULTANTS, DATED AUGUST 18, 2014 FOR DETAILED DISCUSSION OF AGENCY REQUIRED SETBACK REQUIREMENTS AND POTENTIAL OPTIONS.
7. SEE ALSO STORMWATER PLAN PREPARED BY LOCAL ENGINEERING, INC. DATED 08/02/11 FOR DETAILS ON STORMWATER SYSTEM.



PLAN NUMBER

DATE

SITE PLAN FOR

MILES HALL

 Project:
 Region:
 Date:
 Drawn:
 Date:
 Scale:

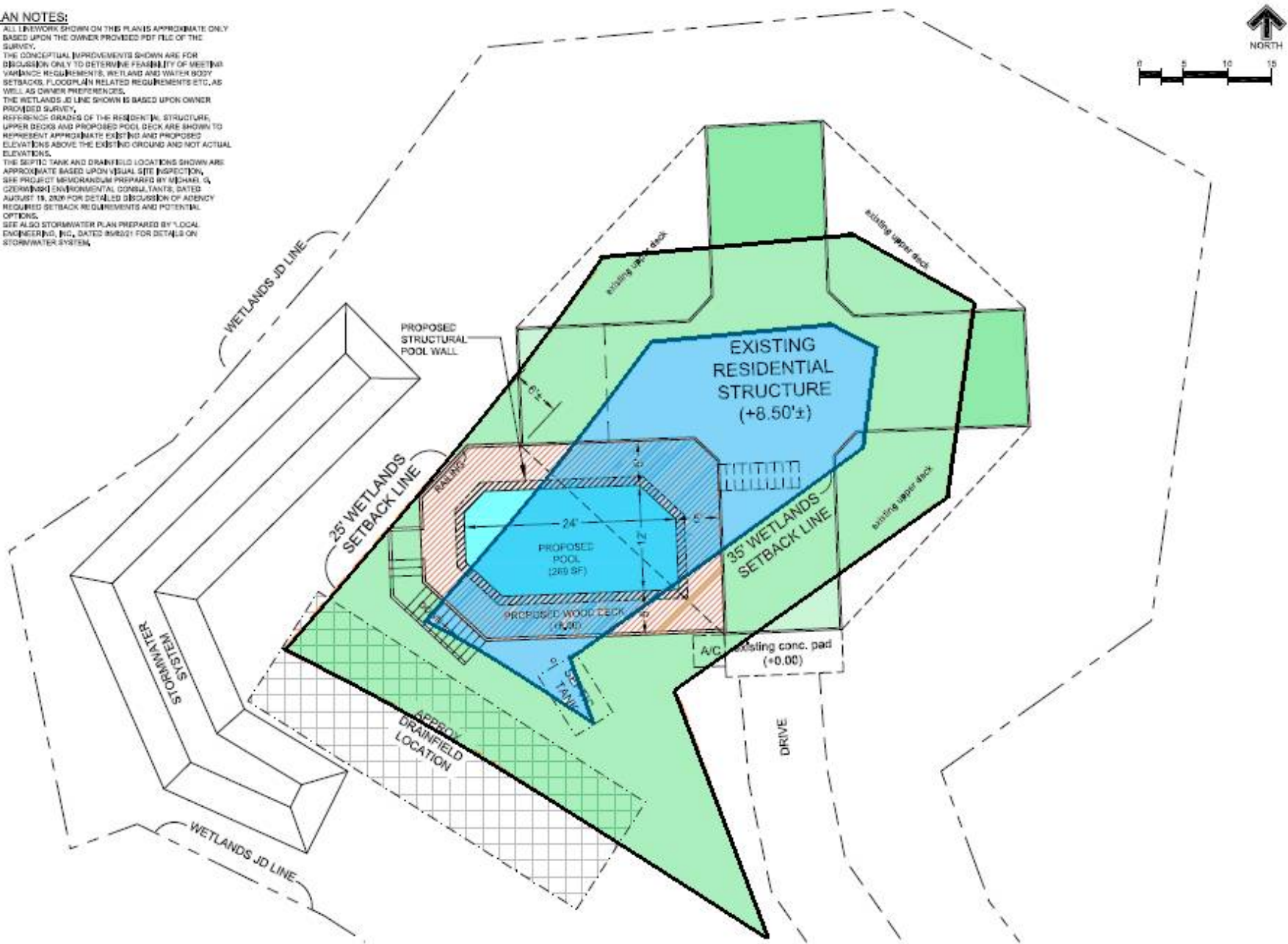
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Building envelope and setback analysis

Required wetland Setback (with a berm or swale)	50 ft. (35 ft.)	Proposed wetland setback	25 ft.
Existing building footprint	2,418 sf.	Proposed building footprint	3,192 sf.
Available building envelope (approximate)	1,024 sf.	Proposed sf. outside of available building envelope	275 sf.

PLAN NOTES:

1. ALL LINEWORK SHOWN ON THIS PLAN IS APPROXIMATE ONLY BASED UPON THE OWNER PROVIDED PDF FILE OF THE SURVEY.
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4. REFERENCE GRADES OF THE RESIDENTIAL STRUCTURE, UPPER DECKS AND PROPOSED POOL DECK ARE SHOWN TO REPRESENT APPROXIMATE EXISTING AND PROPOSED ELEVATIONS ABOVE THE EXISTING GROUND AND NOT ACTUAL ELEVATIONS.
5. THE SEPTIC TANK AND DRAINFIELD LOCATIONS SHOWN ARE APPROXIMATE BASED UPON VISUAL SITE INSPECTION.
6. SEE PROJECT MEMORANDUM PREPARED BY MICHAEL G. CZERNIANSKI ENVIRONMENTAL CONSULTANTS, DATED AUGUST 18, 2009 FOR DETAILED DISCUSSION OF AGENCY REQUIRED SETBACK REQUIREMENTS AND POTENTIAL OPTIONS.
7. SEE ALSO STORMWATER PLAN PREPARED BY LOCAL ENGINEERING, INC., DATED AUGUST 2009 FOR DETAILS ON STORMWATER SYSTEM.



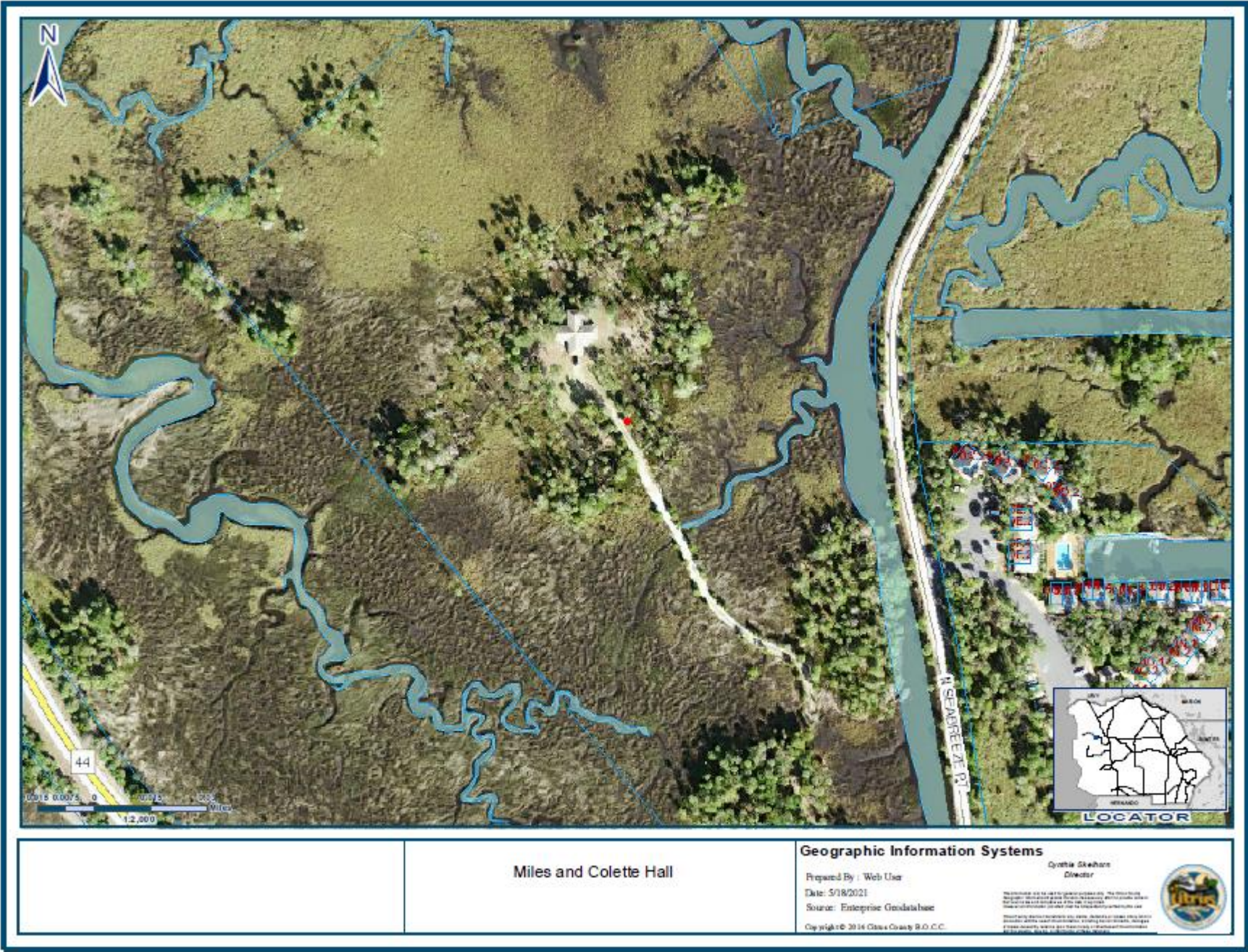
SITE PLAN FOR

MILES HALL

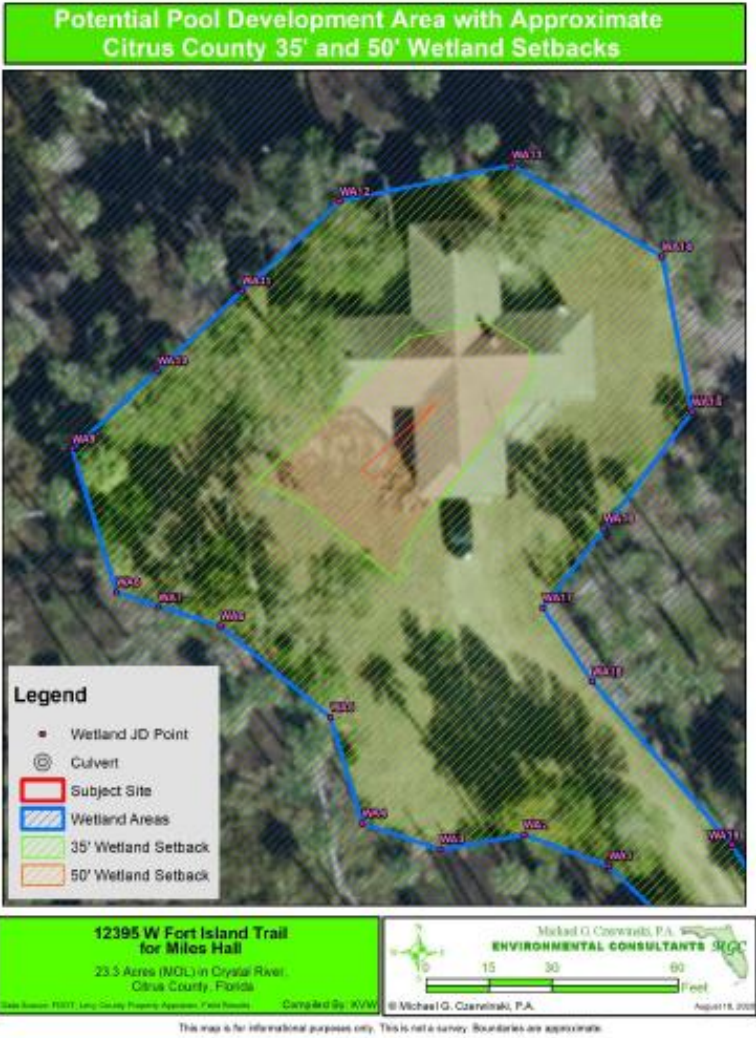

 1775 East
 Hemlock
 Portland, OR 97215

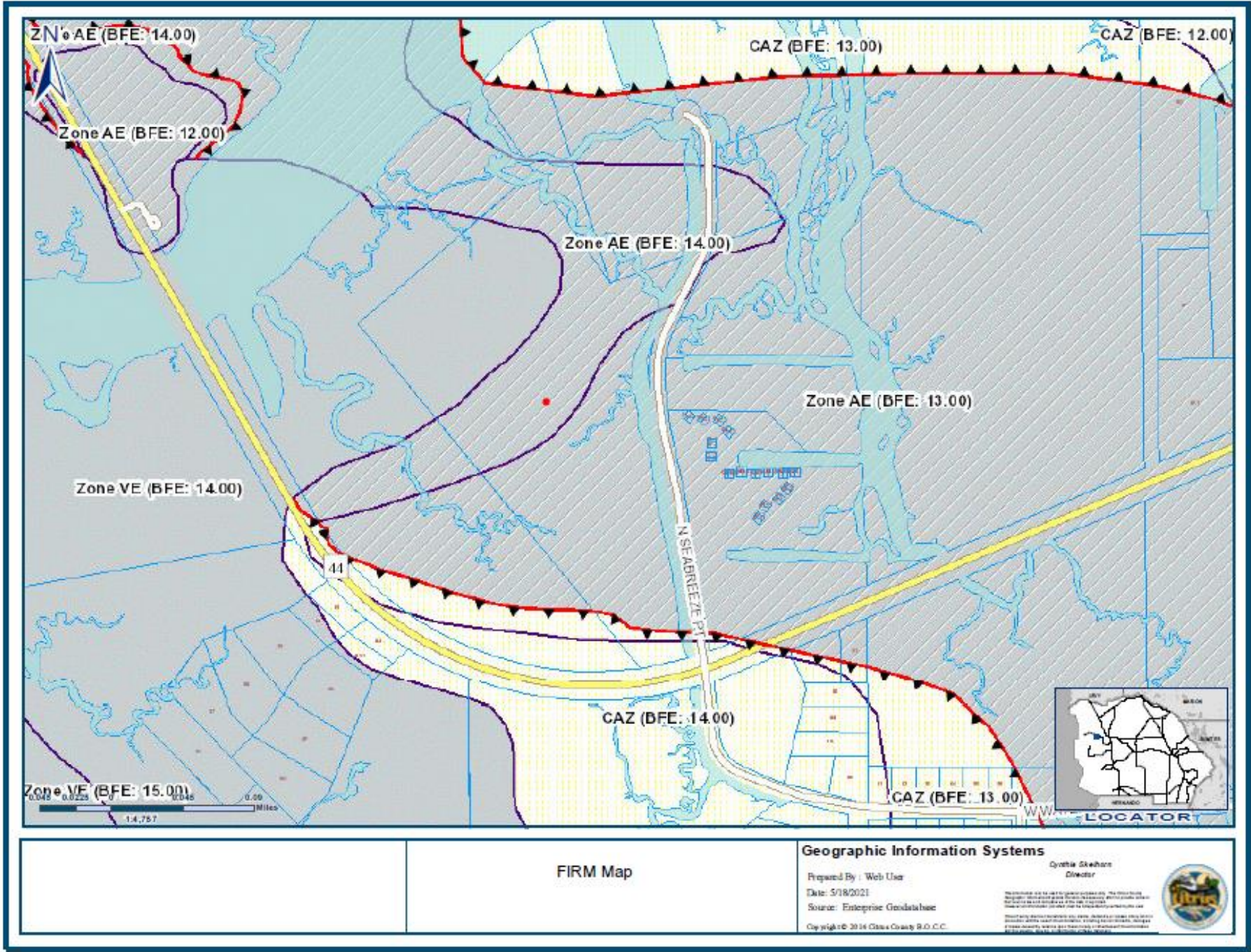
 MICHAEL G. CZERNIANSKI
 ENVIRONMENTAL CONSULTANTS
 2009.08.18
 2009.08.18
S1
L1

V-21-12
Clark A. Stillwell
Law Office of Clark A. Stillwell for
Miles and Colette Hall
320 US Hwy 41 South
Inverness, Florida 34450
caslaw@tampabay.rr.com









LDC Variance Standards

LDC Section 4400 (C)(1-8)	Applicant Response
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to land, structures, or buildings in the same land use district.	Before the house was built, the parcel's upland area of 12,000 sq. ft. (MOL). is extremely limited, circular in design, which is surrounded by wetlands and MHWL. The size and shape of the uplands is unique and peculiar to the parcel. The existing and prior or current owners did <u>not</u> create the factors defining these special conditions. Application of 50 ft. and 35 ft. setbacks to upland area shows an extremely limited buildable area.

2. The special conditions and circumstances do not result from the actions of the applicants.

As stated the parcel was created prior to County zoning codes setting setbacks (1980 code) following shape of waterfront and wetlands. The lot and residence is pre any Code with waterfront setback. Applicant did not create the shape of the upland area or the national functions, to wit wetlands and MHWL which define buildable area and necessitate a variance. Need for variance arises out of lot shape; not action of applicant. See: City of Coral Gables v. Geary, 383 So. 2d 1127, Fla 3rd DCA 1980) where court stated as follows: As we indicated in Wilson v. Borough of Mountainside, 42 N.J. 426, 452-453, 201 A.2d 540 (1964), when neither the owner *1129 of the lot at the time of adoption of the zoning ordinance . . . nor a subsequent owner, did anything to create the condition . . . for which the variance is sought, a right to relief possessed by the original owner passes to the successor in title. Such right is not lost simply because the succeeding owner bought or contracted to buy with knowledge of the . . . restriction. See 2 Rathkopf, Law of Zoning & Planning, c. 48, p. 48-20 (3d ed. 1966). (e. s.)(*emphasis supplied*)

3. A granting of the variance requested will not confer on the applicant any special privilege that is denied by this code to other lands, buildings, or structures in the same land use district.

The County waterfront setback variances from Section 3501 of the LDC are historically regularly granted to waterfront lots on a case by case basis in C/L and C/L/R district. Two (2) specific examples, V-14-14 in which a pool was granted on an irregular triangular shaped parcel in the Crystal River area. Staff report was positive as to variance standards being met (see Exhibit "J-1"). More recently, V-17-11, on a Crystal River peninsula parcel surrounded by water, a setback variance was granted to a distance of 25 feet - see Exhibit "J-2". Both variances were granted from LDC variance standards at time which are basically identical to current LDC variance standards.

4. Literal interpretation of the provisions of this code which [would] deprive the applicant of rights commonly enjoyed by other similarly situated properties and would work unnecessary and undue hardship on the applicant.

Size and irregular shape upland area is unnecessary hardship peculiar to land. As noted the existing residence already exists in setback. The developable footprint less than size of existing house. Public purpose of setbacks – aesthetics and water quality are both preserved. New and existing stormwater impacts are addressed. The latter enhanced by engineering plan addressing pre and post drainage. The above text (No.3) identifies two (2) similar variances in the Crystal River area/water basin. Others exist; County records reflect > 5000 residential pools in Citrus County. Applicant seeks rights (accessory pool uses) commonly enjoyed by others in Citrus County. There is no aesthetic impact given locale of parcel and surrounding higher intensity uses.

5. The variance granted is the minimum variance that will make possible the reasonable development and/or use of the land, building, or structure.

The request variance is the minimum in the context of a reasonable development standard, it conforms to limited area as to size. An accessory pool on waterfront parcels is a “reasonable” development in the area west of US 19. The original applicants design was 336 ft. pool size with a deck of 772 sq. ft. Applicants pre filing modifications have resulted in a reduction of 30% with a small area of encroachment.

6. The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the area involved or otherwise detrimental to the public welfare.

The intent of Code Section 3500 is to address stormwater impacts of development near waterbodies. Here the stormwater impacts are addressed and enhanced. There is no injury to the area or public. Water quality is addressed and improved via engineering design system. The ISR is well below code standards

7. There will be full compliance with any additional conditions and safeguards which the PDC may prescribe, including but not limited to reasonable time limits within which the action for which the variance is required shall be begun or completed, or both.

As to conditions, applicant proposes the following:

- a. Retain 100% guttering of residence and direct rain water into proposed DRA
- b. Engineered stormwater system addressing (pre and post) flows to LDC standards
- c. Any decking and access stairs will qualify as impervious area per code

8. Granting of the variance will not deviate from the clear intent of the adopted Comprehensive Plan.

Land use plan does not specifically address the issue of waterfront setback for existing improved lots. Plan policy 3.11 states [50 foot setback] is for new lots.

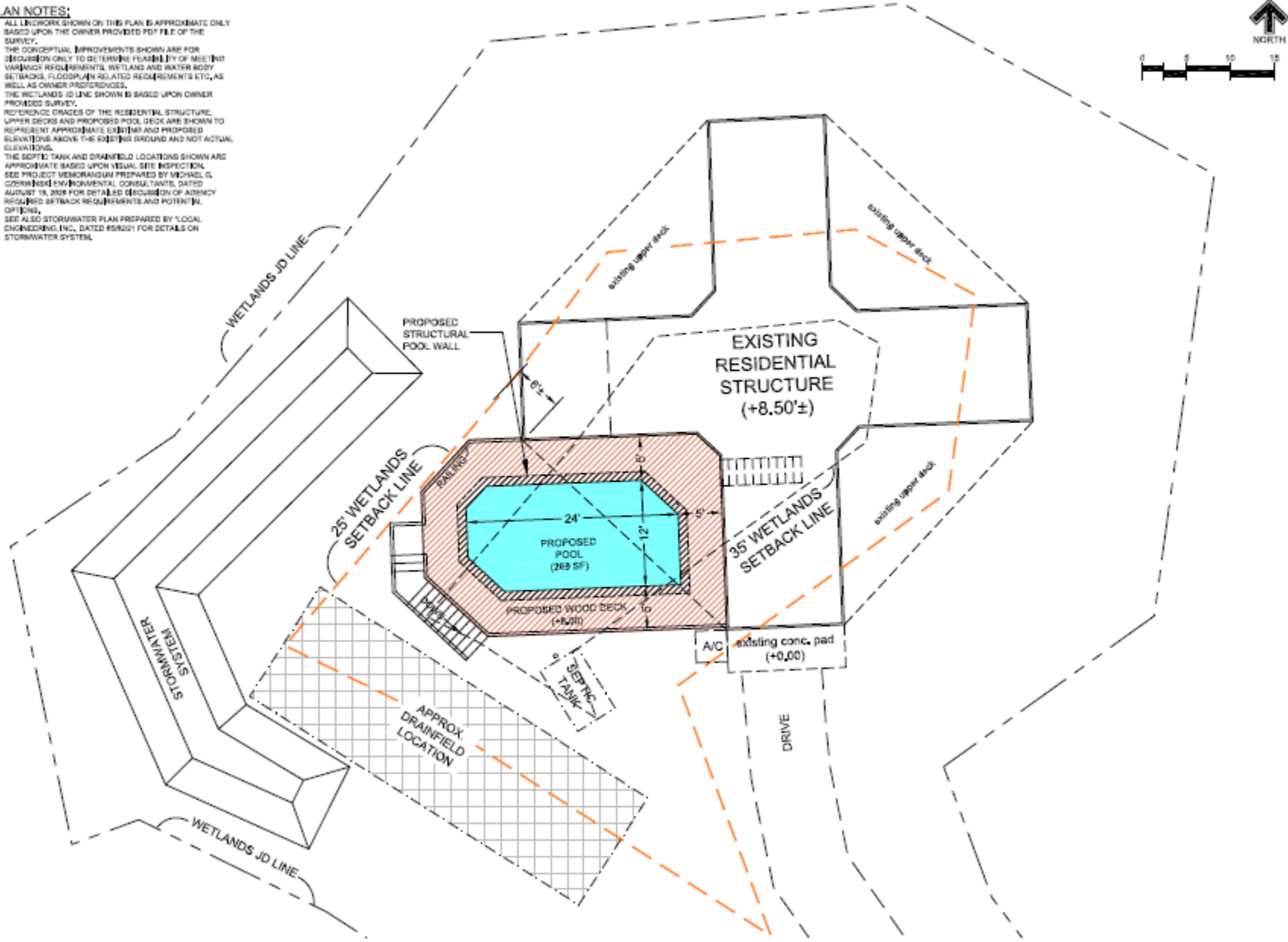
The standards of Plan Policy 3.13 are applicable “during construction” and will be met.

By use of the engineered system, Policy 3.1.7 is addressed.

The engineered stormwater system will meet Plan Policies 3.1.9 and 3.1.10.

PLAN NOTES:

1. ALL LINES SHOWN ON THIS PLAN IS APPROXIMATE ONLY BASED UPON THE OWNER PROVIDED PDF FILE OF THE SURVEY.
2. THE COROPTUAL IMPROVEMENTS SHOWN ARE FOR DISCUSSION ONLY TO DETERMINE FEASIBILITY OF MEETING VARIANCE REQUIREMENTS, WETLAND AND WATER BODY SETBACKS, FLOODPLAIN RELATED REQUIREMENTS ETC, AS WELL AS OWNER PREFERENCES.
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5. THE SEPTIC TANK AND DRAINFIELD LOCATIONS SHOWN ARE APPROXIMATE BASED UPON VISUAL SITE INSPECTION.
6. SEE PROJECT MEMORANDUM PREPARED BY MICHAEL G. COOPER ENVIRONMENTAL CONSULTANTS, DATED AUGUST 18, 2008 FOR DETAILED DISCUSSION OF AGENCY REQUIRED SETBACK REQUIREMENTS AND POTENTIAL OPTIONS.
7. SEE ALSO STORMWATER PLAN PREPARED BY LOCAL ENGINEERING, INC. DATED 05/02/11 FOR DETAILS ON STORMWATER SYSTEM.



PLAN NUMBER	17286
DATE	05/02/11
DESIGNED BY	
CHECKED BY	

SITE PLAN FOR
SWIMMING POOL
ADDITION

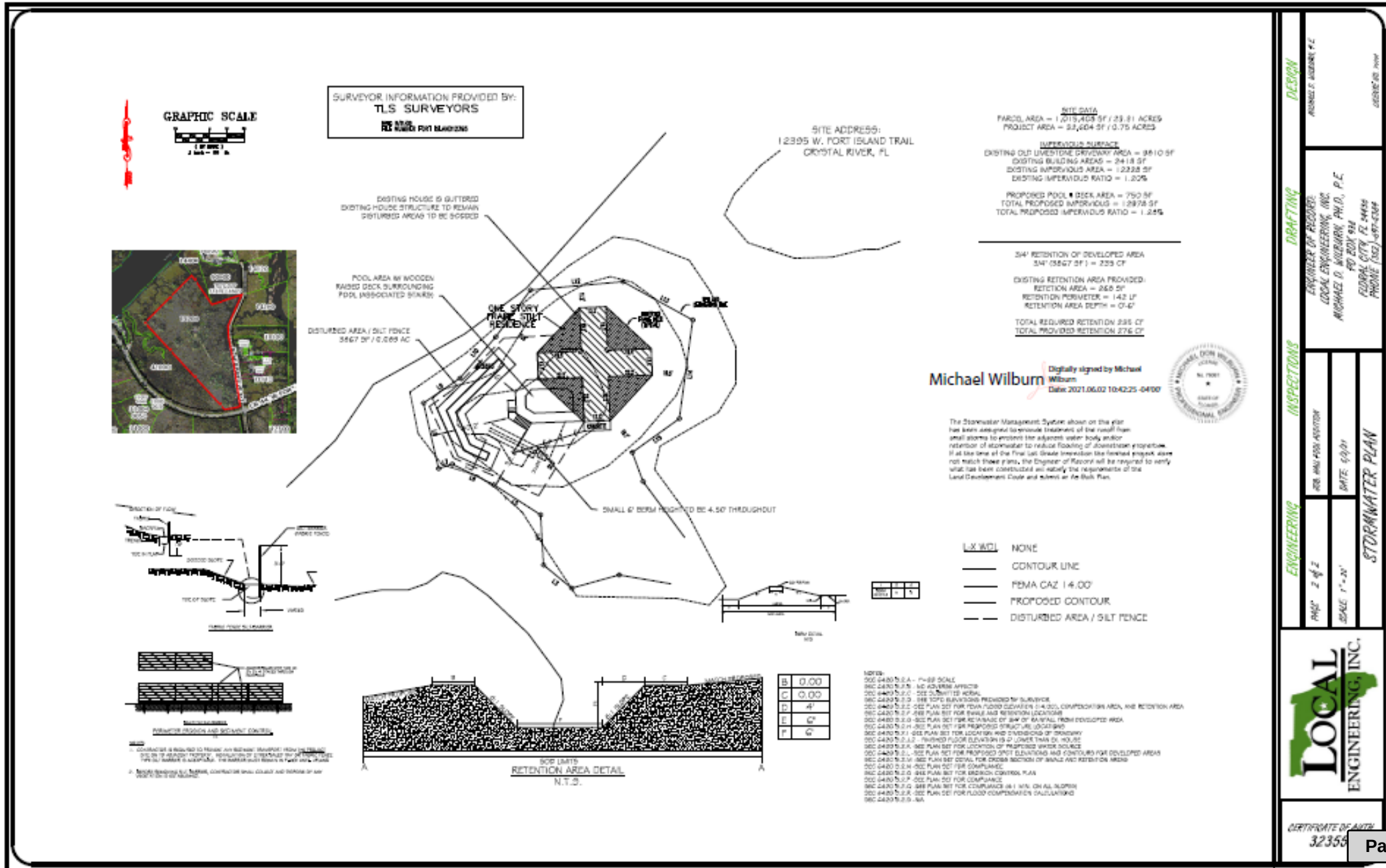
MILES HALL
POOL PLAN
12286 East Island Trail
Crystal River, Florida

Century
Landscaping & Design, Inc.
1775 East Island Street
Tampa, FL 33602
Phone: (813) 747-7102
Fax: (813) 747-7103

Paul C. Miles
Professional Landscape Architect
#14807148
State of Florida
Date of 7/1/11

DESIGNED BY Paul C. Miles
DATE 05/02/11
SCALE 1"=10'

SHEET
L1 OF 1





HALL RESIDENCE
Proposed Pool Addition



HALL RESIDENCE
Proposed Pool Addition

Florida/Citrus Pool Data

Per Citrus County Property Appraiser's Office, as of January 25, 2021, all residential pools total 16, 312. Residential pools built year 2000 and newer are 7,715.

Survey of Residential Swimming Pools Assessed by Florida County Property Appraisers, Summer 2006

By Kristal Hall, MPH Candidate, Florida State University, and Michael Lo, MSPH,
Injury Epidemiologist, Office of Injury Prevention, Florida Department of Health

Background

Florida has the highest drowning death rate in the nation for children under age 5.¹ Over 60% of these drowning deaths occur in residential swimming pools every year.² Lapses in adult supervision and lack of pool safety features as mandated in the Preston de Ibern/McKenzie Meriam Residential Swimming Pool Safety Act (Florida Statutes, Chapter 515) have been identified as contributing to these needless and preventable tragedies. In 2005, there were 50 reported drowning deaths of children under age 5 in residential swimming pools in Florida.² While this number may seem inconsequential, there are also an unknown number of near-drowning incidents that occur in swimming pools every year. Residential swimming pools thus pose a significant drowning hazard for children in this age group in Florida. However, current estimates of the number of residential swimming pools that exist in Florida have not been readily available. Therefore, during the summer of 2006, the Florida Department of Health, Office of Injury Prevention conducted a survey of residential swimming pools in Florida by contacting county property appraisers' offices to determine the number of pools that they currently assess for property taxes.

Methods

Contact was initially made by e-mail in June 2006 to all 67 Florida county property appraisers' offices. One month later, in July 2006, a letter was sent by mail to counties that had not responded. Two months later, in August 2006, a phone call was made to counties that still had not responded. Two items were requested from each county: the total (cumulative) number of private residential swimming pools that have been assessed in that county to date, and the number or percent of new residential swimming pools that have been assessed in that county since October 1, 2000, when the state's Residential Swimming Pool Safety Act went into effect. All correspondence from county property appraisers' offices were filed in alphabetical order in a binder for future reference. Data was entered into a Microsoft Excel spreadsheet and statewide totals calculated.

Results

During the three-month data collection period, 61 of Florida's 67 counties responded, for a response rate of 91%. Sixty counties reported a grand total of 1,095,347 pools that they currently assess (see attached table). Taylor County responded but did not have data available to report. The number of new pools assessed since October 1, 2000, and are thus subject to the Residential Swimming Pool Safety Act, is 225,987, reported from 49 of the 61 counties that responded. Six counties were unable to report the number of new pools that they have assessed since October 1, 2000. Dixie, Hamilton, Highlands, Suwannee, Union, and Walton counties did not respond at all. However, these are thinly populated rural counties that are not expected to have added significantly to the approximately 1.1 million total residential swimming pools estimated to exist currently in Florida from this survey.

Discussion

Two limitations should be noted in estimating the number of residential swimming pools in Florida from property tax assessment data. However, several county property appraisers' offices have indicated that this data is more reliable than construction permit data, as many pools are unpermitted. First, only permanent, in-ground pools are included in this data, which excludes above-ground pools and other temporary pools in which drownings are known to have occurred in Florida², and public pools. However, drowning deaths in public pools have not been specifically documented in Florida death certificate records.² Second, some counties reported the number of new pools that they have assessed since January 1, 2000, or January 1, 2001, instead of October 1, 2000, since January 1 is the date that property assessments are made every year. Some misclassification error therefore exists in the estimate of the number of new pools that have been built in the state since October 1, 2000. Future updates to this data should take the January 1 assessment date into consideration when determining the number of pools in the state that are subject to the Residential Swimming Pool Safety Act.

References

- Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS), 1999-2003. Available at <http://www.cdc.gov/nipc/wisqars>.
- Florida Department of Health, Office of Vital Statistics. Florida Death Certificate Database, 1999-2006.

Acknowledgements

The authors would like to thank the Florida county property appraisers' offices who contributed data to this survey.

Survey of Private Residential Swimming Pools Assessed in Florida, By County, Tax Year 2006

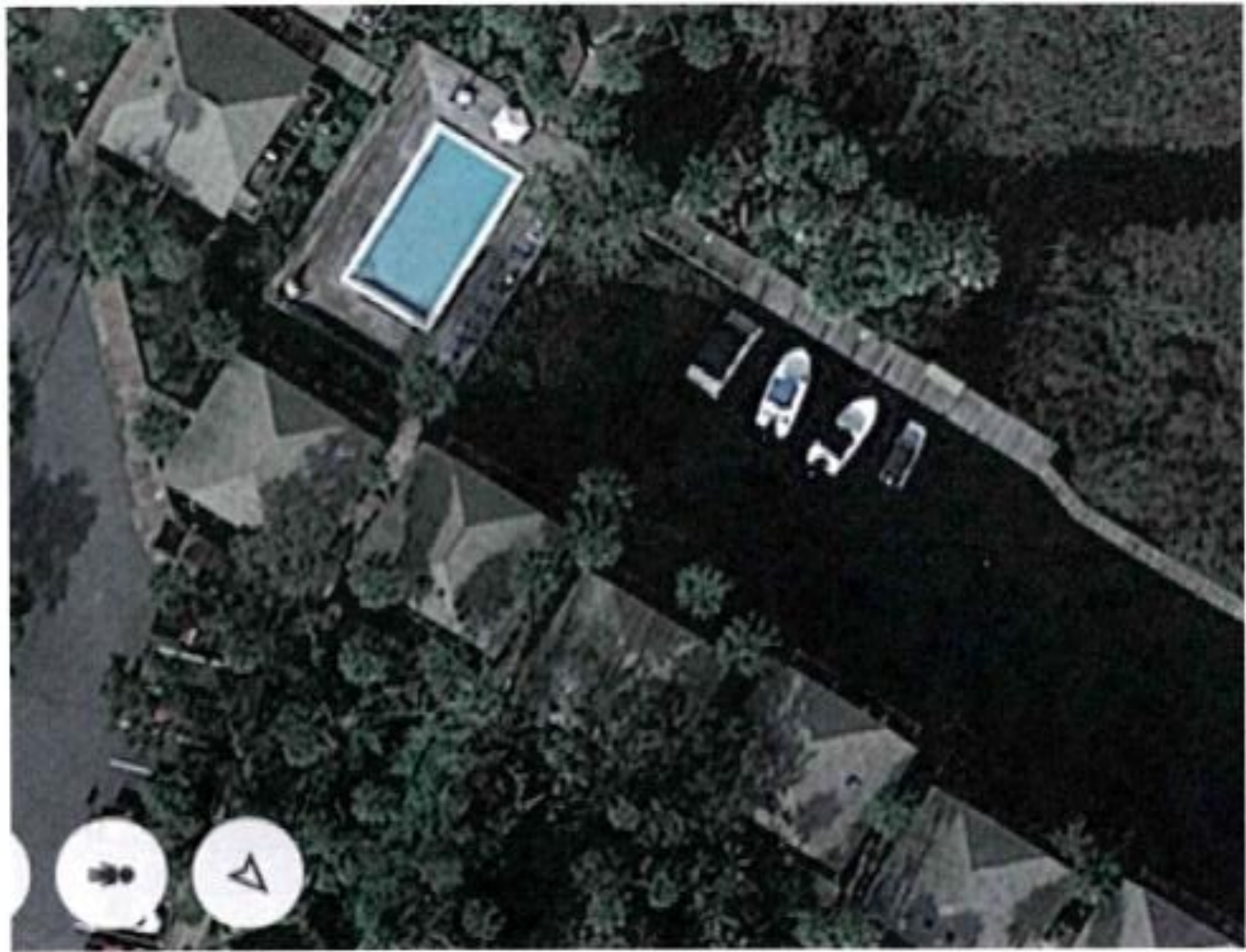
County	Total	Assessed Since October 1, 2000*	County	Total	Assessed Since October 1, 2000*
Alachua	6,996	1,214	Lee	62,481	19,141
Baker	408	100	Leon	7,712	N/A
Bay	7,936	5,722	Levy	774	N/A
Bradford	378	42	Liberty	88	11
Brevard	43,153	6,818	Madison	194	24
Broward	113,157	19,139	Manatee	26,246	8,717
Calhoun	169	119	Marion	13,077	3,569
Charlotte	25,334	4,497	Marlin	16,478	3,845
Citrus	12,775	3,968	Miami-Dade	78,477	7,538
Clay	8,213	1,699	Monroe	4,668	1,505
Collier	34,854	11,478	Nassau	2,880	N/A
Columbia	1,097	237	Okaloosa	11,008	3,122
DeSoto	764	N/A	Okeechobee	689	129
Dixie	N/A	N/A	Orange	61,096	14,145
Duval	23,226	4,332	Osceola	18,943	4,542
Escambia	9,085	N/A	Palm Beach	101,463	15,885
Flagler	9,112	3,925	Pasco	29,760	8,810
Franklin	394	138	Pinellas	65,505	N/A
Gadsden	491	N/A	Polk	29,291	8,847
Gilchrist	211	69	Putnam	1,247	384
Glades	145	44	Saint Johns	9,951	3,645
Gulf	207	N/A	Saint Lucie	18,301	4,598
Hamilton	N/A	N/A	Santa Rosa	6,512	2,148
Hardee	321	25	Sarasota	45,000	10,700
Hendry	566	75	Seminole	38,086	6,551
Hernando	18,932	3,992	Sumter	1,692**	N/A
Highlands	N/A	N/A	Suwannee	N/A	N/A
Hillsborough	71,960	13,958	Taylor	N/A	N/A
Holmes	213	12	Union	N/A	N/A
Indian River	12,018	3,379	Volusia	27,622	5,888
Jackson	766	N/A	Wakulla	448	143
Jefferson	344	114	Walton	N/A	N/A
Lafayette	87	20	Washington	257	N/A
Lake	14,089	6,984	FLORIDA	1,093,655	225,987

* The Residential Swimming Pool Safety Act (Florida Statutes, Chapter 515) went into effect on this date for all new residential swimming pools built in Florida, but some counties reported the number of pools assessed since January 1, 2000, or January 1, 2001.

** Includes both residential and commercial pools.

Data Source: Florida County Property Appraisers' Offices.
Compiled By: Kristal Hall, MPH Candidate, Florida State University.
October 2006

Sawgrass Landing Condominium Association, Inc.

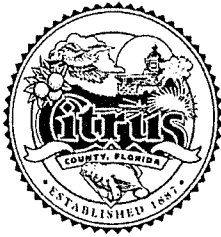


Attachment: Applicant Power Point Hall (17286 : V-21-12 Clark Stillwell for Miles and



AGENDA MEMORANDUM

FROM:	Michael Sherman, AICP Growth Management Director
SUBJECT:	CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al
AGENDA DATE:	September 16, 2021
<u>BRIEF OVERVIEW:</u> This application is a request to amend the Future Land Use Map (FLUM) of the Citrus County Comprehensive Plan from LDR, Low Density Residential District to GNC, General Commercial District and IND, Industrial District, and amend the Land Use Atlas Map (LUAM) of the Land Development Code from PSO, Professional Services/Office District; and LDRMH, Low Density Residential District, mobile homes allowed to GNC, General Commercial District; and to IND, Heavy Industrial District with a Planned Unit Development for open storage for auto salvage.	
<u>BUDGET IMPACT/FUNDING SOURCE:</u>	
<u>RECOMMENDED ACTION:</u> Conduct a public hearing on September 16, 2021, to review and consider CPA/AA/PUD-21-11, Clark A. Stillwell, Esq. for Damron Family Trust, et al.	



PM2-21-90

**DEPARTMENT OF GROWTH MANAGEMENT
2021 LARGE SCALE
COMPREHENSIVE PLAN AMENDMENT AND
ATLAS AMENDMENT
STAFF FINDINGS REPORT
TO THE
PLANNING AND DEVELOPMENT COMMISSION**

APPLICATION NUMBER: CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al

DATE: August 18, 2021

PREPARED BY: Joe Hochadel, Principal Planner, Land Development Division *JH*

Request to amend the Future Land Use Map (FLUM) of the Citrus County Comprehensive Plan, to amend the Land Development Code Atlas Map, and to establish a new Planned Unit Development (PUD) for open storage for auto salvage.

FUTURE LAND USE MAP REQUEST:	From: LDR, Low Density Residential District To: GNC, General Commercial District; and IND, Heavy Industrial District
LAND USE ATLAS MAP REQUEST:	From: PSO, Professional Services/Office District; and LDRMH, Low Density Residential District, mobile homes allowed To: GNC, General Commercial District; and IND, Heavy Industrial District with a Planned Unit Development
LOCATION:	<u>Section 29, Township 18 South, Range 18 East</u> ; more specifically, Parcel B of LR-96-17 and Parcel 14000-0020 of an unrecorded subdivision (AK 3440248 and 1492670), which addresses are known as 4386 and 4374 W. Norvell Bryant Hwy., Crystal River, Florida. A complete legal description of the property is on file with the Land Development Division.
ACREAGE:	CPA amendment area is approximately 72 acres Master Plan site (PUD) is approximately 46.44 acres
SURROUNDING FUTURE LAND DESIGNATIONS:	North – RMU, Residential Mixed Use District South – LDR, Low Density Residential District East – LDR, Low Density Residential District West – IND, Heavy Industrial District
SURROUNDING LAND DEVELOPMENT CODE ATLAS DESIGNATIONS:	North – RUR, Rural Residential District South – LDR, Low Density Residential District; LDRMH, Low Density Residential District, mobile homes allowed East – LDR, Low Density Residential District; LDRMH, Low Density Residential District, mobile homes allowed West – IND, Heavy Industrial District

Attachment: Staff report and locator maps (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

SURROUNDING EXISTING LAND USES:	North – Vacant residential, vacant school site South – Vacant residential East – Grazing land West – Recycling center and auto salvage
SOIL INFORMATION:	According to the <i>Soil Survey of Citrus County</i> (1988), the soil types in the area consists of Candler fine sand and Arredondo fine sand, 0 to 5 percent slopes. Limitations to building site development are slight.
FLOOD ZONE:	The subject property appears to be located in Flood Zone X and AE with a Base Flood Elevation of 36.7 feet, 49.7 feet, and 56 feet, as found on the Flood Insurance Rate Map 12017C0194D.

BACKGROUND

The subject properties total 72 acres, incorporating Parcel B of LR-96-17 and Parcel 14000-0020 of an unrecorded subdivision which accesses W. Norvell Bryant Hwy. (CR-486), a minor arterial roadway. Parcel B completely encompasses Parcel 307, which is owned by Citrus County and designated as a drainage retention area for W. Norvell Bryant Hwy. Parcel B is subject to an access easement for Parcel 307.

The subject parcels are partially wooded and partially cleared for grazing land. Parcel B abuts the LKQ auto salvage use to the west and has a single-family dwelling that was placed in 1974, as well as accessory structures such as a detached garage, a barn, and sheds. Parcel 14000-0020 has a single-family dwelling that was placed in 1978, as well as a barn. The properties have a total of approximately 2,313 feet of frontage along W. Norvell Bryant Hwy.

There was a previous application, AA-96-04, that redesignated an approximately 12-acre portion in the northwest corner of Parcel B from LDR to PSO on the LDC Atlas. The FLUM designation remained LDR.

ANALYSIS

The applicant proposes to redesignate the subject properties from the Low Density Residential District (LDR) to the General Commercial District (GNC) and Heavy Industrial District (IND) on the Future Land Use Map (FLUM) and from the Professional Services/Office District (PSO) and Low Density Residential District, mobile homes allowed (LDRMH) to the General Commercial District (GNC) and Heavy Industrial District (IND) with a Planned Unit Development on the Atlas Map. The applicant is proposing 25.52 acres with a depth of 500 feet fronting along W. Norvell Bryant Hwy. to be GNC and the remaining 46.44 acres to be IND with a PUD. The applicant is not proposing a PUD for the GNC portion along W. Norvell Bryant Hwy.

The applicant states that there is demand for additional commercial-designated properties due to the project's close proximity to the future Suncoast Parkway interchange. The Suncoast Parkway interchange is proposed to connect to CR-486 approximately 2,000 feet (0.38 miles) west of the subject parcels. The applicant has also indicated that the proposed IND portion is to allow for the expansion of the existing auto salvage industrial use adjacent to Parcel B. The PUD will establish a master plan for the auto salvage expansion.

The GNC District is a land use district which contains those commercial activities that have higher commercial intensity through increased trip generations and potential for greater nuisance effect on adjacent properties due to noise, light and glare, or typical hours of operation. The IND District is a land use district that allows for the most intense industrial uses, many of which are conducted outdoors. The PSO District has a limited range of commercial uses and is intended as a buffer between higher intensity commercial and residential development. The LDR District is intended for lower density residential development consisting primarily of single-family dwellings retaining a typical neighborhood characteristic.

In comparison between the two proposed land use districts to the existing PSO and LDR Districts, the proposed land use districts may be appropriate as long as a master plan is established to limit the development intensity. While the adjacent parcels to the south and east consist of larger tract residential lots, characteristic of the LDR District, some of the residential lots to the south are proposed to be acquired by the Suncoast Parkway extension. There is also an existing auto salvage industrial use located adjacent to the subject property, and there has been a trend of establishing and expanding non-residential land uses along this portion of W. Norvell Bryant Hwy. With that said, one of the primary entrances to Pine Ridge is located across W. Norvell Bryant Hwy. within close proximity to the subject property and, although a portion of Pine Ridge contains non-residential uses, it is primarily residential in nature.

The subject properties are located within the Planned Service Area (PSA) and are within one of the County Corridor Planning Zones. The Corridor Planning Zones: 1) promote planning and orderly development; 2) provide protection from the high intensity uses which can be expected to have a negative impact on those valuable natural resources adjacent to those corridors; and 3) protect the traffic circulation function of these corridors.

The applicant has indicated that there is no proposed development within the GNC portion and that the GNC amendment is necessary to eliminate the 200-foot setback requirement from outdoor storage for auto salvage from a residential property, which would limit the scope of development within the proposed IND portion. While the applicant is proposing a PUD to limit the scope and intensity of the proposed industrial use, the proposed storage area is not meeting the 200-foot separation from the residential lots to the south and the proposed commercial component could also benefit from the potential safeguards as part of a PUD to better promote orderly development and protect traffic circulation within the corridor.

Non-residential site development will be required to meet LDC standards for either LDC Section 3740, Additional Design Standards for Large Non-residential Projects, or Section 3745, Design Standards for Small Nonresidential Development Projects, which includes standards for buffering, landscaping, façade, parking, lighting, and other applicable LDC standards.

REQUEST FOR LAND USE CHANGE

Concurrency

- a. Sanitary Sewer – The subject property is in the Citrus County Utilities Division service territory with a letter provided by the Department of Water Resources indicating the ability to connect to sewer service.

- b. Potable Water – The subject property is in the Citrus County Utilities Division service territory with a letter provided by the Department of Water Resources indicating the ability to connect to potable water service.
- c. Solid Waste – The property will utilize commercial solid waste collection with disposal in the Citrus County landfill, with a letter provided by the Department of Public Works Solid Waste Management Division indicating sufficient capacity at the landfill.
- d. Drainage – The site has appropriate space and soils to provide an onsite drainage system that will meet Southwest Florida Water Management District (SWFWMD) and Florida Department of Environmental Protection (FDEP) requirements, with a letter provided by Burrell Engineering, Inc. indicating stormwater requirements can be met.

Consistency with Comprehensive Plan – All development applications shall demonstrate complete compliance with the Comprehensive Plan.

Objective 17.2 In order to promote the efficient use of resources and discourage scattered development and sprawl, the County shall encourage development in Planned Service Areas (PSA) and commercial infill areas as identified in the Plan and through the following mechanisms:

- County LDC - specific standards which allow higher intensities of land use in areas where adequate services are available and where specific design criteria are met, and future land uses are coordinated with appropriate topography conditions and soil types; and
- GFLUM - by designating an appropriate amount of acreage in each land use category that reflects projected growth, demonstrated needs, existing development patterns, environmental suitability, availability of infrastructure, and community values

Staff comment – The subject property is located within the PSA and has availability to connect to central sewer and water.

Policy 17.2.7 The County shall guide future development to the most appropriate areas, as depicted on the GFLUM, specifically those with minimal environmental limitations and the availability of necessary services.

Staff comment – The application proposes the use of the GNC District and the IND District with land use restrictions through a Planned Unit Development. The PUD will reduce the potential for future higher intensity development within the IND portion, but the GNC portion, as proposed, could develop at a higher density and/or intensity.

Policy 17.2.8 The County shall utilize land use techniques and development standards to achieve a functional and compatible land use framework which reduces incompatible land uses.

Staff comment – The subject property area is currently designated PSO and LDR, which acts as a transition between more intense commercially designated land and residentially

designated land. The property abuts an existing IND property to the west and there are multiple PSO and GNC properties in the general area.

Policy 17.5.2 Commercial, Industrial, and other appropriate uses shall be allowed in Planned Developments when part of an approved Plan of Development and where development standards are met as specified by the LDC.

Staff comment – The proposal would allow an auto salvage use within a Planned Unit Development (PUD). There is no PUD proposed for the GNC portion.

Policy 17.7.3 All new industrial development shall be required to be served by central water and sewer facilities.

Staff comment – The applicant has provided a letter from the Citrus County Department of Water Resources indicating both central water and sewer facilities are available to serve both the commercial and industrial designations proposed.

Policy 17.11.2 All development in the Corridor Planning Zone and any development shall be subject to special review criteria as established by the LDC. This review shall take into consideration, at a minimum, the following impacts:

- Traffic Circulation including need for setbacks, access, and maintenance of established LOS
- Stormwater drainage and flood protection
- Provision of utilities
- Protection of jurisdictional and other unique natural features

Staff comment – The applicant has provided letters indicating utilities such as central water and sewer facilities are available to serve the site and that stormwater drainage requirements will be met. While the applicant has addressed access for the proposed open storage for auto salvage, the access and circulation for the proposed GNC portion has not been addressed and will be required to meet LDC standards at time of permitting.

Policy 17.15 The County shall encourage the reduction of uses incompatible and/or inconsistent with individual community's character and designated future land uses by requiring performance standards are met in the County LDC which will reduce negative impacts.

Staff comment – The property is located adjacent to and in the general area of nonresidential uses and districts, but properties to the south and north of the site are residential. The proposed GNC and IND District can be in harmony with both the residential area and nearby nonresidential designations with a PUD on both the IND and GNC portions.

Impacts on Affordable Housing – The proposal may create additional jobs, and through the conversion of the existing residential land use district to the nonresidential districts appears to have a negligible impact since no permanent housing is proposed. However, the proposed GNC portion could allow for increased density with multi-family of up to 10 units per acre.

Compatibility with Adjacent Land Uses – The area proximate to the subject property along CR-486 is comprised of existing commercial and industrial properties, such as mini-warehouse, auto salvage, and the YMCA, as well as vacant commercial and residential development in the surrounding area. The proposed PUD contains safeguards to limit the operations of the auto salvage which could reduce impacts concerning noise, lighting, and glare from other potential nonresidential operations. As such, the proposed land use changes combined with the land use restrictions as indicated in the PUD appear to be compatible with the properties immediately surrounding the site, especially if the PUD incorporated the GNC portion to further promote orderly development and protect traffic circulation within the corridor. As requested, the applicant is not proposing a PUD for the commercial portion.

Environmental – The site may contain suitable habitat for gopher tortoises; however, if any gopher tortoises or other protected species are found onsite, the applicant will need to coordinate with Citrus County and the Florida Fish and Wildlife Conservation Commission (FWC). A tree preservation plan will be required at the time of development that includes analysis of any specimen trees that may be located on the site.

Transportation – The subject property accesses from W. Norvell Bryant Hwy., a minor arterial roadway. The proposed auto salvage use will take access from the adjacent existing development and will not have direct access to W. Norvell Bryant Hwy.

PROPOSED FINDINGS OF FACT – LAND USE CHANGE

1. The request is to re-designate Parcel B of LR-96-17 and Parcel 14000-0020 of an unrecorded subdivision, Section 29, Township 18 South, Range 18 East from Low Density Residential District (LDR) to the General Commercial District (GNC) and Heavy Industrial District (IND) on the FLUM; and from Professional Services/Office District (PSO) and LDRMH, Low Density Residential District, mobile homes allowed to General Commercial District (GNC) and Heavy Industrial District (IND) with a Planned Unit Development on the Land Use Atlas Map (LUAM).
2. The proposed land use is generally consistent with the Comprehensive Plan.
3. The site has met concurrency requirements for central water, central sewer, solid waste, and drainage.
4. The properties front along a minor arterial roadway.
5. The site is located within the adopted PSA and a Corridor Planning Zone.

REQUEST FOR PLANNED UNIT DEVELOPMENT

This application proposes to establish a Master Plan of development within the IND portion for outside storage and an auto salvage use.

Consistency with the Land Development Code (LDC): The outside storage for auto salvage use was reviewed using the standards outlined in LDC Section 4300, Planned Unit Developments, as well as the design standards of LDC Section 3740, Additional Design Standards For Large Non-Residential Projects, which includes façade, pedestrian circulation, parking areas, landscaping, buffers, lighting, ground area coverage, and floor area ratio, and Section 3350, Auto Salvage/Junkyards and Abandoned Property.

Access Management/Transportation: The Master Plan indicates that the subject site will take access through the existing adjacent auto salvage use, via one cross access connection to the west.

The adjacent auto salvage use has two existing driveway connections to W. Norvell Bryant Hwy., which are not part of this application and are not proposed to change.

The Engineering Division has provided the following recommended comments:

- The proposed project will be subject to the requirements Chapter 6, Stormwater Management, Section 6300, Nonresidential Design Criteria, of the Land Development Code. The applicant will need to address the requirements of Section 6310.D with regard to flood volume compensation for any fill placed within the 100-year flood plain. The project does not propose additional access connections to the County roadway system.
- The site is subject to the requirements of the Citrus County Code Chapter 42, Environment, Article VI NPDES Stormwater Illicit Connection or Illicit Discharge Regulations. The purpose of the chapter is to protect the municipal stormwater system from illicit discharges. The existing adjacent Citrus County drainage retention area and the stormwater system (pipes and inlets) draining into the drainage retention area are part of the municipal stormwater system and would need to be protected in accordance with this regulation.

Landscaping/Buffers: The Master Plan proposes a 20-foot wide Type "D" buffer with an eight-foot tall wall along the south, east and a portion of the north property lines where abutting adjacent residentially designated land, per the requirements of Section 3350. A 15-foot wide Type "C" buffer is proposed along the remainder of the north property line where adjacent to the proposed GNC district as opposed to the required 20-foot Type "D" buffer with a wall. The applicant is not proposing a buffer between the adjacent industrial uses, as the LDC only requires a sodded strip between like uses.

- A deviation has been requested to the required 20-foot Type "D" landscape buffer with a wall for an industrial use abutting a commercial designation. The applicant has instead indicated a 15-foot wide Type "C" buffer.

Staff Comment: Although there is ample room to place the appropriate buffer width and type along the proposed nonresidential area, the outdoor storage for an auto salvage is a low intensity industrial use and should be compatible with the proposed GNC portion when it develops. However, the applicant is not proposing a PUD for the commercial portion.

Parking Standards/ Loading Zone: The applicant is not proposing any structures or uses that would require additional parking for the existing LKQ salvage operation. The proposed outdoor storage for auto salvage will not increase the demand for parking facilities at the main site.

Setbacks: The LDC Section 3350 requires outside storage associated with an auto salvage use to have a minimum 75-foot setback from a property line or 200-foot setback from a lot lying in a residential district. The proposed master plan shows the outdoor storage area having minimum setbacks as follows:

Setback	LDC Required	Proposed
North (commercial)	75 feet	65 feet
North (residential)	200 feet	477 feet
South (residential)	200 feet	51 feet
East (residential)	200 feet	192 feet
West (industrial)	5 feet	55 feet

There is approximately 801,783 square feet (18.41 acres) of available area meeting the 200-foot setback within the proposed IND designated area and approximately 1,120,752 square feet (25.73 acres) of available building area within the proposed IND portion meeting both the 200-foot setback from a residential lot and the 75-foot setback from a nonresidential lot if the GNC portion were to be subdivided from the IND portion and no longer under common ownership. The outdoor storage use is not proposed to have frontage along a right-of-way and is well beyond the minimum building setback of 100 feet from the centerline of a minor arterial.

- A deviation has been requested to the required 200-foot setback for an outdoor storage associated with auto salvage use from adjacent residential lots. The applicant has instead indicated a 51-foot setback. The proposed use currently meets the 75-foot setback from nonresidential property lines; however, if the property is subdivided separating the proposed GNC portion from the IND portion, the outdoor storage use will not meet the 75-foot setback.
 - *There appears to be adequate area within the proposed IND portion to meet both the required minimum 200-foot setback from a residential lot and the required minimum 75-foot setback from a nonresidential lot, if the GNC portion is to be subdivided and no longer under common ownership.*

Impervious Surface: The outdoor storage use proposes a total impervious surface ratio (ISR) of approximately 45.6 percent of the IND portion, where the maximum ISR for the IND District is 70 percent, meeting this requirement.

Stormwater Management: The site plan includes proposed drainage retention areas that will be required to meet LDC requirements at the time of permitting and will need to address the requirements for flood volume compensation for any fill placed within the 100-year flood plain. The applicant must also ensure that the County drainage retention area and the stormwater system draining into it will be protected.

Tree Preservation: The site contains a number of trees, and the applicant has not indicated which trees are proposed for removal. At the time of permitting, the applicant will need to provide evidence of meeting minimum LDC standards for tree removal/mitigation.

PROPOSED FINDINGS OF FACT – PLANNED UNIT DEVELOPMENT

Staff reviewed this application under the standards of Section 4300, Planned Unit Developments (PUD); Section 2414, Heavy Industrial District, and Section 3350, Auto Salvage/Junkyards and

Abandoned Property, as specified in the LDC. The Board of County Commissioners (BCC) may adopt modified conditions of approval pursuant to LDC Section 4302, PUD Approval Procedures, when in the public interest and expressed in formal findings of fact. The reviewing body shall approve, approve with modifications and/or conditions, or disapprove the PUD. The reviewing body shall enter its reasons for such action in its record. As evidence, the following findings of facts are cited.

- A. **Only uses which are consistent with the Comprehensive Plan may be approved as a PUD.** *The proposed outdoor storage associated with auto salvage use is consistent with the Comprehensive Plan, provided all LDC requirements are met. The use is allowable in the IND District via the permitting process. As previously noted, the proposed PUD is in general conformance with the Comprehensive Plan provided the LDC standards regarding noise, lighting, etc. are adhered to; however, the applicant could modify the site to better meet required setbacks.*
- B. **Any development approved through the PUD application process, which is not designated a use in the respective land use district for the subject PUD parcel, shall be compatible with established or planned uses both within the development footprint and surrounding neighborhoods and property.** *The surrounding area includes other non-residential uses such as the adjacent auto salvage, mini-warehouse, and the YMCA, as well as vacant residentially designated land in the general area. The proposed outdoor storage use does abut single-family residential uses to the south, east, and north, which will be screened with landscape buffers with a wall. The applicant has indicated that the use of the site would be restricted to outdoor storage for auto salvage only, and reduced buffers are proposed to be maintained. As such, the use as proposed could be compatible with the surrounding area.*
- C. **Accessory uses shall be permitted as set forth within the approved general concept plan or as found by the Board of County Commissioners to be compatible with an approved plan.** *The Master Plan includes operations such as outdoor storage for auto salvage. Any future accessory uses would be subject to standards as outlined in the LDC.*
- D. **Subsequent to the approval of a PUD, uses not enumerated may be permitted through amendment of the PUD and approved by the Board of County Commissioners.** *The applicant is aware that any future uses may require an amendment to this Planned Unit Development.*
- E. **The land area included within the PUD development shall be of such proportions as to properly accommodate all proposed uses in keeping with the general requirements of the County and the established objectives and policies of the adopted Comprehensive Plan.** *The project meets all standards for impervious surface and floor area ratio as outlined in the Comprehensive Plan and Land Development Code.*
- F. **There shall be no specific lot requirements for individual uses; provided, however, that the area designated for any particular use shall be of sufficient size and proportion so as to properly accommodate said use and to provide for adequate open space and buffering between it and an adjacent use.** *Buffers are proposed as delineated on the Master Plan. The applicant intends to provide landscape buffering with the deviation discussed above; however, there appears to be adequate area to provide the required buffer.*

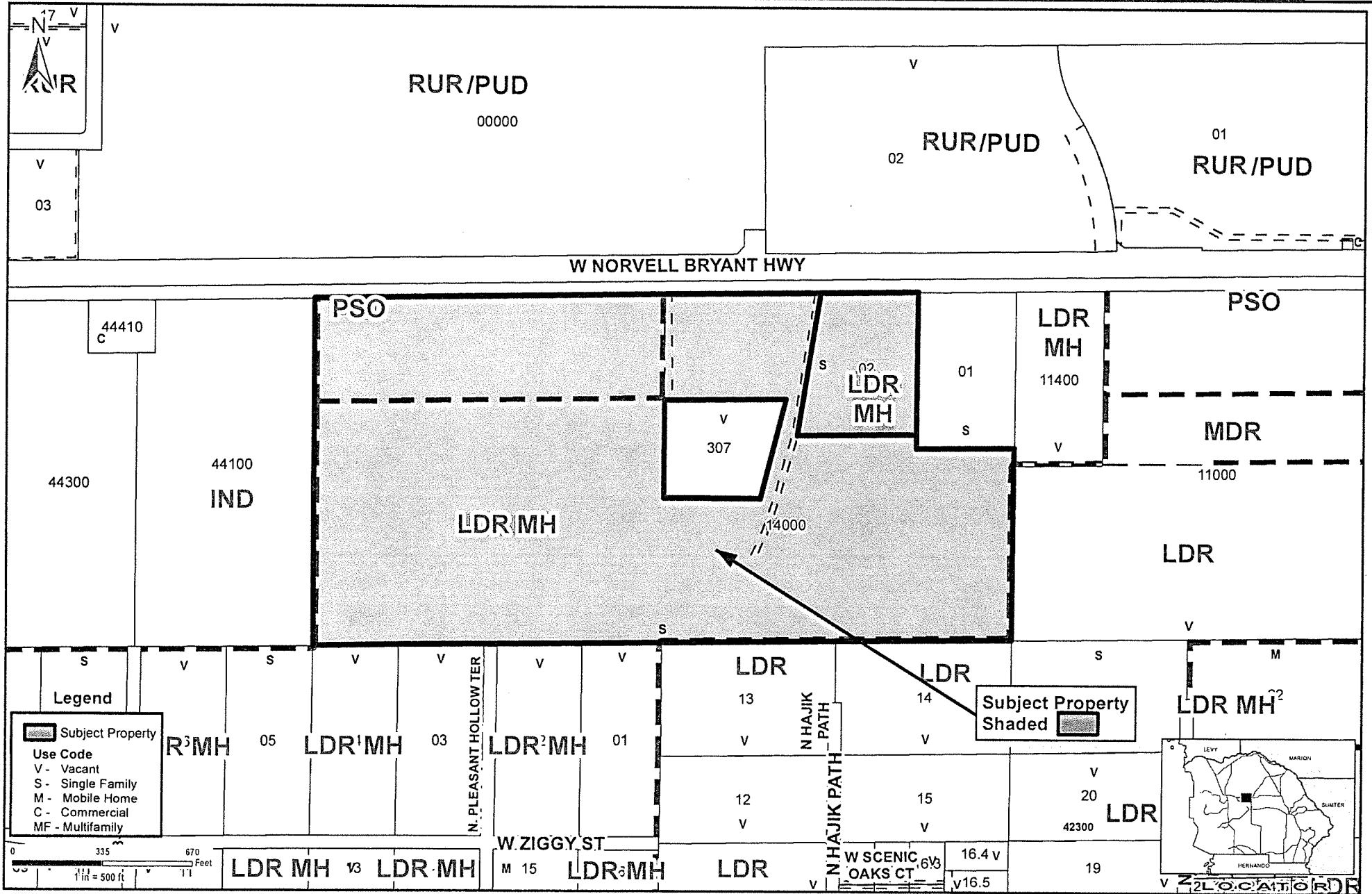
- G. The maximum height of structures, setbacks, and density within a PUD development shall be as specifically established by the Board of County Commissioners in its approval action.** *The applicant has not requested a deviation from maximum height or density requirements as there are no structures proposed; however, the outdoor storage area could be revised to better fit within the required setbacks to reduce or remove the deviations requested.*
- H. Approval of the proposed PUD development shall include approval of all maps, diagrams, tables, and reports submitted by the applicant.** *The applicant has submitted a Master Plan date-stamped received July 26, 2021, for this application.*
- I. A planned unit development will terminate within three years of the date of approval if either a site development plan or preliminary subdivision plat application is not filed with the County. If one of these applications is not filed within the specified time frame, the PUD shall be null and void.** *The applicant has not requested a deviation from this requirement.*

SUGGESTED CONDITIONS:

1. The Planned Unit Development (PUD) shall allow for outdoor storage associated with auto salvage in the IND land use district as outlined on the Master Plan date-stamped received July 26, 2021, by the Land Development Division. Any new construction shall take place in accordance with the criteria and requirements of the Citrus County Land Development Code, unless as specifically outlined within these conditions.
2. A 20-foot wide Type "C" landscape buffer is required along the north property line, abutting nonresidential land use districts and a Type "D" buffer with an eight-foot wall is required along the north, east, and south property lines where abutting residential land use districts as outlined on the Master Plan.
3. The outdoor storage associated with auto salvage must maintain a minimum 51-foot setback to the adjacent residential lots to the south and a minimum 192-foot setback to the adjacent residential lots to the east as outlined on the Master Plan. If the property is subdivided, the outdoor storage associated with auto salvage must maintain a minimum 65-foot setback to the adjacent nonresidential property to the north as outlined on the Master Plan.
4. A Tree Preservation Plan must be submitted and approved at the time of permitting.
5. A biological survey must be submitted at the time of permitting.
6. Landscaping and design and maintenance shall follow the principles of *Florida Friendly Landscaping™* and the *Florida Yards and Neighborhoods (FYN) Homeowner Program* to reduce water use and fertilizer runoff. Turf grasses and landscape vegetation shall be common to the area and drought tolerant.
7. The applicant will need to meet the requirements of Chapter 6, Stormwater Management and Chapter 7, Transportation System Standards at time of permitting.

8. In accordance with Chapter 42, Environment, Article VI NPDES Stormwater Illicit Connection or Illicit Discharge Regulations the following is required:
 - If dewatering practices occur, all testing/monitoring requirements by the governing agency needs to be reported to Citrus County as well, including types of testing and frequency of testing.
 - The projects stormwater management system must be designed to prevent adverse impacts to the existing stormwater system (pipes and inlets) draining into the adjacent drainage retention area.
9. Where standards are not specified herein, the Citrus County Land Development Code standards (or current code standards) will apply.
10. Minor modifications to this Planned Unit Development may be approved by the Director of the Land Development Division as outlined within Section 4304, Modification of a Previously Approved Planned Unit Development, as specified in the LDC.

JH/cb



Application #: CPA/AA/PUD-21-11

Applicant: Clark A. Stillwell, Esq. for Damron Family Trust, et al

Proposal: Amend FLUM from LDR to GNC & IND, amend the LUAM from PSO & LDRMH to GNC & IND with a PUD

Location: 4386 and 4374 W. Norvell Bryant Hwy, Crystal River

S-T-R - 32-17-19 NW

Land Use Atlas: PSO and LDRMH

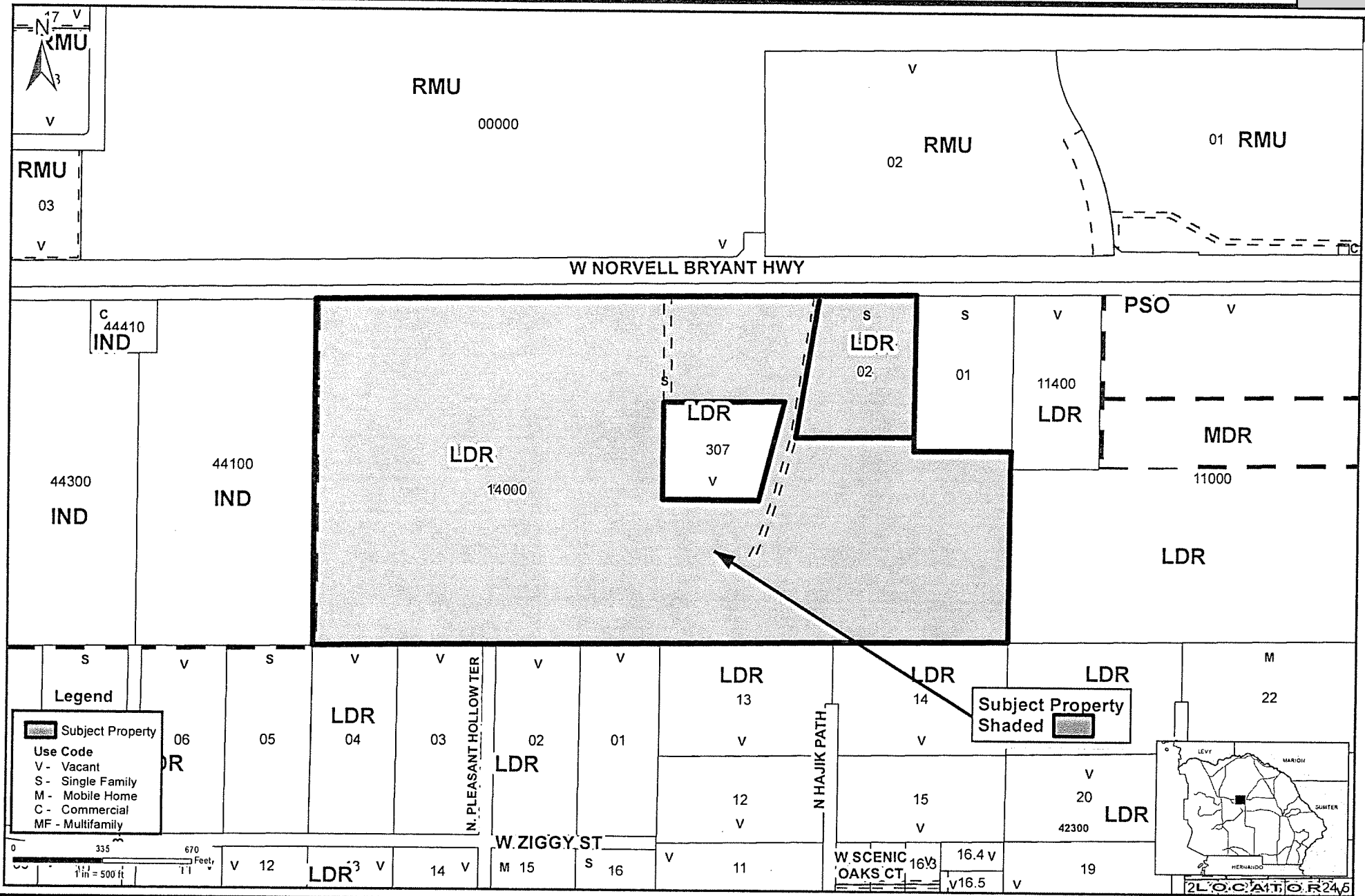
Planner Initials: *JH* Date: 8/3/21

Geographic Information Systems

Cynthia P. Skethorn
DirectorPrepared By: William Braunsch
Date: July 23, 2021
Source: Enterprise Geodatabase
Map Number: WB0000625

This information is to be used for general purposes only. The County does not warrant the accuracy or completeness of the data or the results of the analysis. The user assumes all liability for any claims, demands, or damages of any kind or nature, including those caused by negligence, arising out of the use of this information, whether or not such claims, demands, or damages are caused in whole or in part by the negligence of the County.





Application #: CPA/AA/PUD-21-11

Applicant: Clark A. Stillwell, Esq. for Damron Family Trust, et al

Proposal: Amend FLUM from LDR to GNC & IND, amend the LUAM from PSO & LDRMH to GNC & IND with a PUD

Location: 4386 and 4374 W. Norvell Bryant Hwy, Crystal River

S-T-R - 32-17-19 NW

Future Land Use: PSO and LDRMH

Planner Initials: gjh Date: 8/3/21

Geographic Information Systems

Cynthia P. Skelthorn
Director

Prepared By: William Braunsch

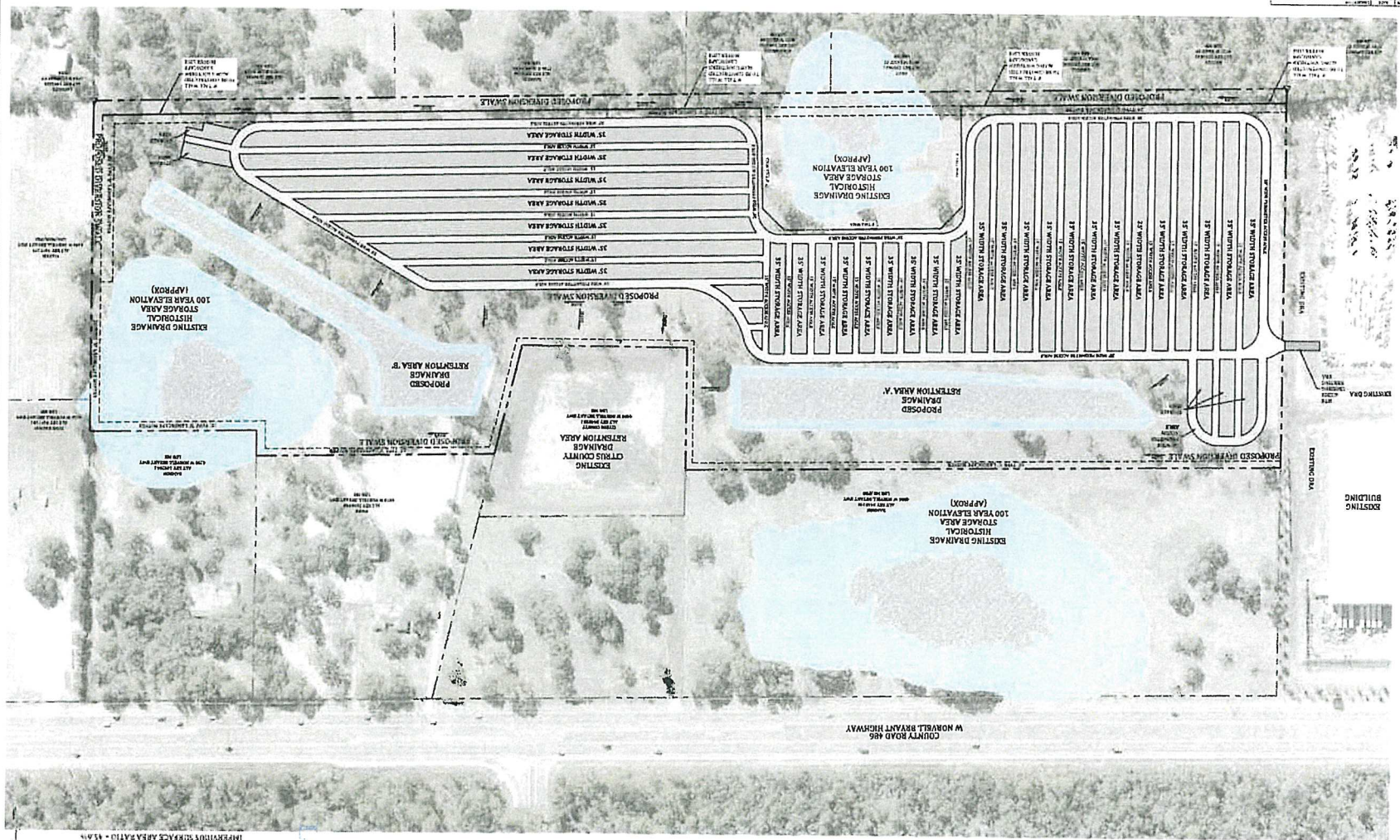
Date: July 23, 2021

Source: Enterprise Geodatabase

Map Number: WB0000628

This information is to be used for general purposes only. The County Geographic Information Systems Division makes every effort to provide accurate data, but it is not a warranty. The user assumes all responsibility for the use of this information. The County is not liable for any claims, damages, or losses of any kind resulting from the use of this information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of this information and the user's copying or distribution of these materials.





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CPH/AA/PUD-21-

SITE DATA
 PARCEL AREA = 2,020.397 SF / 46.38 ACRES
 PROJECT AREA = 2,020.397 SF / 46.38 ACRES
 IMPERVIOUS AREAS
 DRIVE AISLES = 531.190 SF / 0.06 ACRES
 STORAGE AREAS = 571.065 SF / 13.11 ACRES
 TOTAL IMPERVIOUS AREA = 922.55 SF / 21.17 ACRES
 IMPERVIOUS SURFACE AREA RATIO = 45.6%

ENGINEERING

INSPECTIONS

DRAFTING:

208: THE EXPANSION

PAGE 7

MICHAEL D. WELBURY, P.E.



LOCAL
ENGINEERING, INC.

CERTIFICATE OF AUTHORIZATION
32355

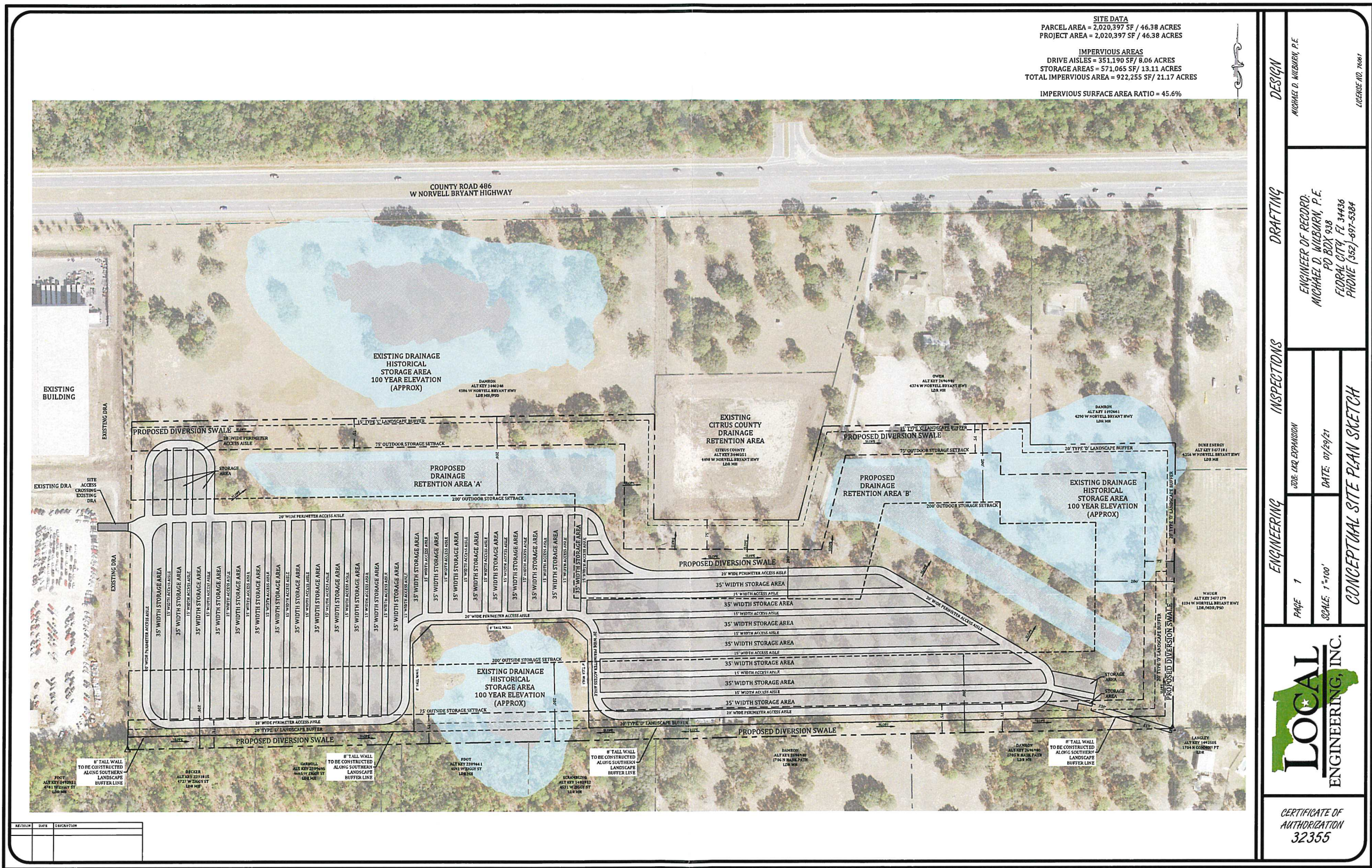
SCALE: 1"=100'

DATE: 07/23/21

CONCEPTUAL SITE PLAN SKETCH

ENGINEER OF RECORD:
MICHAEL D. WILBURN, P.E.
PO BOX 938
FLORAL CITY FL 34436
PHONE (352)-697-5384

INFECTION AND IMMUNITY



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JUL 28 2021



Board of County Commissioners Department of Growth Management

Land Development Division
3600 W. Sovereign Path, Suite 140, Lecanto, FL 34461-8070

Telephone (352) 527-5239 TTY Dial 711

Web Address: www.citrusbocc.com

CITRUS COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENT APPLICATION

Application No.: CPA/AA/PUD-21-11 Date: 6/29/21
* Written Authorization is required if Applicant is different than Owner.

Applicant*

Name: Law Office of Clark A. Stillwell
Address: PO Box 250
City: Inverness
State: Florida Zip: 34451
Home No.: _____ Cell No.: _____
Work No.: 726-6767 Fax No.: 726-8283
Email: caslaw@tampabay.rr.com

Property Owner

Name: Sharon Rose Owen and Geraldine Rose Damron Co-Trustees
Address: 4795 N Goldwood Terrace
City: Beverly Hills
State: Florida Zip: 34465
Home No.: _____ Cell No.: _____
Work No.: _____ Fax No.: _____
Email: _____

Property Description: Section: 29 Township: 18 South Range: 18 East
Legal Description: See exhibit "A-2", "B-1" and "B-2"
Subdivision: Unrec Tracts 29-18-18 Lot(s): _____ Block/Parcel: _____
Alternate Key #: 1492670, 3440248, 3467382 Parcel ID: _____
Acreage: 71.96 acres (MOL)

☒ New Planned Unit Development (PUD)

☐ Amendment to Previously Approved PUD/PD

Land Development Code Atlas Designation

Generalized Future Land Use Map Designation

Previous Application No.: N/A
From: PSO/LDR MH To: GNC/ IND
From: LDR To: GNC/IND

Is this hearing being requested as a result of a Code Violation Notice? Yes _____ No ☒

If "Yes", explain on a separate sheet and attach a copy of the Notice of Violation.

Applicant Request(s) 1. 25.52 acres fronting on County Road 486 to GNC

2. 46.44 acres - IND with PUD

Directions to Property:

See exhibit "A-3"

The Applicant is: Owner of Tract ☒ Agent for Property Owner
One-Owner Among Several Other (specify)

I am aware that if the property cannot be located using information from the submitted application, this application may be rescheduled to a later hearing date. I also understand that a sign must be placed (and marking flags may be placed) on the property by the Land Development Division at least seven days prior to the scheduled meeting. I understand that approval for the proposed use shown hereon does not in any way relieve me of the responsibility of observing and complying with any deed restrictions applicable to the subject property. I hereby authorize Citrus County or its agents to enter upon the property, which is the subject of this application and the date of the hearing thereon, at any time between the hours of 8:00 AM and 5:00 PM for the purpose of gathering any information relevant to this application. I DO HEREBY SWEAR THAT THE INFORMATION CONTAINED HEREIN AND THE ATTACHMENTS HERETO ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

STATE OF FLORIDA
COUNTY OF CITRUS

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Clark A. Stillwell, who is personally known to me or provided

as identification and who did not take an oath. WITNESS my hand and official seal this 14 day of June, 2021

Carla Venard

Printed Name

Notary Public - State of Florida

Seal

Date: _____

Time: _____

Initials: _____

For Staff Use Only

ATF: _____

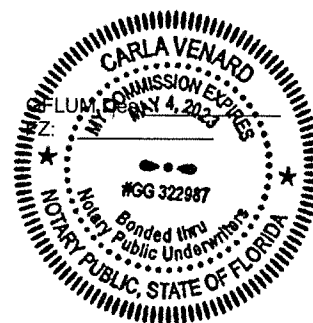
QTR: _____

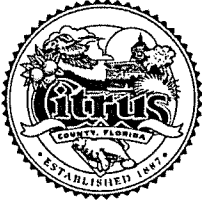
LUD: _____

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JUN 29 2021
CPA/AA/PUD-21-11

Land Development Division





Board of County Commissioners

DEPARTMENT OF GROWTH MANAGEMENT LAND
DEVELOPMENT DIVISION

3600 W. Sovereign Path, Suite 140, Lecanto, FL 34461

Telephone: (352) 527-5239

TTY Dial 771

Web Address: www.citrusbocc.com

CITRUS COUNTY LAND DEVELOPMENT CODE PLANNED UNIT DEVELOPMENT APPLICATION

Application No.:

Date:

* Written Authorization is required if Applicant is different than Owner.

Applicant*

Name: Law Office of Clark A. Stillwell

Address: PO Box 250

City: Inverness

State: Florida Zip: 34451

Phone: 726-6767

Email: caslaw@tampabay.rr.com

Property Owner

Name: Geraldine Rose Damron Co-Trustees

Address: 4795 N Goldwood Terrace

City: Beverly Hills

State: Florida Zip: 34465

Phone: _____

Email: _____

Property Description: Section: 29 Township: 18 South Range: 18 East

Legal Description: See "A-2", "B-1" and "B-2"

Subdivision: 0003397 unrec tracts 29-18-18 Lot(s): _____ Block/Parcel: _____

Alternate Key #: 3440248 and 3467382 Parcel ID: _____

Acreage: 71.96 acres (MOL)

☒ New Planned Unit Development

☐ Amendment to a Previously Approved Planned Development Previous Application No.: N/A

Is this hearing being requested as a result of a Code Violation Notice? Yes _____ No ☒

If "Yes", explain on a separate sheet and attach a copy of the Notice of Violation.

Applicant Request(s): PUD for IND use - salvage yard per master site plan - Exhibit "F"

Directions to Property: See Exhibit "A"

The Applicant is: _____ Owner of Tract ☒ Agent for Property Owner
_____ One-Owner Among Several _____ Other (specify)

I am aware that if the property cannot be located using information from the submitted application, this application may be rescheduled to a later hearing date. I also understand that a sign must be placed (and marking flags may be placed) on the property by the Land Development Division at least seven days prior to the scheduled meeting.

I understand that approval for the proposed use shown hereon does not in any way relieve me of the responsibility of observing and complying with any deed restrictions applicable to the subject property.

I hereby authorize Citrus County or its agents to enter upon the property, which is the subject of this application and the date of the hearing thereon, at any time between the hours of 8:00 AM and 5:00 PM for the purpose of gathering any information relevant to this application.

I DO HEREBY SWEAR THAT THE INFORMATION CONTAINED HEREIN AND THE ATTACHMENTS HERETO ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

STATE OF FLORIDA
COUNTY OF CITRUS

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Clark A. Stillwell who is personally known to me or provided _____ as identification and who did not take an oath.

WITNESS my hand and official seal this 14 day of June 2021.

Signature: _____

Carla Venard

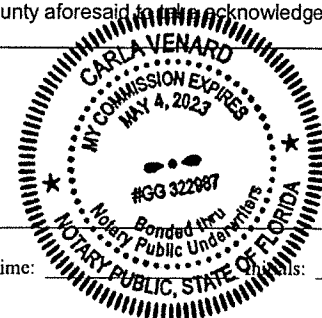
Printed Name

Seal

Date: _____

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Time: _____



LAW OFFICE OF
CLARK A. STILLWELL, LLC
ATTORNEY AT LAW

BRANNEN BANK BUILDING
320 U.S. HIGHWAY 41 SOUTH
INVERNESS, FLORIDA 34450

TELEPHONE: (352) 726-6767
FAX: (352) 726-8283
caslaw@tampabay.rr.com

June 29, 2021

MAILING ADDRESS:
POST OFFICE BOX 250
INVERNESS, FL 34451-0250

Hand Delivery

Joanna Coutu, Director
Citrus County Growth Management Department
Citrus County Board of County Commissioners
3600 W. Sovereign Path, Ste. 113
Lecanto, FL 34461

**Re: Damron Family; Land Use Plan Map/LDC Atlas Amendment
Alternate Key No.: 3440248, 1492670 and 3467382 "Subject Parcels"
Crystal River, Florida 71.96 acres (MOL)
Section 29, Township 18, Range 18**

Dear Ms. Coutu:

On behalf of our client, Damron Family Trust et al., I enclose the County's applications for a GFLUM/LDC Atlas map amendments as outlined below with an accompanying PUD for 46.38 acres (MOL) thereof for the IND district to be created.

The subject parcels are a total of 71.96 acres (MOL). Per GFLUM, it is LDR (Exhibit "D-1"). Per LDC Atlas it is a combination of PSO along County Road 486 and LDR to the south (Exhibit "D-2"). Applicant seeks GFLUM and LDC Atlas map amendments as follows:

1. County Road 486 frontage to a depth of 500 feet; GNC on GFLUM and LDC Atlas. A total of 23.52 acres (MOL) (Exhibit "B-1");
2. To south of 500 ft. GNC corridor, IND for 46.38 acres (MOL) on GFLUM and LDC Atlas. Such is accompanied by a PUD for recycling center/open storage which mirrors existing LKQ IND use to the west (Exhibit "B-2");
3. A PUD for Item No. 2 for recycling center/open storage. A use identical to the LKQ IND parcel to the west. The IND PUD master plan reflects an area of actual use of 13.25 acres – balance is open space, buffers and stormwater retention (Exhibit "F-1" PUD map). Please note, the PUD application requests a deviation in LDC Section 3350(c) setback for open storage per master site plan. Text (Exhibit "G") supports basis for such. Within application text, see discussion regarding abutting trust parcel (AK #1493072) not part of the IND

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CPA/AA/PUB-

Packet Pg. 147

Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

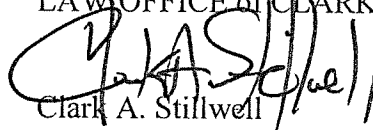
application and PUD and the residential lot ownership along south boundary (FDOT lots) which are currently residential, but will not be used for such.

The proposed new land use districts are in Central Ridge area of the County and on a major arterial roadway. Parcel(s) are within PSA; the sites have regional utilities. The site has varied uses adjacent to such – existing LKQ IND to the west, future primary school and YMCA to the north, large lot residential to the south (see Exhibit “D-3”) and FDOT parcels tied to Suncoast extension. Avis Craig, Professional Planner’s report (Exhibit “I”) documents the impact to the area of the Suncoast parkway extension to County Road 486. To date there have been no issues of compatibility of the existing LKQ use with the residential districts to the south.

Please review for completeness and advise. The enclosed filing fee of \$5,376.00 based upon County’s fee structure for all three applications. We would ask all three (3) matters be heard simultaneous with separate votes on each matter. Thank you

Very truly yours,

LAW OFFICE of CLARK A. STILLWELL, LLC



Clark A. Stillwell

CAS/cv
Enclosure
cc: Avis Craig
Client
LKQ
Denise Lyn, County Attorney w/o encl.

Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

LAW OFFICE OF
CLARK A. STILLWELL, LLC
ATTORNEY AT LAW

BANK OF INVERNESS BUILDING
320 U.S. HIGHWAY 41 SOUTH
INVERNESS, FLORIDA 34450

TELEPHONE: (352) 726-6767
FAX: (352) 726-8283
caslaw@tampabay.rr.com

MAILING ADDRESS:
POST OFFICE BOX 250
INVERNESS, FLORIDA 34451

MEMORANDUM

TO: Joe Hochadel, Principal Planner
Land Development Division

FROM: Clark A. Stillwell, Esquire
Law Office of Clark A. Stillwell, LLC

RE: Damron Family Trust et al
CPA/AA/PUD-21-11

DATE: July 28, 2021

Joe:

My earlier email of Monday 7/26/31, provided the requested corrected legals – no overlap – thanks for pointing such out. The revised PUD follows revised legal and corrects any reference to wall height to eight (8) feet. Buffer is type “D”. Consistent with LKQ wall on south boundary of Alternate Key #1493072.

As to the remaining issue raised in the sufficiency letter as to why the GNC Plan/GFLUM LDC Atlas is not in PUD – because of the following issues:

1. There is no known specific end user such as is applicable to LKQ IND parcel. The GNC will be developed to Code. The applicant has documented plan consistency.
2. A PUD is not mandated by statute, plan or LDC. This is not to say a future end user may elect a PUD for a site specific parcel and issue.

CPA/AA/

3. The GNC amendment is necessary to eliminate the impact of a 200 ft. setback from residential along IND north boundary per LDC Section 3350 on the LKQ site plan. A setback of 200 ft. off north boundary line would severely limit the intended use of the IND.

CAS/cv

cc: Avis Craig

Denise Lyn, Esquire

Joanna Coutu

Exhibit List
Damron Family

Exhibit "A-1" – PA printout

 "A-2" – Applicant Deed(s)

 "A-3" - Directions

Exhibit "B" – Legal Description - Sketch

 "B-1" – GNC – 25.52 acres (MOL)

 "B-2" - IND – 46.44 acres (MOL)

Exhibit "C" – Aerials (current)

Exhibit "D" – Land Use Maps

 "D-1" – GFLUM - A. Existing B. Proposed

 "D-2" - LDC Atlas – A. Existing B. Proposed

 "D-3" – Abutter Land Use Map

 "D-4" – Elevation Map

 "D-5" – Soils Map

 "D-6" – FIRM Map

 "D-7" – Setback Map

Exhibit "E" – Concurrency Letters

 "E-1" – Utility

 "E-2" – Solid Waste/Water

 "E-3" – Engineer's Report - Drainage

Exhibit "F-1" – PUD Map – IND Parcel (separate application)

 "F-2" – Photo of Proposed Wall on South Boundary

Exhibit "G" – Application Text

Exhibit "H" – Suncoast Parkway Extension Map

Exhibit "I" – Planner's Report

Exhibit "J" – County Road 486 Traffic Counts

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CPA/AA/PUD-21-11

Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

Exhibit "A-1"
Property Owner Information

Alternate Key #3440248 and 3467382
Geraldine Rose Damron and
Sharon Rose Owen
Co-Trustees
4795 N Goldwood Terrace
Beverly Hills, Florida 34465

Alternate Key #1492670
Ronald Freeman Owen and
Sharon Freeman
4795 N Goldwood Terrace
Beverly Hills, Florida 34465

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CPA/AA/PUD-21-11
Land Development Division

Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

Altkey: 3440248
DAMRON GERALDINE ROSE &

Parcel ID: 18E18S29 14000
4386 W NORVELL BRYANT HWY , CRYSTAL RIVER

Citrus County Property Appraiser, Cregg E. Dalton

PC Code 6300 - GRZGSOIL CLASS4
Bldg Counts Res 0 / MH 0 / Comm 0
Nbhd 5611 - LECANTO AREA WEST
Tax District 0000 - COASTAL RIVERS BASIN
Subdivision 003397 - UNREC TRACTS IN 29-18S-18E
Short Legal (LR-96-17 ACCEPTED 6-18-96 SURVEY IN OR BK
1143/1878-1885) PTN OF PARCEL B: NE1/4 OF NW1/4
SEC 29-18-18 --&-- SE1/4 OF NW1/4 OF NE1/4 SEC 29-18-
18 --&-- SW1/4 OF NW1/4 OF NE1/4
Est. Parcel Sqft 2,665,576
Est. Parcel Acres 61.19
Map SC-TW-RG 29-18S-18E

Mailing Address

Name DAMRON GERALDINE ROSE & SHARON ROSE OWEN
CO-TRUSTEES
Mailing Address 4795 N GOLDENWOOD TER
BEVERLY HILLS FL 34465

All Owners

Name	Owner Type
DAMRON GERALDINE ROSE & SHARON ROSE OWEN CO-TRUSTEES	O - Owner

Value History and Tax Amount

Year	Land Value	Impr Value	Just Value	Non-Sch. Assessed	Non-Sch. Exemptions	Non-Sch. Taxable	HX Savings	Tax Amount	Tax Link
2020	\$367,160	\$0	\$367,160	\$7,343	\$0	\$7,343	\$0	\$106.73	Link
2019	\$367,160	\$0	\$367,160	\$7,343	\$0	\$7,343	\$0	\$108.25	Link

Sales

Sale Date	Sale Price	Book/Page	Instr Type	V/I
06/01/2009	\$100	2299/0964	15-15	
06/01/2009	\$100	2299/0958	15-15	
06/01/2009	\$100	2294/0821	27-TO/FROM TSTEEES BANKRUPT/EXEC/GUARD	

Land & Agricultural

Line	Land Use	Type	Units	Frontage	Depth	Ag Flag	Classified Value	Just Value	Zoning
1	6300-GRAZING 4 A-ACREAGE		61.19	.0		Y			LDRMH

Total Misc Value

CPA/AA/PUD-21-11
JUN 29 2021
Land Development Division

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Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

Altkey: 3467382
DAMRON GERALDINE ROSE &

Parcel ID: 18E18S29 14000 0030
4456 W NORVELL BRYANT HWY , CRYSTAL RIVER

Citrus County Property Appraiser, Cregg E. Dalton

PC Code	5000 - IMPROVED AGRI
Bldg Counts	Res 1 / MH 0 / Comm 0
Nbhd	5611 - LECANTO AREA WEST
Tax District	0000 - COASTAL RIVERS BASIN
Subdivision	003397 - UNREC TRACTS IN 29-18S-18E
Short Legal	S1/2 OF SW1/4 OF NW1/4 OF NE1/4 OF SEC 29 T18S R18E ---LESSE 25 FT THEREOF SUBJ TO & TOG WITH: COM AT INT OF E LN OF NW1/4 OF NE1/4 & S R/W LN OF CR 486, TH S 88 DEG 58M 28S W
Est. Parcel Sqft	208,783
Est. Parcel Acres	4.79
Map SC-TW-RG	29-18S-18E

Mailing Address

Name	DAMRON GERALDINE ROSE & SHARON ROSE OWEN CO TRUSTEES
Mailing Address	4795 N GOLDENWOOD TER BEVERLY HILLS FL 34465

All Owners

Name	Owner Type
DAMRON GERALDINE ROSE & SHARON ROSE OWEN CO TRUSTEES	O - Owner

Value History and Tax Amount

Year	Land Value	Impr Value	Just Value	Non-Sch. Assessed	Non-Sch. Exemptions	Non-Sch. Taxable	HX Savings	Tax Amount	Tax Link
2020	\$28,760	\$163,434	\$192,194	\$169,889	\$0	\$169,889	\$0	\$2,573.06	Link
2019	\$28,760	\$170,027	\$198,787	\$163,200	\$0	\$163,200	\$0	\$2,591.18	Link

Special Assessment

Project #	Description	Amount
0030	SOLID WASTE, RESID IMPRVD	\$25.00
0131	FIRE SERVICES ASSESSMENT	\$79.00

Permit Summary

Permit Date	Permit Number	Description	Amount	Occupancy Date
11/22/2005	200516826	REPLACEMENT OF EXIT DOOR	\$1,583	
12/01/1983	42805	3 ADDITION	\$92,300	05/01/1984
11/01/1983	42305	3 SLAB	\$55,380	12/01/1983

Land & Agricultural

Line	Land Use	Type	Units	Frontage	Depth	Ag	Classified	Just	Zoning
------	----------	------	-------	----------	-------	----	------------	------	--------

JUN 23 2021

CPA/AA/PUD-21-11
Land Development Division

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Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

					Flag	Value	Value	
1	6300-GRAZING 4	A-ACREAGE	3.79	.0	Y			LDRMH
2	5000-AGRICULTURE IMPROVED NON-WATER	A-ACREAGE	1.00	.0				LDRMH

Residential

Bldg Number	1
Class	R1 - RESIDENTIAL SINGLE FAMILY
Year Built	1974
Total FLA	2,345
Total Under Roof	3,747

Exterior Wall	32 - CONCRETE BLOCK STUCCO
Foundation	3 - CONT. FOOTING-AVG.
HVAC	106 - FORCED AIR DUCTED
Stories	1
Floor System	01 - CONC. SLAB
Roof Frame	02 - HIP
Roof Cover	06 - CONCRETE TILE
Fuel	1 - ELECTRIC
Bedrooms/Full Baths/Half Baths	3/2/1
Addl Fixtures	
FPL: Stacks/Openings	1 / 1

RCN
RCNLD

Additions to Base Area

Building	Description	Year Built	Area
1	MAIN BULDING	1974	2,345
1	OPEN PORCH FIN	1974	18
1	GARAGE FINISHED	1974	624
1	OPN PORCH UNFN	1974	760

Miscellaneous Improvements

Building #	Line	Description	Year Built	L	W	Units	Area	Value
1	1	UTILY BLDG FIN WD/ALM W WOOD FLR-[1-SF]	1975	15	24	1	360	
1	2	UTILY BLDG FIN STEEL WITH OR W/O FLOOR-[1-SF]	1980	10	8	1	80	
1	3	RETAINING WALL WOOD 4'-[2-LINEAL]	1974			1	78	
1	4	GARAGE DETACHD CONCRETE BLOCK-[1-SF]	1980	30	50	1	1,500	
1	5	CARPORT ALUM UNF W/O CONCRETE SLAB-[1-SF]	1980			1	2,600	
1	6	CHAIN LINK FENCE-[1-SF]	1980	4	585	1	2,340	
1	7	CONCRETE PATIO NO FOOTER-[1-SF]	1981	12	34	1	408	

Altkey: 1492670
OWEN RONALD FREEMAN

Parcel ID: 18E18S29 14000 0020
4374 W NORVELL BRYANT HWY , CRYSTAL RIVER

Citrus County Property Appraiser, Cregg E. Dalton

PC Code	0100 - SINGLE FAMILY
Bldg Counts	Res 1 / MH 0 / Comm 0
Nbhd	5611 - LECANTO AREA WEST
Tax District	0000 - COASTAL RIVERS BASIN
Subdivision	003397 - UNREC TRACTS IN 29-18S-18E
Short Legal	COM AT INT OF E LN OF NW1/4 OF NE1/4 SEC 29-18-18 & S R/WLN OF SR 486 TH S 88 DEG 58M 28S W AL R/W DIST 367.9 FT TOPOB TH S 88 DEG 58M 28S W AL R/W DIST 367.9 FT TH S 7 DEG
Est. Parcel Sqft	217,686
Est. Parcel Acres	5.00
Map SC-TW-RG	29-18S-18E

Mailing Address

Name	OWEN RONALD FREEMAN
Mailing Address	4795 N GOLDWOOD TER BEVERLY HILLS FL 34465

All Owners

Name	Owner Type
OWEN RONALD FREEMAN	HW - Husband And Wife
OWEN SHARON DAMRON	HW - Husband And Wife
RONALD FREEMAN OWEN AND SHARON DAMRON	OWEN INTER VIVOS TRUST DECEMBER 5 2008 UT - Under Trust

Value History and Tax Amount

Year	Land Value	Impr Value	Just Value	Non-Sch. Assessed	Non-Sch. Exemptions	Non-Sch. Taxable	HX Savings	Tax Amount	Tax Link
2020	\$29,980	\$160,510	\$190,490	\$190,490	\$0	\$190,490	\$0	\$2,872.47	Link
2019	\$29,980	\$165,867	\$195,847	\$189,244	\$0	\$189,244	\$0	\$2,934.20	Link

Special Assessment

Project #	Description	Amount
0030	SOLID WASTE, RESID IMPRVD	\$25.00
0131	FIRE SERVICES ASSESSMENT	\$79.00

Sales

Sale Date	Sale Price	Book/Page	Instr Type	V/I
12/01/2008	\$100	2257/1552	07-LIFE ESTATE	1

Permit Summary

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JUN 29 2021
CPA/AA/PUB-21-11
Land Development Division

Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

Permit Date	Permit Number	Description	Amount	Occupancy Date
07/22/2014	201405927	CHANGE OUT A/C * NOC N/A	\$4,000	
04/07/2010	201002378	REMOVE AND INSTALL NEW SHINGLES - NOC IN OLP II FO	\$8,910	
08/03/2006	200609648	REPLACEMENT GARAGE DOOR -- NOC N/A	\$1,327	
12/01/1993	9308197	BARN	\$13,824	

Land & Agricultural

Line	Land Use	Type	Units	Frontage	Depth	Ag Flag	Classified Value	Just Value	Zoning
1	0108-RESIDENTIAL NON-WATERFRONT	A-ACREAGE	5.00	408.0	538				LDRMH

Residential

Bldg Number	1
Class	R1 - RESIDENTIAL SINGLE FAMILY
Year Built	1978
Total FLA	2,389
Total Under Roof	3,016
Exterior Wall	60 - BRICK
Foundation	3 - CONT. FOOTING-AVG.
HVAC	109 - HEAT PUMP
Stories	1
Floor System	01 - CONC. SLAB
Roof Frame	02 - HIP
Roof Cover	09 - CUSTOM FIBERGLASS
Fuel	1 - ELECTRIC
Bedrooms/Full Baths/Half Baths	3/2/1
Addl Fixtures	
FPL: Stacks/Openings	1 / 1
RCN	
RCNLD	

Additions to Base Area

Building	Description	Year Built	Area
1	MAIN BULDING	1978	2,389
1	OPEN PORCH FIN	1978	27
1	GARAGE FINISHED	1978	600

Miscellaneous Improvements

Building #	Line	Description	Year Built	L	W	Units	Area	Value
1	1	CHAIN LINK FENCE-[1-SF]	1985	4	288	1	1,152	
1	2	SCRN PRCH WOOD ALUM WITH CONCRETE SLAB-[1-SF]	1985	8	15	1	120	
1	3	CONCRETE PATIO NO FOOTER-[1-SF]	1978	17	24	1	408	

1	4	MASONRY WALL BRICK-[1-SF]	1978	2	32	1	64
1	5	ENCLOSED BARN AVERAGE WOOD OR METAL	1994	36	60	1	2,160
1	6	OBF 4 BOARD-[2-LINEAL]	2012			1	140
1	7	OBF 4 BOARD-[2-LINEAL]	2012			1	225

Total Misc Value							
-------------------------	--	--	--	--	--	--	--

Exhibit "A-2"

PREPARED BY and RETURN TO:
H. JOHN FELDMAN
CAUTHEN & FELDMAN, P.A.
215 North Joanna Avenue
Tavares, FL 32778-3200



Parcel ID No. See Attached Exhibit "A"

This document was prepared on information furnished by Grantor. No examination of title was requested by Grantee and no title examination has been made on the subject property.

OFFICIAL RECORDS
CITRUS COUNTY
BETTY STRIFLER
CLERK OF THE CIRCUIT COURT
RECORDING FEE: \$54.50
DOCUMENTARY TAX: \$0.70
2009031150 BK: 2299 PG: 964
07/16/2009 02:25 PM 6 PGS
WHITE, DC Receipt #024143

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made this 23 day of June, 2009,
BY: GERALDINE ROSE DAMRON and SHARON ROSE OWEN, Successor Co-Trustees of the LEONARD A. DAMRON FAMILY TRUST dated April 15, 2002, whose address is 4795 North Goldwood Terrace, Beverly Hills, FL 34465, ("Grantor"),
TO: GERALDINE ROSE DAMRON and SHARON ROSE OWEN, Co-Trustees of the LEONARD A. DAMRON CREDIT SHELTER TRUST created under agreement dated April 15, 2002, whose address is 4795 North Goldwood Terrace, Beverly Hills, FL 34465, ("Grantee");

{Wherever used herein the terms "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 Grantor, for and in consideration of the sum of TEN AND NO/100 Dollars (\$10.00), in hand paid by Grantee, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto Grantee all the right, title, interest claim and demand which the Grantor has in and to the following described lot, piece or parcel of land, situate lying and being in the County of CITRUS, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

Subject to easements, restrictions, reservations and mortgages of record, if any, but not to reimpose any void or lapsed restrictions or easements.

This is a conveyance to a Trustee not pursuant to a sale. Legal description provided by Grantor. Full power and authority is granted to Grantee and the Successor Trustee(s), to protect, conserve, sell, lease, encumber or otherwise to manage and dispose of the land or any of it; no person dealing with the Trustee(s) or the Successor Trustee(s) shall be bound to see to the application of any purchase money mortgage or inquire into the validity, expediency or propriety of such sale or disposition.

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 and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behalf of the Grantee.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed in the Presence of

Denise Phillips
Print or Type Name Denise Phillips
Jessica Lange
Print or Type Name Jessica Lange

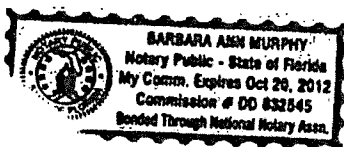
LEONARD A. DAMRON FAMILY TRUST dated April 15, 2002

By: Geraldine Rose Damron
GERALDINE ROSE DAMRON, Co-Trustee

By: Sharon Rose Owen
SHARON ROSE OWEN, Co-Trustee

STATE OF FLORIDA
COUNTY OF Citrus

The foregoing instrument was acknowledged before me this 23rd day of June, 2009 by GERALDINE ROSE DAMRON and SHARON ROSE OWEN, Successor Co-Trustees of the LEONARD A. DAMRON FAMILY TRUST dated April 15, 2002, who is personally known to me or who has produced Drivers License as identification.



Barbara Ann Murphy
Print or Type Name BARBARA Ann Murphy
Notary Public
My Commission Expires: 10-20-12

CPA/AA/PUD-21-11
Land Development Division

JUN 29 2021

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Packet Pg. 159

Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

EXHIBIT "A" (1 of 5)

PARCEL ID## 16E18S342C0000290

Lot #29 of Ronnie's Hideaway an unrecorded subdivision, Section 34, T 18 S, R 16 E and more particularly described as follows: Commence at the SE corner of T 18 S, R 16 E, run West 10, 437.94 ft., thence run North 07°45'00" West 240 ft., thence run North 39°13'23" East 126.3 ft. to POB; thence run South 09°13'23" East 25 ft., thence run South 07°01'27" North 256.5 ft., thence run North 37°24'09" West 25 ft., thence run North 07°01'37" East back to POB; all lying and being in Section 34, T 18 S, R 16 E, Citrus County, Florida.

PARCEL ID## 16E18S342C0000070

Lot #7 of Ronnie's Hideaway lying in the North 1320 ft. of Government Lot #18, Section 34, T 18 S, R 16 E, and more particularly described as follows: Commence at the SE Corner of T 18 S, R 16 E, run West 10,387.94 ft; thence run North 07°45'00" West 268.94 ft; thence run North 59°13'23" West 135.3 ft to POB; thence run North 59°13'23" West 200 ft; thence run North 17°32'00" East 285 ft; thence run South 65°17'54" East 100 ft; thence run South 19°07'36" East 162.65 ft; thence run South 20°24'34" West 173.75 ft back to POB. All lying and being in Section 34, T 18 S, R 16 E, Citrus County, Florida. This property also commonly known as the old Jim Jones place located by Aggies Hole. Together with riparian rights, thereunto appertaining or in anywise belonging.

PARCEL ID#18E18S2914000 (including PARCEL ID# 18E18S291A0000290; PARCEL ID# 18E18S291A0000130; PARCEL ID# 18E18S291A0000080; PARCEL ID# 18E18S291A0000060 and PARCEL ID# 18E18S291A0000190)

An undivided one-half interest in and to the following described property:

S ½ of NE ¼ and NW ¼ of NE ¼ and N ½ of SE ¼ and N ½ of NW ¼ of Section 29, Township 18 South, Range 18 East, containing 280 acres more or less. A portion of the property also known as Lots 6, 8, 9, 13, 14, 19, 29 and 30 of Tropical Highlands, an unrecorded Subdivision.

LESS AND EXCEPT

Those certain deeds recorded in O.R. Book 488, Page 625 and O.R. Book 488, Page 642, Public Records of Citrus County, Florida.

LESS AND EXCEPT

The W ½ of the NW ¼ of the NW ¼ of Section 29, Township 18 South, Range 18 East, EXCEPT the Northerly 50 feet thereof for road right-of-way.

LESS AND EXCEPT

Commence at the Northwest corner of Section 29, Township 18 South, Range 18 East, Citrus County, Florida; thence S 01°06'16" W along the West line of said Section 29, a distance of 50.00 feet to a point on the Southerly right-of-way line of County Road No. 486, (a/k/a West Norvel Bryant Highway); thence S 89°59'40" E along said right-of-way line a distance of 660.41 feet to a point on the West line of the East ½, of the Northwest ¼, of the Northwest ¼, of said Section 29, said point also being the point of beginning; thence continue S 89°59'40" E along said right-of-way line a distance of 667.88 feet; thence S 01°05'39" W parallel to said West line of the East ½, of the Northwest ¼, of the Northwest ¼, a distance of 1309.03 feet to the South line of the North ½, of the Northwest ¼; thence N 89°57'43" W along said South line a distance of 667.87 feet to the Southwest corner of the aforementioned East ½, of the Northwest ¼, of the Northwest ¼; thence N 01°05'39" E along the West line of said East ½, of the Northwest ¼, of the Northwest ¼, a distance of 1308.65 feet to the point of beginning. Contains 20.06 acres of land more or less.

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JUN 29 2021

CPA/AA/PUB-21-11
Land Development Division

Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

EXHIBIT "A" (2 of 5)**LESS AND EXCEPT**

That part of the Northeast quarter of Section 29, Township 18 South, Range 18 East, Citrus County, Florida, being more particularly described as follows:

Commence at a nail and disc stamped "Citrus County" located at the Northwest corner of the Northeast quarter of Section 29, Township 18 South, Range 18 East, Citrus County, Florida; thence run South 00°19'15" West, along the West line of Northeast quarter, a distance of 449.96 feet for a POINT OF BEGINNING; thence departing said West line, run North 89°14'25" East, a distance of 459.29 feet; thence run South 13°59'58" West, a distance of 388.52 feet; thence run North 89°40'45" West, a distance of 367.33 feet to the aforementioned West line; thence run North 00°19'15" East, along said West line, a distance of 368.84 feet to the POINT OF BEGINNING.

LESS AND EXCEPT

Begin at a point found by measuring from the SE corner of the NW ¼ of SE ¼ of said Section 29, S. 88° 47' 05" W., along the South line of said ¼ ¼ Section, 50.0 feet to the aforesaid beginning point, thence continue along said ¼ ¼ Section line S. 88°47'05" W. 292.96 feet, thence N. 01°01'26"W. 329.54 feet to the aforementioned beginning point, being Lot 1, of TROPICAL HIGHLANDS, an unrecorded subdivision.

LESS AND EXCEPT

Commence at the SE corner of the NE ¼ of the SE ¼ of Section 29, Township 18 South, Range 18 East, thence N. 0°00'55" E. along the East line of the NE ¼ of the SE ¼ of said Section 29 a distance of 323.79 feet to the POINT OF BEGINNING, thence continue N. 0°00'55" E. along said East line 172.21 feet, thence S. 88°47'05" W. 280.86 feet, thence S. 52°04'24" E. 38.01 feet, thence S. 0°01'26" W. 142.21 feet, thence N. 88°47'05"E. 250.89 feet to the Point of Beginning.

LESS AND EXCEPT

Lot 2B of TROPICAL HIGHLANDS, an recorded subdivision further described as follows: Begin at a point measured from the SE corner of the NW ¼ of the SE ¼, thence N 0 degrees 1'26" E along the East line of the ¼ ¼ of the section, 329.54 feet, thence S 88 degrees 47'5"W, 50 feet to the Point of Beginning, thence S 88 degrees 47'5" W, 585.89 feet, thence N 0 degrees 1'41" E, 0 degrees 1'26" W, 329.54 feet to the Point of Beginning. All lying and being situate in Section 29, Township 18 South, Range 18 East, Citrus County, Florida.

EXHIBIT "A" (3 of 5)

LESS AND EXCEPT

Commence at the northeast corner of the southeast 1/4 of Section 29, Township 18 South, Range 18 East, Citrus County, Florida; thence S 00° 00' 13" E along the east boundary of said southeast 1/4, a distance of 131.01 feet to the northeast corner of those lands described in Official Record Book 522, Page 117, Public Records of Citrus County, Florida; thence S 88° 56' 34" W along the north boundary of said lands and the westerly projection of said north boundary a distance of 489.84 feet to the northeast corner of those lands described in Official Record Book 533, Page 1088, Public Records of Citrus County, Florida; thence continue S 88° 56' 34" W along the north boundary of said lands a distance of 275.70 feet to the northwest corner of said lands, said corner also being the northeast corner of Lot 38 of UNRECORDED SUBDIVISION OF TROPICAL HIGHLANDS, thence S 00° 05' 30" W along the west boundary of said lands a distance of 15.00 feet; thence N 88° 56' 34" E parallel with and 15.00 feet from, when measured at right angles to, the north boundary of said lands a distance of 275.70 feet to the east boundary of said lands; thence N 00° 05' 30" E along said east boundary a distance of 15.00 feet to the Point of Beginning.

LESS AND EXCEPT

Parcel #37 of Tropical Highlands, an unrecorded subdivision, Citrus County, Florida: Situate and being in Section 29, Township 18 South, Range 18 East, and being further described as follows:

Beginning at a point in the South right of way line of a road 50.0 feet wide found by measuring from the S.E. Corner of the NE 1/4 of SE 1/4 of said Section 29, North 0° 00' 55" East, 1231.08 feet, thence South 88° 47' 05" West, along the South right-of-way line of the roadway as heretofore mentioned, 494.65 feet to the aforesaid beginning point; thence South 0° 01' 26" West, 397.67 feet, thence South 88° 47' 05" West, 275.70 feet, thence North 0° 01' 26" East, 397.67 feet to the aforesaid South right of way line of said roadway, thence North 88° 47' 05" East, 275.70 feet to the aforementioned beginning point.

LESS AND EXCEPT those certain lands conveyed to Citrus County, a political subdivision of the State of Florida, described in Warranty Deed recorded in Official Record Book 906, Page 1971, Public Records of Citrus County, Florida.

AND

EXHIBIT "A" (4 of 5)

Parcel #38 of Tropical Highlands, an unrecorded subdivision, Citrus County, Florida: Situate and being in Section 29, Township 18 South, Range 18 East, and being further described as follows:

Beginning at a point in the South right of way line of a Road 50.0 feet wide found by measuring from the SE corner of the NE 1/4 of the SE 1/4 of said Section 29 North 00° 00' 55" East 1231.08 feet, thence South 88° 47' 05" West, along the South right of way line of the roadway as heretofore mentioned, 770.35 feet to the aforesaid beginning point, thence South 00° 01' 26" West, 397.67 feet, thence South 88° 47' 05" West 275.70 feet, thence North 00° 01' 26" East 397.67 feet to the aforesaid South right of way line of said roadway, thence North 88° 47' 05" East 275.70 feet to the aforementioned beginning point.

LESS AND EXCEPT those certain lands conveyed to Citrus County, a political subdivision of the State of Florida, described in Warranty Deed recorded in Official Record Book 906, Page 1973, Public Records of Citrus County, Florida.

LESS AND EXCEPT

Commence at the northeast corner of the southeast 1/4 of Section 29, Township 18 South, Range 18 East, Citrus County, Florida; thence S 00° 00' 13" E along the east boundary of said southeast 1/4, a distance of 131.01 feet to the northeast corner of those lands described in Official Record Book 522, Page 117, Public Records of Citrus County, Florida; thence S 88° 56' 34" W along the north boundary of said lands and the westerly projection of said north boundary a distance of 765.54 feet to the northeast corner of Lot 38 of the UNRECORDED SUBDIVISION OF TROPICAL HIGHLANDS, said corner also being the northwest corner of those lands described in Official Record Book 533, Page 1088, Public Records of Citrus County, Florida; thence continue S 88° 56' 34" W along the north boundary of said Lot 38 a distance of 275.70 feet to the northwest corner of said Lot 38, said corner also being the northeast corner of those lands described in Official Record Book 534, Page 1282, Public Records of Citrus County, Florida; thence S 00° 05' 30" W along the west boundary of said Lot 38 a distance of 15.00 feet; thence N 88° 56' 34" E parallel with and 15.00 feet from, when measured at right angles to, the north boundary of said Lot 38, a distance of 275.70 feet to a point on the east boundary of said Lot 38; thence N 00° 05' 30" E along the east boundary of said Lot 38 a distance of 15.00 feet to the Point of Beginning.

EXHIBIT "A" (5 of 5)

LESS AND EXCEPT a Non-exclusive Easement for Ingress and Egress over and across the following:

A strip of land, 50 feet wide, lying 25 feet on each side of the following described centerline: Commence at the SW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 18 South, Range 18 East, thence N 88°47'05" E along the South line of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ a distance of 660.92 feet to the Point of Beginning, thence N 0°01'41" E 2506.78 feet to the end of this centerline description.

AND:

A strip of land, 50 feet wide, lying 25 feet on each side of the following described centerline: Commence at the SW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 18 South, Range 18 East, thence N 88°47'05" E along the South line of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ a distance of 660.92 feet, thence N 0°01'41" E 684.08 feet to the Point of Beginning, thence N 88°47'05" E parallel to said South line a distance of 635.86 feet to the end of this centerline description.

AND:

A strip of land, 50 feet wide, lying 25 feet on each side of the following described centerline: Commence at the SW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 18 South, Range 18 East, thence N 88°47'05" E along the South line of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ a distance of 1296.85 feet to the Point of Beginning, thence N 0°01'26" E 1268.01 feet, thence N 89°18'05" E 1346.66 feet to a point on the East line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 29 and the end of this centerline description.

AND:

A strip of land, 50 feet wide, lying 25 feet on each side of the following described centerline: Commence at the SW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 18 South, Range 18 East, thence N 88°47'05" E along the South line of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ a distance of 1296.85 feet, thence N 0°01'26" E 422.67 feet to the Point of Beginning, thence N 88°47'05" E parallel to said South line a distance of 877.10 feet, thence N 0°01'26" E 837.44 feet to the end of this centerline description.

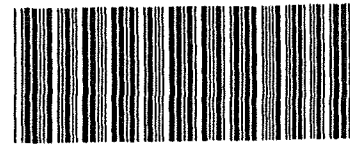
AND:

A strip of land, 50 feet wide, lying 25 feet on each side of the following described centerline: Commence at the SW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 18 South, Range 18 East, thence N 88°47'05" E along the South line of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ a distance of 1296.85 feet, thence N 0°01'26" E 1268.01 feet, thence N 89°18'05" E 685.83 feet to the Point of Beginning, thence N 0°01'10" E 1244.78 feet to the end of this centerline description.

This instrument prepared by
and return to:

Michael Mountjoy, Esquire
BRADSHAW & MOUNTJOY, P.A.
209 Courthouse Square
Inverness, Florida 34450-4800

PARCEL NO.: 18E18S29140000020



2008058321 2 PGS

OFFICIAL RECORDS
CITRUS COUNTY
BETTY STRIFLER
CLERK OF THE CIRCUIT COURT
RECORDING FEE: \$20.50
DOCUMENTARY TAX: \$0.70
2008058321 BK:2257 PG:1552
12/15/2008 07:11 AM 2 PGS
JCARROLL, DC Receipt #033953

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 5th day of December, 2008, by RONALD FREEMAN OWEN and SHARON DAMRON OWEN, his wife of 4795 N. Goldwood Terrace, Beverly Hills, Florida 34465, hereinafter called the Grantor and referred to in the singular, to RONALD FREEMAN OWEN and SHARON DAMRON OWEN, as Trustees of that certain RONALD FREEMAN OWEN and SHARON DAMRON OWEN INTER-VIVOS TRUST of December 5, 2008, whose mailing address is 4795 N. Goldwood Terrace, Beverly Hills, Florida 34465, herein called the Grantee, parties of the second part.

WITNESSETH, That the said Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said Grantee all of the right, title and interest, claim and demand which the Grantor has in and to the following described lot, piece or parcel of land situate, lying and being in the County of Citrus, State of Florida, to wit:

Commence at the intersection of the East line of the NW ¼ of the NE ¼ of Section 29, TOWNSHIP 18 SOUTH, RANGE 18 EAST, and the South right-of-way line of State Road No. 486, thence S. 88° 58' 28" W., along said South right-of-way line, a distance of 367.90 feet to the POINT OF BEGINNING, thence continue S. 88° 58' 28" W., along said right-of-way line, a distance of 367.90 feet, thence S. 7° 33' 38" W. 378.71 feet, thence S. 10° 36' 22" W. 162.22 feet, thence S. 14° 31' 56" W. 4.64 feet, thence N. 88° 58' 28" E., parallel to said right-of-way line, a distance of 448.60 feet, thence S. 0° 01' 05" E., parallel to said East line, a distance of 537.91 feet to the Point of Beginning.

GRANTOR RESERVES UNTO RONALD FREEMAN and SHARON DAMRON OWEN A LIFE ESTATE IN THE ABOVE DESCRIBED PROPERTY.

THIS INSTRUMENT PREPARED BY INFORMATION PROVIDED TO SCRIVENER BY GRANTOR. SCRIVENER DOES NOT GUARANTEE TITLE OR DESCRIPTION.

RECEIVED

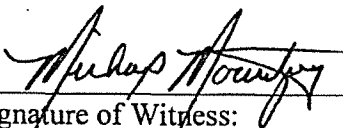
JUN 29 2021
CPA/AA/PUD-21-11
Land Development Division

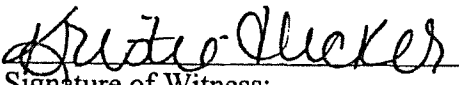
RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities may present health risks to persons who are exposed to it over time. Levels of radon that exceed Federal and State guideline have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your County Health Unit.

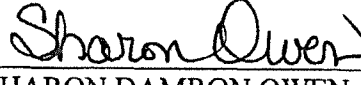
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in presence of:


Signature of Witness:
Michael Mountjoy
Printed Name of Witness:


Signature of Witness:
Kristie Hecker
Printed Name of Witness:

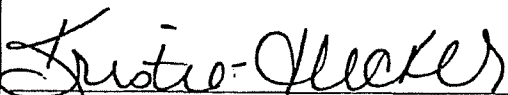

RONALD FREEMAN OWEN
4795 N. Goldwood Terrace
Beverly Hills, Florida 34465

SHARON DAMRON OWEN
4795 N. Goldwood Terrace
Beverly Hills, Florida 34465

STATE OF FLORIDA
COUNTY OF CITRUS

The foregoing instrument was acknowledged before me this 5th day of December, 2008 by RONALD FREEMAN OWEN and SHARON DAMRON OWEN,

- () who are personally known to me.
(X) who produced a State of Florida Drivers License as identification.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date as shown hereinabove.


Notary Public
Commission Number:
My Commission Expires:



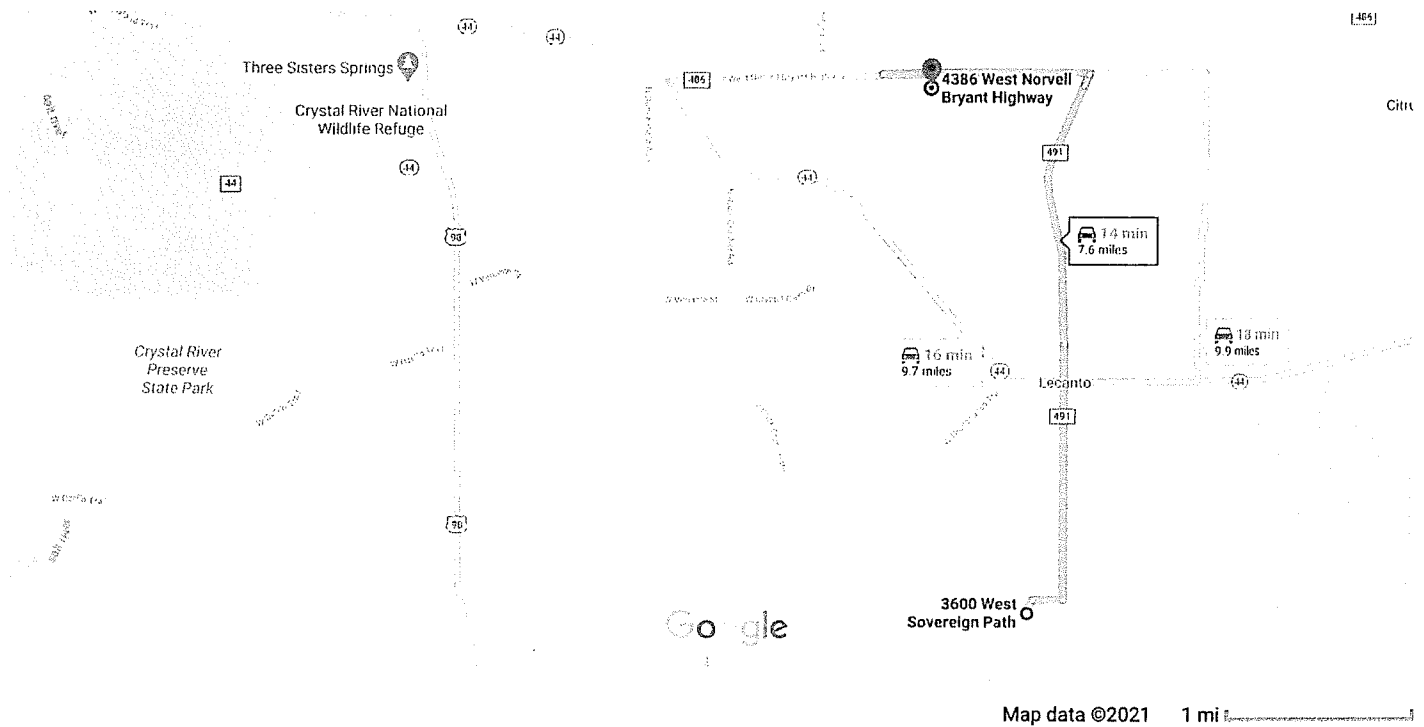
KRISTIE HECKER
Commission DD 627914
Expires February 26, 2011
Bonded Thru Troy Fair Insurance Co. 665,700

Exhibit "A-3"

Google Maps

3600 W Sovereign Path, Lecanto, FL 34461 to 4386 West Norvell Bryant Highway

Drive 7.6 miles, 14 min



3600 W Sovereign Path

Lecanto, FL 34461

- ↑ 1. Head northeast on W Sovereign Path toward Saunders Way
0.1 mi
- 2. Turn right onto Saunders Way
0.3 mi
- ↶ 3. Turn left onto Co Rd 491
2.3 mi
- ↑ 4. Continue onto Co Rd 491
2.4 mi
- ↑ 5. Continue onto Co Rd 491/N Lecanto Hwy
0.1 mi
- ↶ 6. Use the left 2 lanes to turn left onto County Rd 486/West Norvell Bryant Highway
1.9 mi
- ↶ 7. Sharp left onto County Rd 486
0.5 mi

4386 West Norvell Bryant Highway

Crystal River, FL 34429

RECEIVED

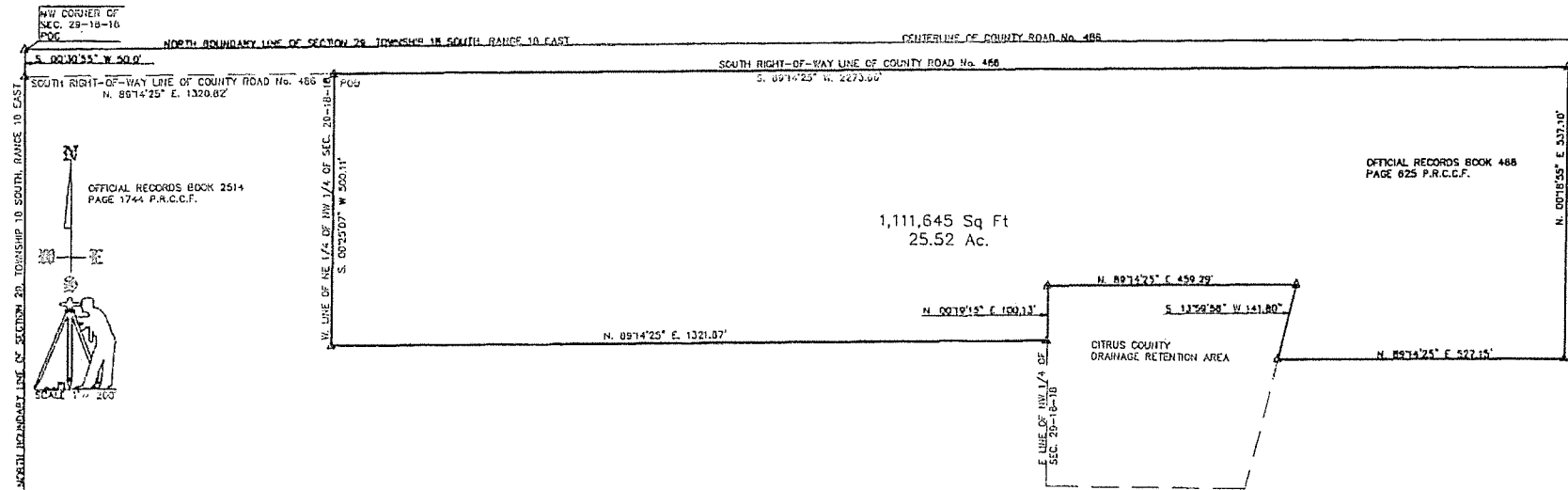
JUN 29 2021

CPA/AA/PUD-21-11
Land Development Division

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Δ = DESCRIPTIVE POINT
 P.O.C. = POINT OF COMMENCEMENT
 PRCCF = PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA
 SEC = SECTION
 TWP = TOWNSHIP
 RNG = RANGE
 P.O.B. = POINT OF BEGINNING

DESCRIPTIVE SKETCH
 (THIS IS NOT A SURVEY)
 GENERAL COMMERCIAL DISTRICT DESCRIPTIVE



A PORTION OF THE NORTH HALF OF SECTION 29, TOWNSHIP 18 SOUTH, RANGE 18 EAST CITRUS COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCE AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 18 SOUTH, RANGE 18 EAST CITRUS COUNTY, FLORIDA; THENCE S. 00°30'55" W. ALONG THE WEST BOUNDARY LINE OF SAID SECTION 29, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD No. 486; THENCE N. 89°14'25" E. ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1320.82 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S. 00°25'07" W. ALONG THE WEST BOUNDARY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 500.11 FEET; THENCE N. 89°14'25" E. PARALLEL WITH AND 500 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD No. 486, A DISTANCE OF 1321.67 FEET TO A POINT ON THE EAST BOUNDARY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE N. 00°19'15" E. ALONG THE EAST BOUNDARY LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 100.13 FEET; THENCE N. 89°14'25" E., A DISTANCE OF 459.29 FEET; THENCE S. 13°59'58" W. DISTANCE OF 141.80 FEET; THENCE N. 89°14'25" E., A DISTANCE OF 527.15 FEET; THENCE N. 00°18'55" E., A DISTANCE OF 537.10 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD No. 486; THENCE S. 89°14'25" W. ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 2273.66 FEET TO THE POINT OF BEGINNING.
 SAID PARCEL CONTAINING 1,111,645 SQUARE FEET (25.52 ACRES) MORE OR LESS.

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 SEC = SECTION
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 RNG = RANGE
 P.O.B. = POINT OF BEGINNING

MAP REVISION DATE: JULY 21, 2021
 REVISE LEGAL DESCRIPTION

Anderson Specialty Services, Inc.
 9200 East Orange Avenue
 Floral City, Florida 34436
 (352) 220-0146
 BUSINESS CERTIFICATE LB 8156

Patrick L Henson: Digitally signed by
 Patrick L Henson:
 Date: 2021.07.21
 17:31:49 -04'00'



SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY THAT THE DESCRIPTIVE SKETCH SHOWN HEREON
 WAS PREPARED UNDER MY DIRECTION SUPERVISION AND CONFORMS
 TO THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA
 BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050
 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION
 472.027, FLORIDA STATUTES.

DATED THIS _____ DAY OF _____

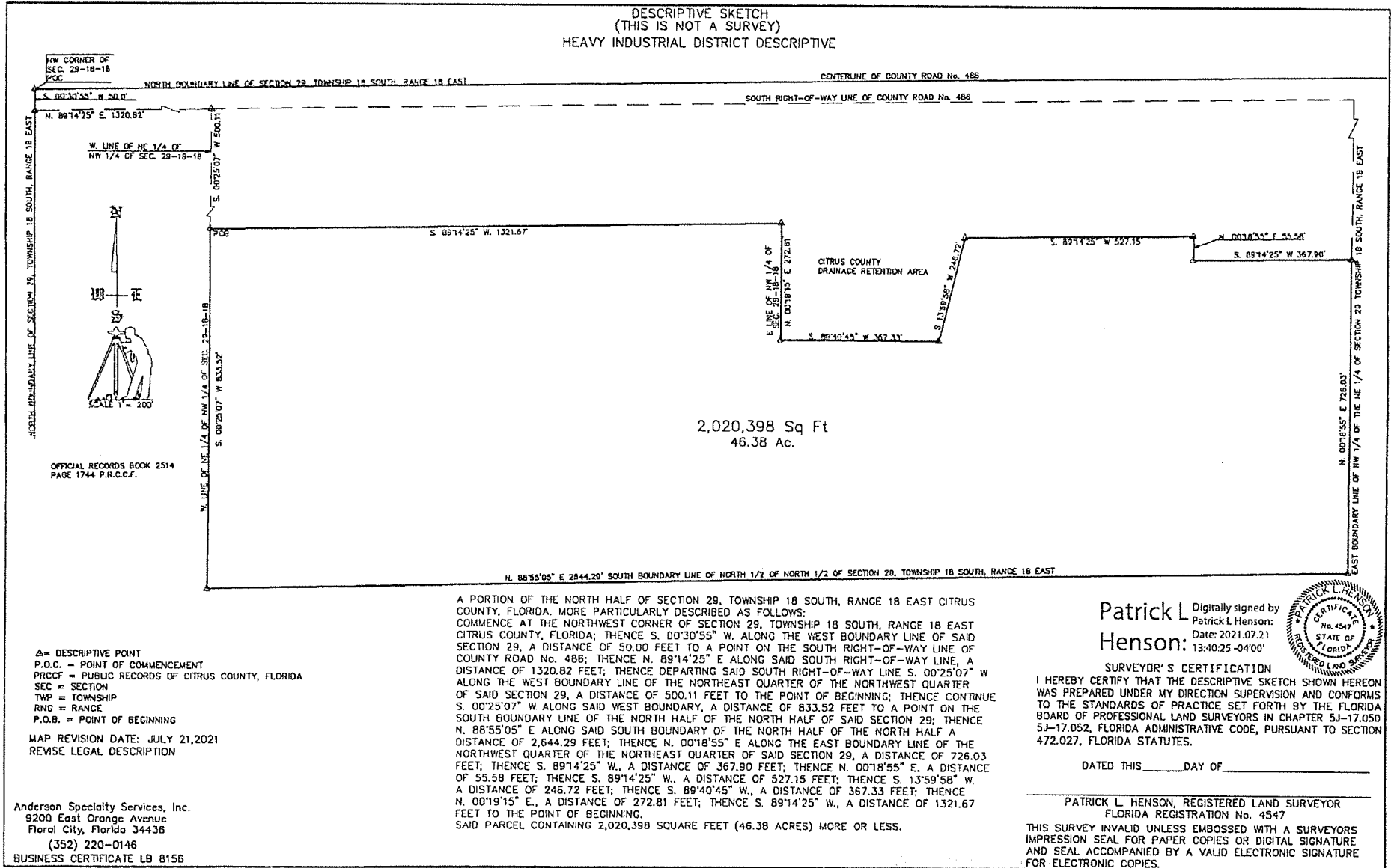
PATRICK L. HENSON, REGISTERED LAND SURVEYOR
 FLORIDA REGISTRATION No. 4547

THIS SURVEY INVALID UNLESS EMBOSSED WITH A SURVEYORS
 IMPRESSION SEAL FOR PAPER COPIES OR DIGITAL SIGNATURE
 AND SEAL ACCOMPANIED BY A VALID ELECTRONIC SIGNATURE
 FOR ELECTRONIC COPIES.

REVISED "B-1"

Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family

CPA/AA/PUD-21-11



REVISED "B-2"

CPA/AA/PUD-21-11



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JUN 29 2021
CPA/AA/PUD-21-11

Damron Family

Geographic Information Systems

Prepared By : Web User

Date: 3/23/2021

Source: Enterprise Goodatabase

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Cynthia Skehan
Director

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Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family

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JUN 29 2021

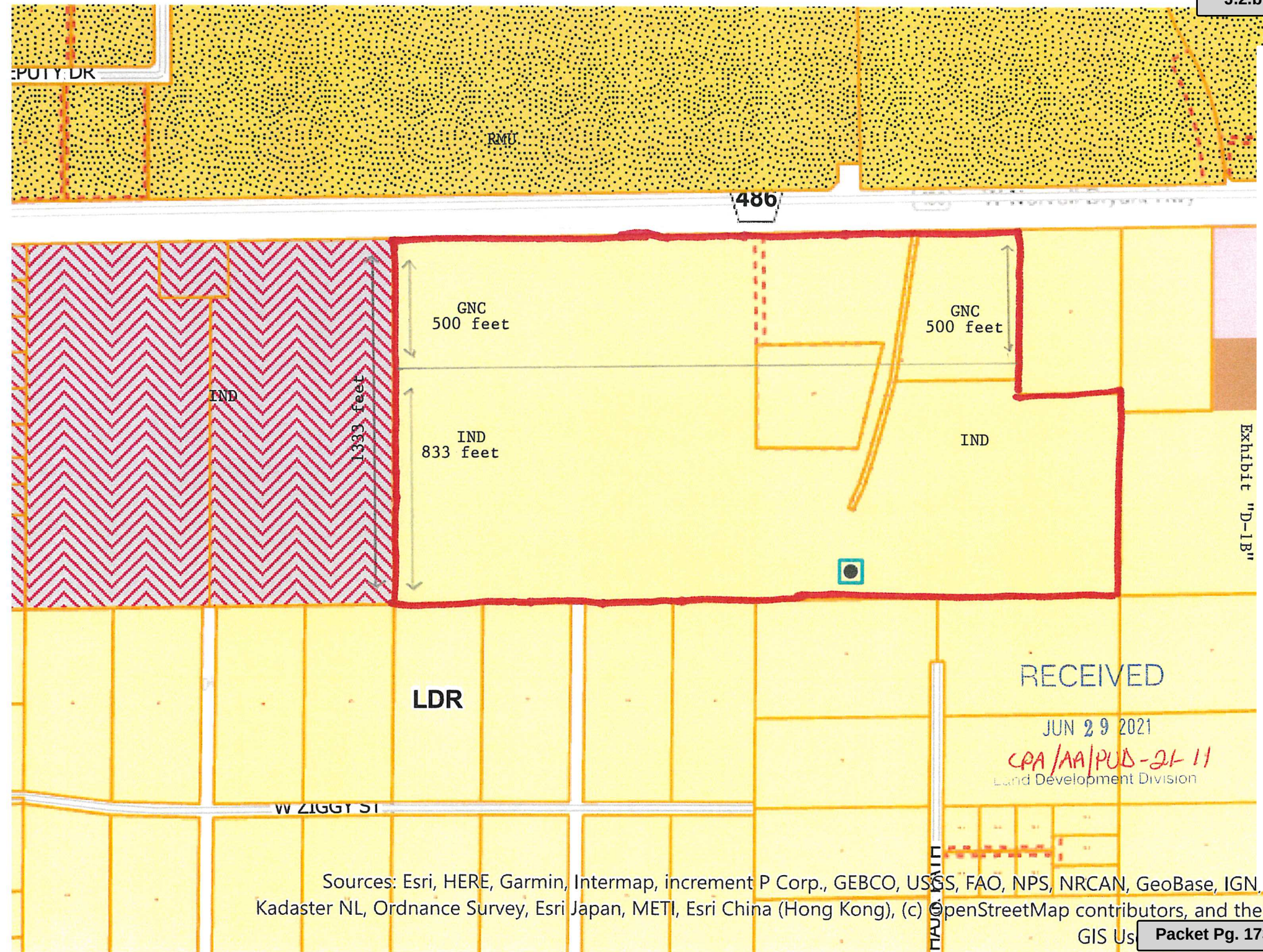
CPA/AA/PUB-21 1
Land Development Division

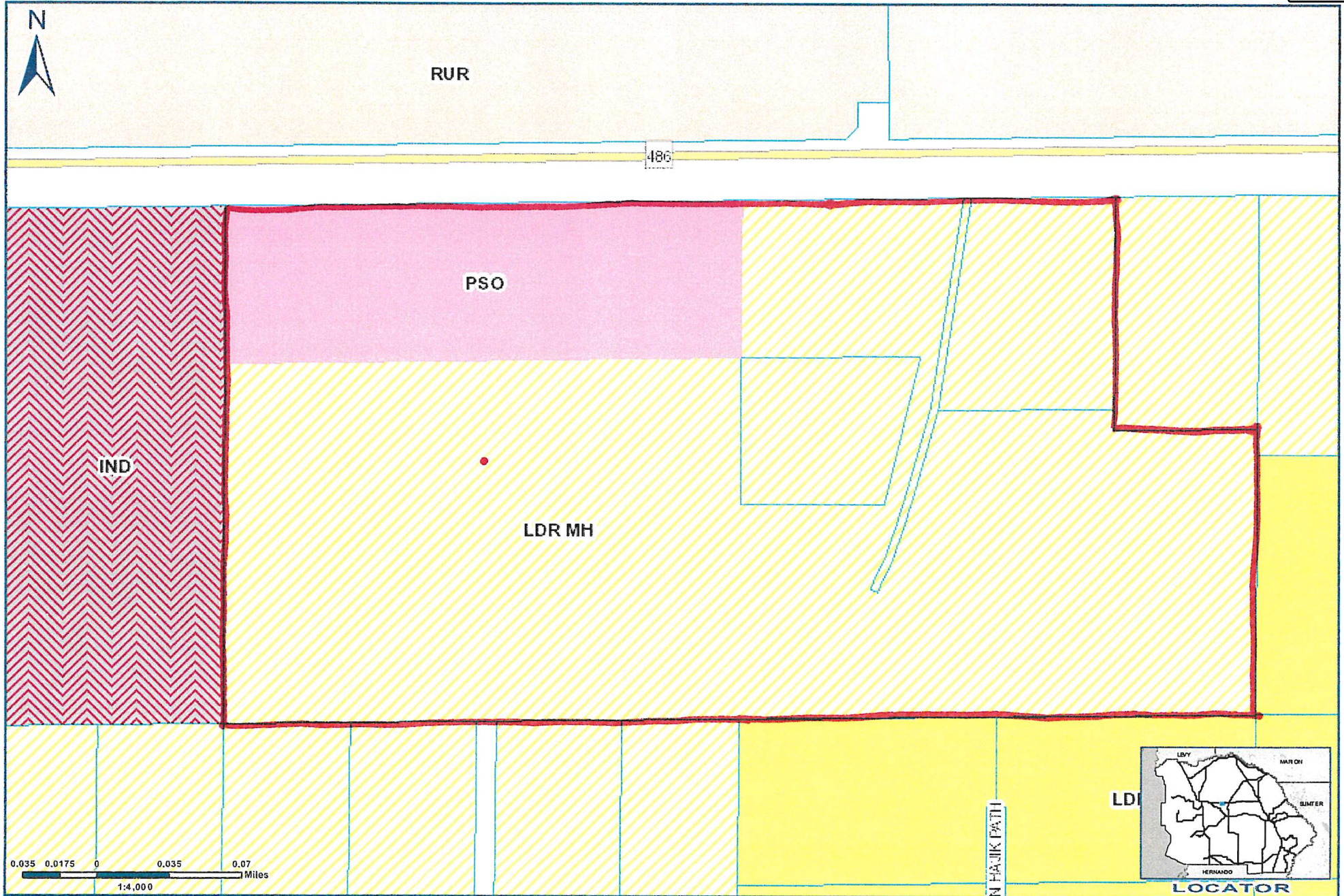
LDR

VV ZIGGY SI

486

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community





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JUN 29 2021

CPA/AA/PUD-21-11

Land Development Division

LDC Atlas - Existing

Geographic Information Systems

Prepared By : Web User

Date: 3/23/2021

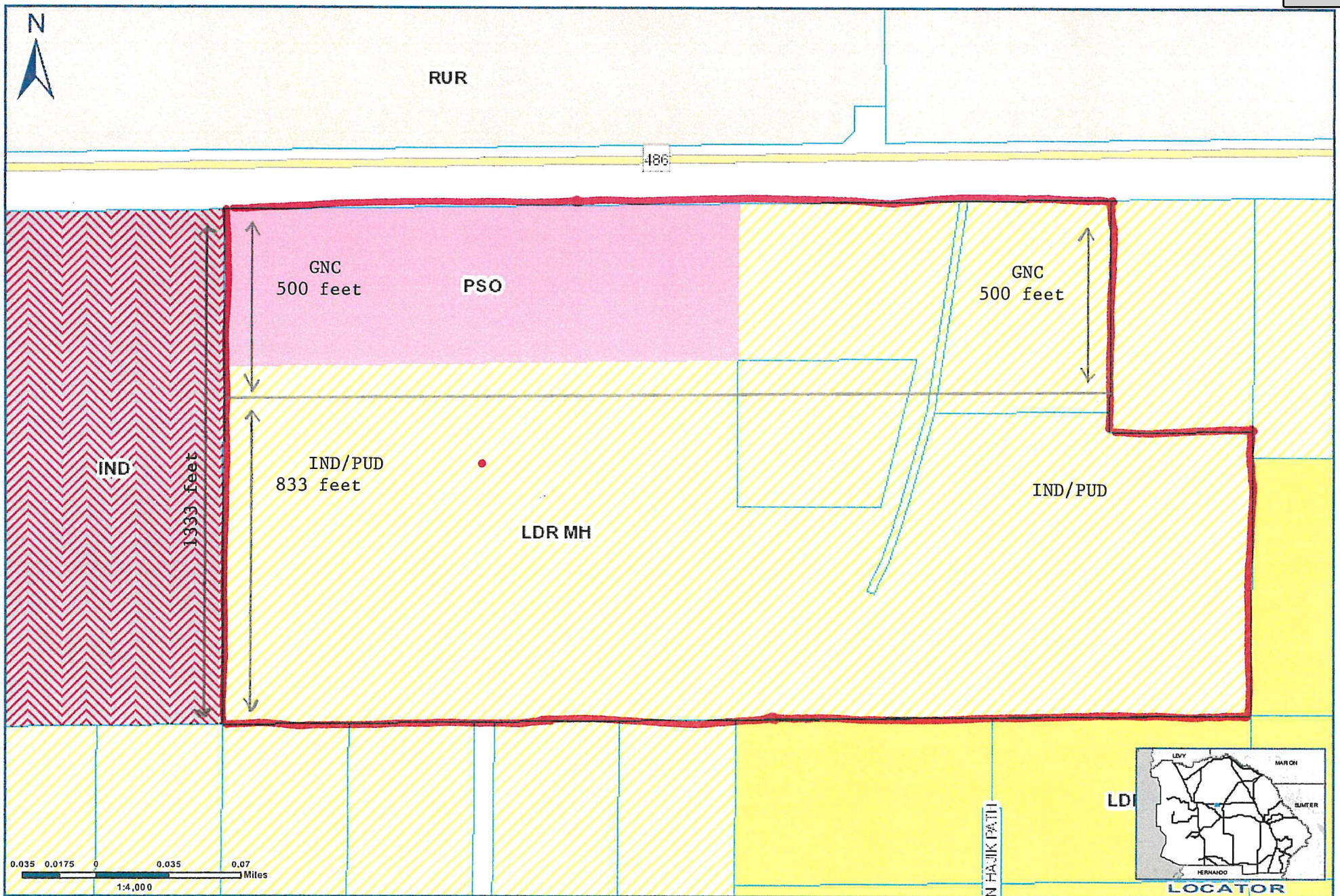
Source: Enterprise Geodatabase

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Cynthia Skeithorn
Director

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CPA/AA/PUD-21-11

LDC Atlas - Proposed

Geographic Information Systems

Prepared By : Web User

Date: 3/23/2021

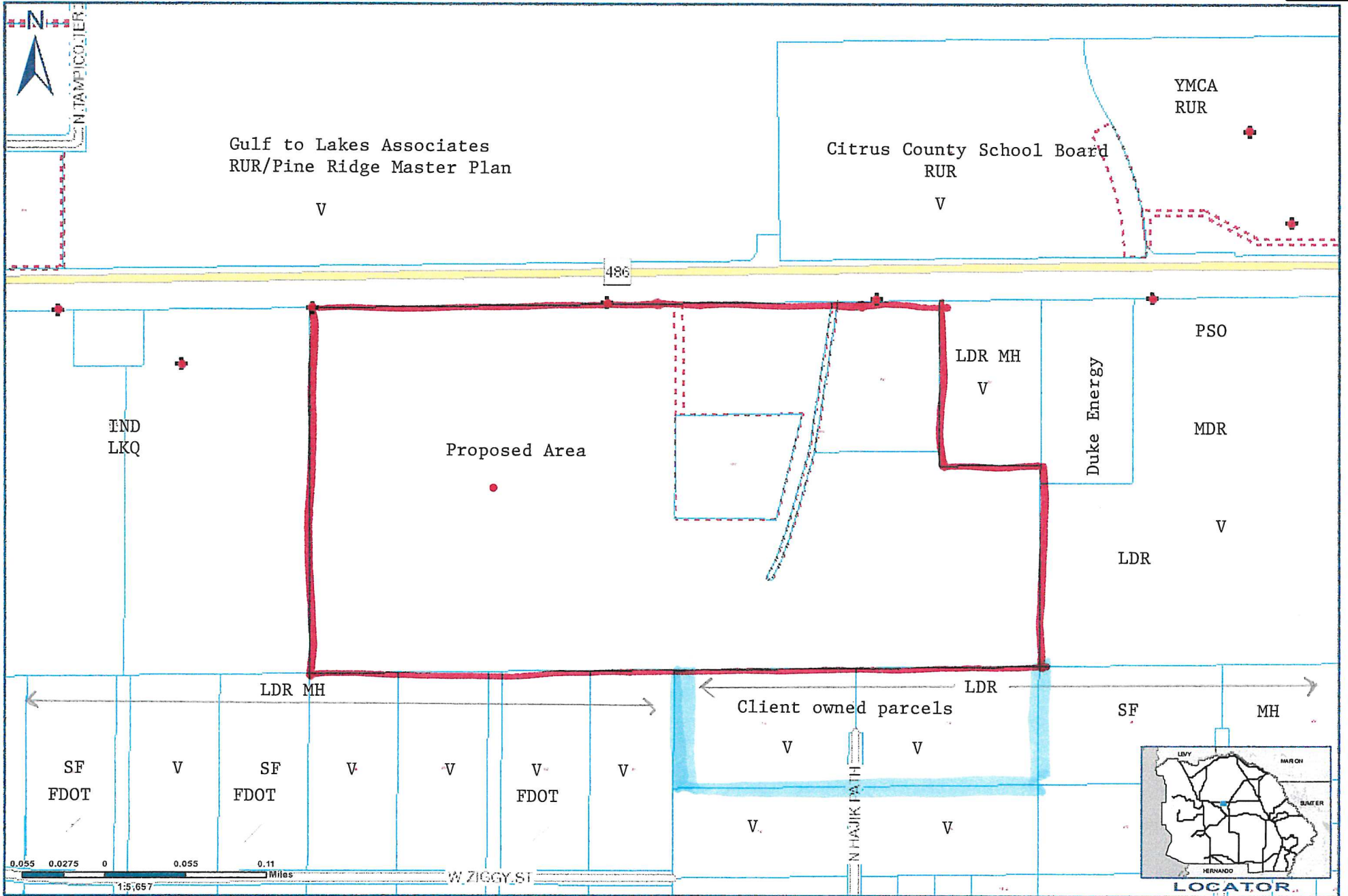
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Cynthia Skethorn
Director

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JUN 29 2021
CPA/AA/PUD-21-11

Land Development Division

Abutter Land Use Map

Geographic Information Systems

Prepared By : Web User

Date: 3/23/2021

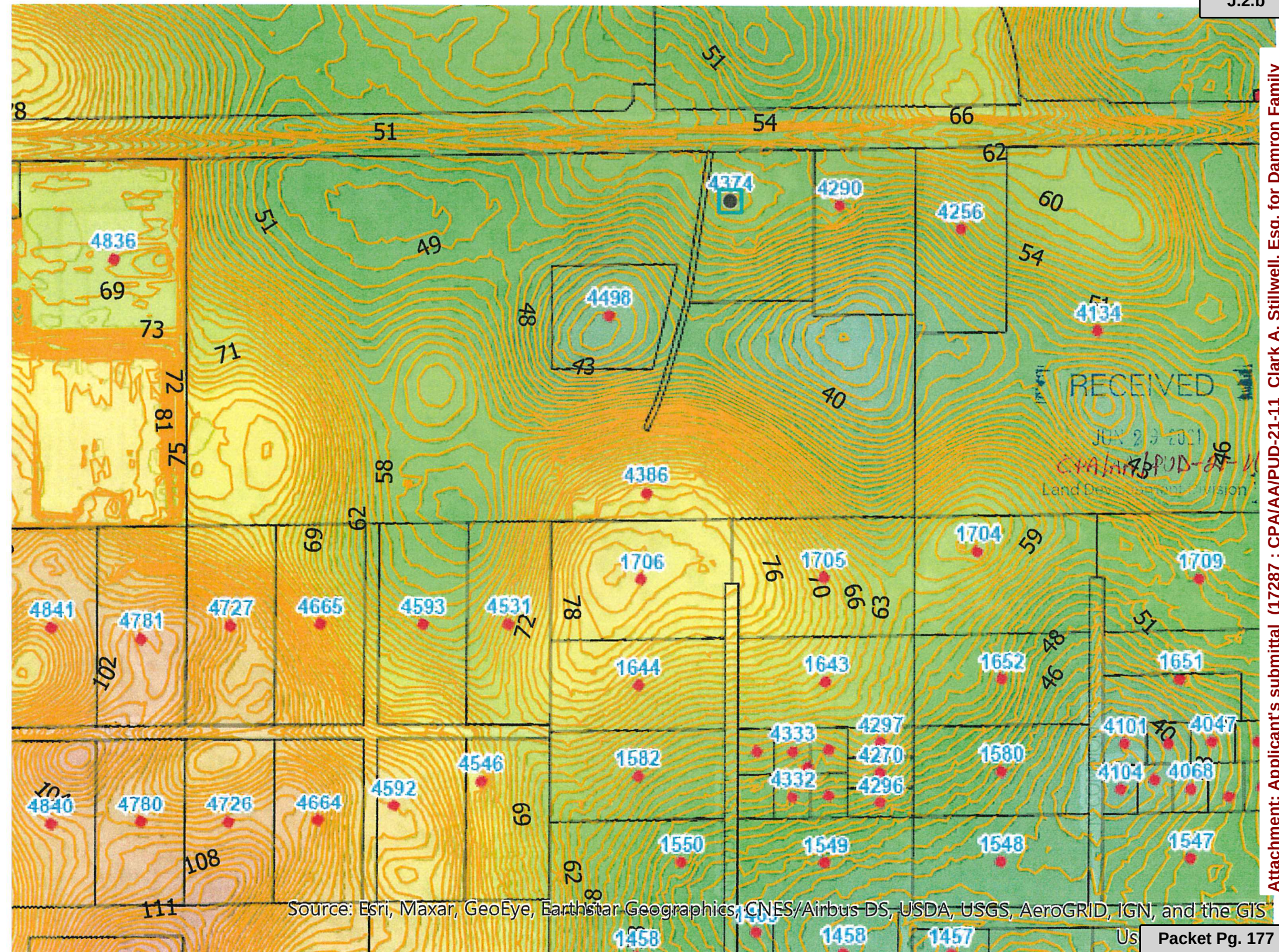
Source: Enterprise Geodatabase

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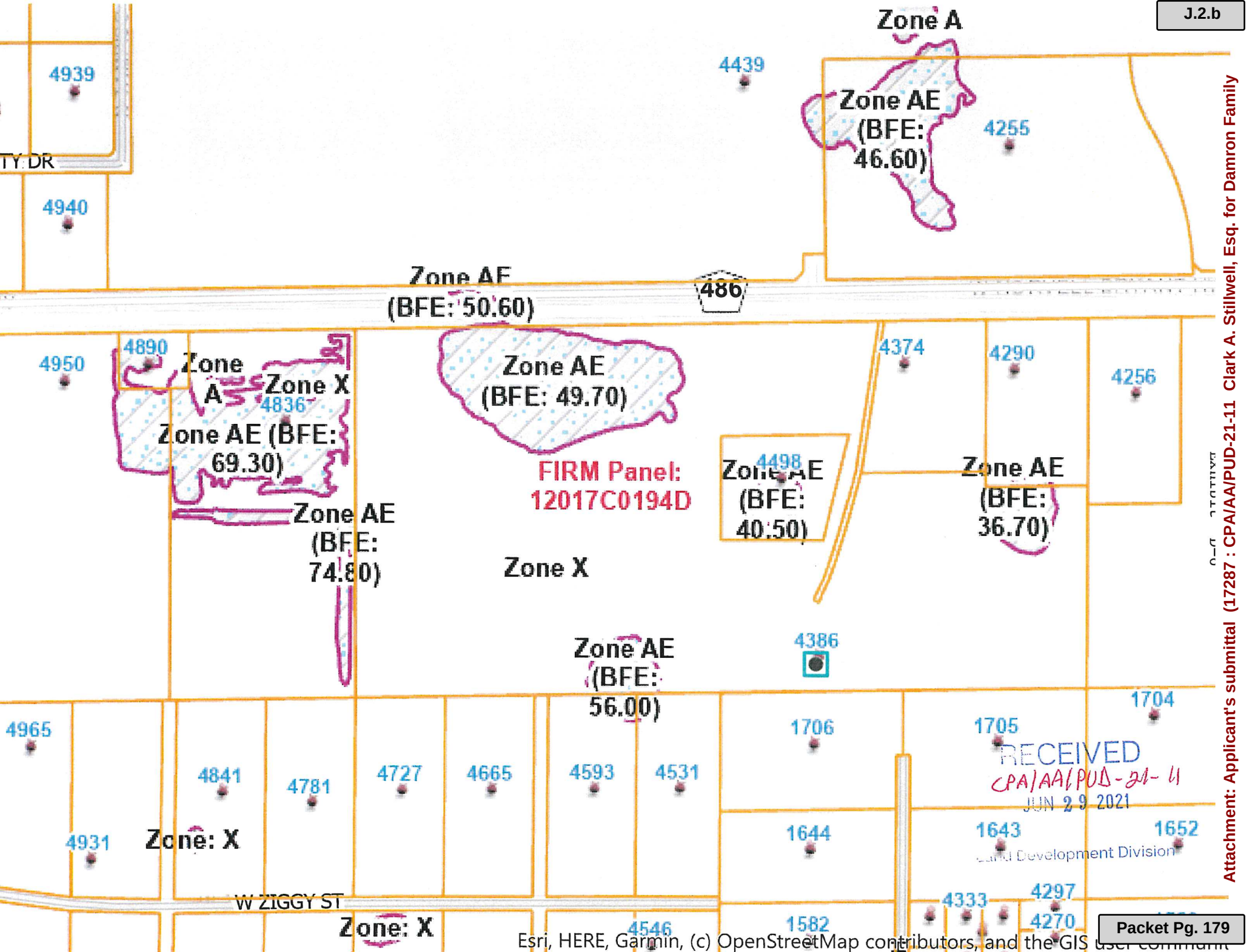
Cynthia Skehorn
Director

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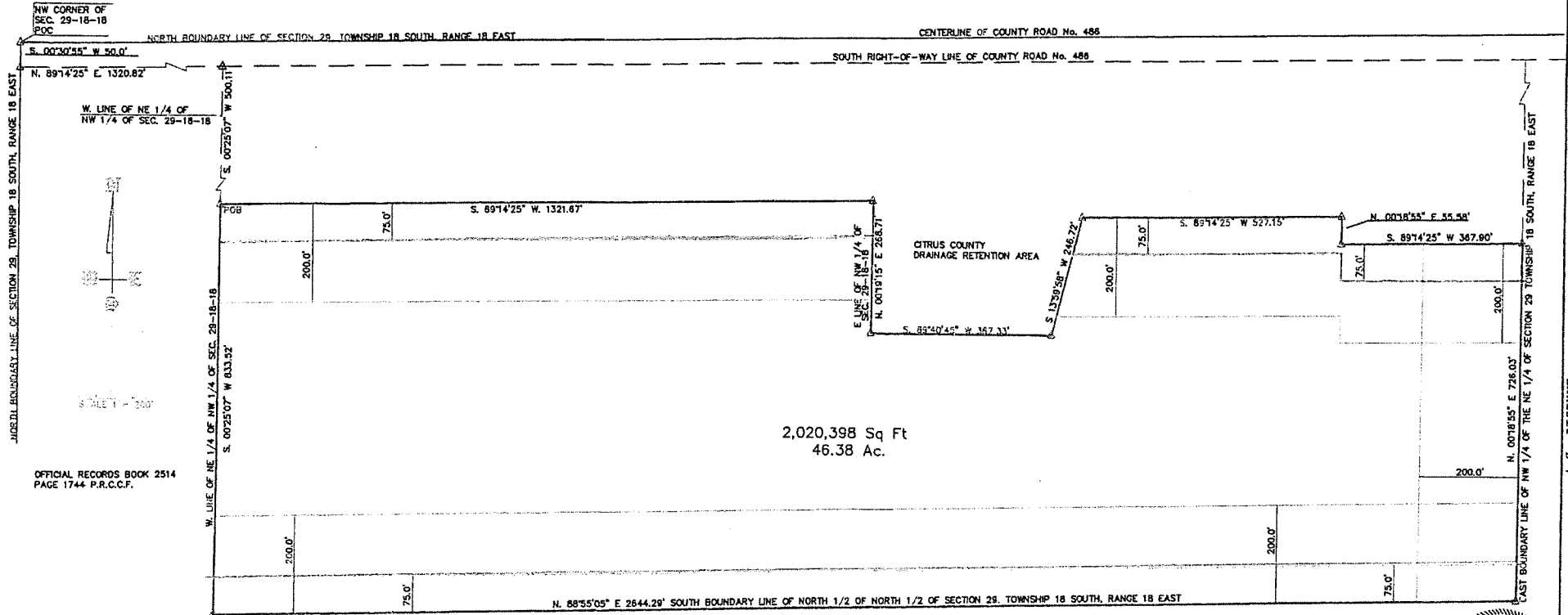








DESCRIPTIVE SKETCH
(THIS IS NOT A SURVEY)
HEAVY INDUSTRIAL DISTRICT DESCRIPTIVE



OFFICIAL RECORDS BOOK 2514
PAGE 1744 P.R.C.C.F.

Δ = DESCRIPTIVE POINT
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SAID PARCEL CONTAINING 20236,119 SQUARE FEET (46.44 ACRES) MORE OR LESS.



SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT THE DESCRIPTIVE SKETCH SHOWN HEREON WAS PREPARED UNDER MY DIRECTION SUPERVISION AND CONFORMS TO THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATED THIS 21 DAY OF JUNE 2021

Patrick L. Henson
PATRICK L. HENSON, REGISTERED LAND SURVEYOR
FLORIDA REGISTRATION NO. 4547

THIS SURVEY INVALID UNLESS EMBOSSED WITH A SURVEYORS IMPRESSION SEAL FOR PAPER COPIES OR DIGITAL SIGNATURE AND SEAL ACCOMPANIED BY A VALID ELECTRONIC SIGNATURE FOR ELECTRONIC COPIES.

Anderson Specialty Services, Inc.
9200 East Orange Avenue
Floral City, Florida 34436
(352) 220-0146
BUSINESS CERTIFICATE LB 8156

RECEIVED

JUN 29 2021

CPA/AA/PUD-21-11
Land Development Division

Exhibit "E-1"



**Board of County Commissioners
DEPARTMENT OF WATER RESOURCES
UTILITY PLANNING AND ENGINEERING DIVISION**

3600 W. Sovereign Path, Suite 291

Lecanto, Florida 34461-7788

Telephone: (352) 527-7650 Fax: (352) 527-7644

TTY Telephone: (352) 527-5312

www.bocc.citrus.fl.us

E-mail Address: WaterResources@bocc.citrus.fl.us

02/03/2021

Mr. Clark A. Stillwell, Esquire
Law Office of Clark A. Stillwell, LLC
P.O. Box 250
Inverness, FL 34451
caslaw@tampabay.rr.com

RE: Damron Family; Land Use Plan Map/LDC Atlas Amendment

Dear Mr. Stillwell:

Citrus County Utilities currently has both potable water and wastewater capacity to serve the above referenced site for the commercial and light industrial uses described in your January 4, 2021 letter.

The public water system serving this vicinity is the Charles A. Black Water System (Public Water System ID. No. 609-4948), having a current permitted capacity of 14.544 million gallons per maximum day. An 18 inch diameter water transmission main runs along the south right-of-way line of CR-486 in front of the above referenced site

Sewer service to this vicinity is provided by the County's Meadowcrest Wastewater Treatment Facility (Permit No.: FLA011845), having a current permitted capacity of 2.0 million gallons per annual average day. A 16 inch diameter pressure sewer force main runs along the south right-of-way line of CR-486, parallel to the water main.

Please let us know if this information is not responsive to your request.

CITRUS COUNTY DEPT. OF WATER RESOURCES

Layne C. Cady, P.E.
Senior Engineer

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JUN 29 2021

CPA/AA/PUB-21-11
Land Development Division

Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)



Board of County Commissioners

DEPARTMENT OF PUBLIC WORKS
SOLID WASTE MANAGEMENT DIVISION

January 4, 2021

Law Office of Clark A. Stillwell, LLC.
Brannen Bank Building
320 U.S. Highway 41 South
Inverness, FL 34450

Re: Damron Family: Land Use Plan Map/LDC Atlas Amendment
Alternate Key No. : 3440248, 1492670, 3467382, and 1492661
Crystal River Florida 76 acres (MOL)
Section 29, Township 18, Range 18

Dear Mr. Stillwell,

This letter is in response to your request of December 31, 2020, for a determination of whether sufficient landfill capacity exists for the above referenced Alternate Key Numbers.

The Citrus County Central Landfill has sufficient capacity to accommodate this project.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Henry C. Norris, Jr.

Citrus County Solid Waste Management Director

HCN:iag

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JUN 29 2021
CPA/AA/PUD-21-11.
Land Development Division

Henry C. Norris, Jr. Director
Citrus County Division of Solid Waste Management
PO Box 340
Lecanto, FL 34460
Telephone: (352) 527-7670 Fax: (352) 527-7672
Henry.Norris@citrusbocc.com



BURRELL
ENGINEERING, INC.
CIVIL ENGINEERING

Exhibit "E-3"

12005 N. FLORIDA AVE.
DUNNELLON, FL 34434
PH. 352-489-4144
FAX 352-489-4741

January 19, 2021

Mr. Clark Stillwell
Attorney at Law
320 US HWY 41 South
Inverness, FL 34450

Subject: Parcel Alt Key # 1492661, 1492670, 3440248 & 3467382
Section 29, Township 18, Range 18
Analysis of Drainage, Water and Wastewater Facilities
BEI Project 13-23

Dear Mr. Stillwell:

As requested, Burrell Engineering, Inc. has conducted a drainage facilities and public facilities analysis as required by the Citrus County Board of County Commissioner's Administrative Regulation (A.R.) 13.08-2. on the referenced site. The site comprises four adjacent parcels and is approximately 76 ac in size and is in Section 29, Township 18, Range 18. It is bordered by CR 486 on the north, by the LQK Facility on the west side, vacant property on the east and large residential lots on the south. The analysis includes a physical inspection of the site, and a review of available data produced by various public agencies. The analysis is limited to the specific areas of concern discussed in the A.R., as outlined below:

1. *DRAINAGE FACILITIES*

a. Soils evaluation, demarcation, and preliminary hydrogeology:

Onsite soils are predominantly Candler fine sand, 0 to 5% slopes with a small amount of Arredondo fine sand, 0 to 5% slopes. According to the SCS Soil Survey for Citrus County, Candler sands are nearly level gently sloping excessively drained with a SHWT greater than a depth of 80 inches throughout the year. Arredondo sands are nearly level gently sloping well drained with a SHWT greater than a depth of 72 inches most years.

Based on the current Southwest Florida Water Management District (SWFWMD) criteria for stormwater systems, the site drainage will most likely need to be designed as a dry retention system, depending on the actual SHWT determined from soil borings. These types of systems are commonly used and thus should not pose an impediment to the proposed development.

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Land Development Division

- b. *Topography of the existing site, proposed changes to topography and their impact on adjacent properties including abutting roads:*

The proposed site has significant topographic variation and most likely lies within a closed drainage basin. As such, the drainage design associated with site improvements is most likely “volume dependent”. A typical design for a closed basin would consist of calculating the pre-development discharge volume to offsite areas for the 100yr-24hr storm event and constructing a stormwater management system that attenuates the post-development runoff volume so that the pre-development discharge volume is not increased. Based upon the soil conditions found on this parcel a drainage design meeting these requirements can be created utilizing a dry retention drainage system.

Proposed changes to the topography (when and if the site is developed) would most likely be significant due to the relatively steep slopes on portions of the site. The modifications would also include the creation of additional impoundment areas to serve as drainage retention areas for the new impervious area created. All the above appears to be obtainable on this site.

- c. *If within a floodplain, floodplain compensation needs and the ability of the site to accommodate same:*

Attached is an excerpt from the National Flood Insurance Program Flood Insurance Rate Map (FIRM) panel 12017C0194D. As can be seen from the map, most of the property lies within flood zone X, however three areas are listed as in flood Zone AE with numbered flood elevations. Of the three flood zones two are wholly onsite and as such can be modified easily with onsite drainage facilities. The third area is partially offsite and any development in this area would have to be designed so there would be no increase in flooding offsite. A fourth flood area in the center of the property is a County drainage retention area which is a separate parcel and not part of this report.

- d. *Any impact to either onsite or adjacent wetlands or surface waters:*

The proposed site does appear to have a small wetland area in the same location as the flood area that is partially offsite based on the National Wetlands Inventory Map. However, the wetland area would have to be verified by an environmental scientist and if it is found to be regulated wetlands any development would have to avoid impacts in accordance with the Southwest Florida Water Management District and Citrus County requirements.

- e. *Ability of the site to accommodate all stormwater generated by improvements of a 25 year/24-hour storm event:*

The proposed development has enough room onsite to construct a drainage retention area sufficient to store and treat the stormwater runoff from a 25

January 19, 2021

year/24-hour storm to meet the County and Water Management District requirements.

- f. Any modification to existing drainage flows from adjacent property either developed or vacant:*

Based upon the above and by utilizing good engineering practices, this site can be designed to have no adverse impact to drainage flows coming from, or onto, adjacent properties. Should runoff from offsite areas flow into the proposed site in the pre-development condition these flows will either be accommodated into the drainage design or routed around the site to maintain pre-development flow patterns.

2. *ABILITY OF THE SITE TO SUPPORT AN ONSITE SANITARY SEWER DISPOSAL SYSTEM AND ONSITE WATER FACILITY*

WASTEWATER DISPOSAL

Wastewater service is available to the site from the County's central wastewater collection system via a sanitary sewer force main on the south side of CR 486. Therefore, most likely the site would be required to construct a sanitary pump station and connect to the force main.

WATER SERVICE

Central water is also available to the site on the south side of CR 486, therefore connection to the central water supply system will be required for this project.

I trust that this information is adequate to meet the indicated requirements of A.R. 13.08-2. However, if you have any questions, please do not hesitate to call. As always, we appreciate this opportunity to be of service to you.

Sincerely,

Burrell Engineering, Inc.

1/19/21
Troy E. Burrell, Jr, P.E.
Florida Registration 36044
President



National Flood Hazard Layer FIRMette

82°30'48"W 28°53'48"N



J.2.b

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS

Without Base Flood Elevation (BFE)
Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, A
Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

0.2% Annual Chance Flood Hazard, A of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
Future Conditions 1% Annual Chance Flood Hazard Zone X
Area with Reduced Flood Risk due to Levee. See Notes, Zone X
Area with Flood Risk due to Levee Zone X

OTHER AREAS

NO SCREEN Area of Minimal Flood Hazard Zone X
Effective LOMRs
Area of Undetermined Flood Hazard

GENERAL STRUCTURES

Channel, Culvert, or Storm Sewer
Levee, Dike, or Floodwall

OTHER FEATURES

Cross Sections with 1% Annual Chance Water Surface Elevation
Coastal Transect
Base Flood Elevation Line (BFE)
Limit of Study
Jurisdiction Boundary
Coastal Transect Baseline
Profile Baseline
Hydrographic Feature

MAP PANELS

Digital Data Available
No Digital Data Available
Unmapped
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.
- This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards
- The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/13/2021 at 12:42 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.
- This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.
- Packet Pg. 186
-
- Feet 1:6,000
82°30'11"W 28°53'16"N
Basemap: USGS National Map, Orthorectified Data refreshed October 2020
- Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family



U.S. Fish and Wildlife Service

National Wetlands Inventory

wetlands map

J.2.b



January 13, 2021

Wetlands

- | | | |
|--------------------------------|-----------------------------------|----------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| | Freshwater Pond | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

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National Wetlands Inventory
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CPA/AA/PUD-21-11
Land Development

Exhibit "G"
Application Text
Damron Family
Alternate Key 1492670, 3440248 and 3467382
Section 29, Township 18S, Range 18E

- I. General Facts/Site Characteristics: The subject parcel (AK #1492670, 3440248 and 3467382) total 71.96 acres (MOL) (subject parcels). The subject parcel has two (2) single family residence, a County DRA (non-exclusive use), with balance of subject parcel improved pasture lands for ongoing cattle/AG use (see aerials Exhibit "C"). The soils are primarily Kendrick Fine Sand and Chandler Fine Sand (see Exhibit "D-5" soils map). The site has no environmental constraints. It is not in a flood plain.

Highway frontage on County Road 486 (a major collector) is 2,313 feet (MOL). It is ¼ mile east of the Suncoast Parkway intersection with county Road 486 (see Exhibit "H"). Subject parcel per GFLUM is LDR; Per LDC atlas, subject parcel is LDR and PSO. See Exhibits "D-1" and "D-2". Site is located both in Central Ridge area – Plan's designated high growth area and within PSA (see FLUE Figure 10-28 for map). Site is serviced by both regional water and wastewater (see Exhibit "E-1" concurrency letter).

The site is located within the former planning district 4. FLUE Table 10-21 shows GNC acreage in this district is at 314 acres (0.70%); IND acreage is at 40 acres (0.09%) – Table 10-21 (FLUE).

Abutting existing land uses are as follows:

- (1) North – County Road 486 – 300 foot wide ROW corridor
YMCA
School Board (future elementary school site)
Vacant lots per Pine Ridge master plan
- (2) East- PSO/Vacant
- (3) South – Large lot residential use (note applicant owns AK #2696940) which is not part of this application and will remain in the residential category. A number of lots are owned by FDOT as part of Suncoast extension (see Abutter's Map)
- (4) West- existing LKQ Industrial Use

- II. Concurrency: There are no concurrency issues. Exhibits "E-1, "E-2" and "E-3" establish adequate regional water and wastewater, drainage concurrency and solid waste capacity. County Road 486 is a divided four (4) lane highway (major arterial) with 8900 ADT trips (MOL) thereon.

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- III. Plan Consistency: The parcel is located in Plan Service Area. Parcel is with commercial corridors established by FLUE. See: 1990 LDC atlas mapping standards and FLUE at page 10-3.

The site meets FLUE test for new commercial – FLUE Page 129-134 and Policy 17.6.4:

CRITERIA	SITE COMPLIANCE
Protect the development form natural hazards	There are no known natural hazards with this site.
Ensure adequate service from public utilities and other urban services	Site has collector road access/regional utilities are available.
Minimize environmental impacts	No environmental issues exists.
Serve its intended market area	As noted site is within PSA and services Central Ridge area.
Provides buffering from other land uses to minimize conflicts	Site is capable of meeting LDC standards for open space and buffering.
Provide adequate landscaping utilizing native plants and preserving existing on-site vegetation	Vacant pasture will be incorporated into buffers/open space.

Finally, Table 10-13 of FLUE documents the need for additional commercial land, acres (2,349 acres) through Plan's planning period of 2020. As to industrial, Table 10-13 reflects the need for 1,073 acres of such.

The IND parcel with accompanying PUD allowing for expansion of LKQ facility meets goal 22 of Economic Development Element (EDE). The job growth of the LKQ expansion is consistent with EDE, Obj. 22.5 and Policies 22.5.1 – 22.5.5 therein.

The Plan FLUE at page 10-157 thereof defines IND citing criteria (1-8). The proposed IND with PUD meets the six (6) criteria which are applicable to this site. The IND acreage with PUD master site plan is consistent with Obj. 17.7 of FLUE and FLUE Policies 17.7.3 and 17.7.4.

IV. Compatibility:

- a. As to proposed GNC, the site use is consistent with abutting parcels. It fronts on County Road 486. It is in the defined commercial corridor for this major arterial. See Policy 17.11.1 of Plan FLUE. Commercial uses exist to the east, and north. West is IND.

- b. The industrial acreage is intended for the expansion of LKQ industrial facility located to the west. LKQ occupies a 40 acre (MOL) site on County Road 486 plus a five (5) acre parcel designated for IND to the west (AK #1493072). LKQ occupies this parcel for outdoor storage of autos similar to what is proposed in the PUD. This parcel will be taken by the Suncoast Parkway extension. The existing LKQ IND parcel long-term use as open auto storage has been since 1975. In this long term time period there have been no issues of compatibility. The open storage use generates no noise, dust, offsite lighting or other similar impacts. There is no hazardous materials stored onsite. The Parkway expansion will further impact residential uses in the area to a much larger extent than the PUD for IND use. The PUD limits use to that which is similar to the existing LKQ IND acreage use on AK #2771666 and #2515996.¹

V. PUD – Master Plan:

- a. Concurrent with the proposed IND plan map and LDC Atlas map amendments, applicant has filed a PUD for salvage yard/recycling center use which is consistent with LKQ current use on AK 2771666 and #2515996. The PUD shows no new building, just vehicular storage. Access to the site is via internal roads with LKQ existing facility. There is no direct highway access to County Road 486 for any new IND parcel. LDC Type D buffers are located on the north, south and east boundaries. The PUD site plan shows a wall eight (8) foot in height. See Exhibit “F-2” photo of existing LKQ wall which will be extended. The long-term established LKQ use has demonstrated historical compatibility with large lot residential areas to the south. Note, AK #2696940 consisting of 12.63 acres designated LDR is owned by applicant and will be acquired by LKQ. IND/PUD use does not include such – the parcel will act as additional setback/buffer area. The boundary of such is 1,330 linear feet with proposed IND. See aerials – Exhibit “C”. PUD master site plan meets filing criteria and reflects open storage area, drainage, open space, and buffers. On the total 46 acres (MOL) of proposed IND; actual use is 13.11 acres. ISR of such is 45.6%.
- b. LDC Section 3350 labeled Auto Salvage/Junkyards sets standards for proposed use in PUD acreage. Subsection “C” has a 75 foot setback from a property line and if residential – 200 feet. Exhibit “D-7” shows impact of such on PUD acreage. Basically, if applied, the setback limits use area to 18.7 acres in a long, linear pattern. On the north side, with GNC designation the setback requested for storage area is 41 feet in the limited area of NW corner, per master site plan. Balance of slope is > 75 ft. For abutting residential on south boundary, the

¹ As a result of the Suncoast Parkway expansion from State Road 44 to County Road 486, LKQ’s use of Alternate Key #1493072 will be lost to existing LKQ use.

setback to nearest storage aisle is 71 feet. The 200 ft. setback is met for the east boundary line to actual storage area. With the eight (8) ft. wall required by LDC, the storage area and abutting residential lots elevation will be equivalent. Given the mandated LDC buffers, the eight (8) ft. wall and limited height of stored vehicles, the storage area per master site plan will not be directly visible from the residential lots abutting south boundary (See Exhibit "D"). The buffers along residential districts are per LDC Section 3350(c) both south lot line and east lot line. On east end of PUD – the nearest storage area to an improved residential lot is > 200 feet. Along south boundary, 1,320 feet of the 2,644 feet is owned by applicant (0.499%) and 642 feet is owned by FDOT. While the FDOT parcels are designated residential per Plan and LDC – their actual use will not. Given the discussion on compatibility above and the fact that south boundary line a majority of abutting parcels will not be in residential use (0.742%) the setback deviation requests are appropriate on both north and south boundary lines of IND/PUD parcel.

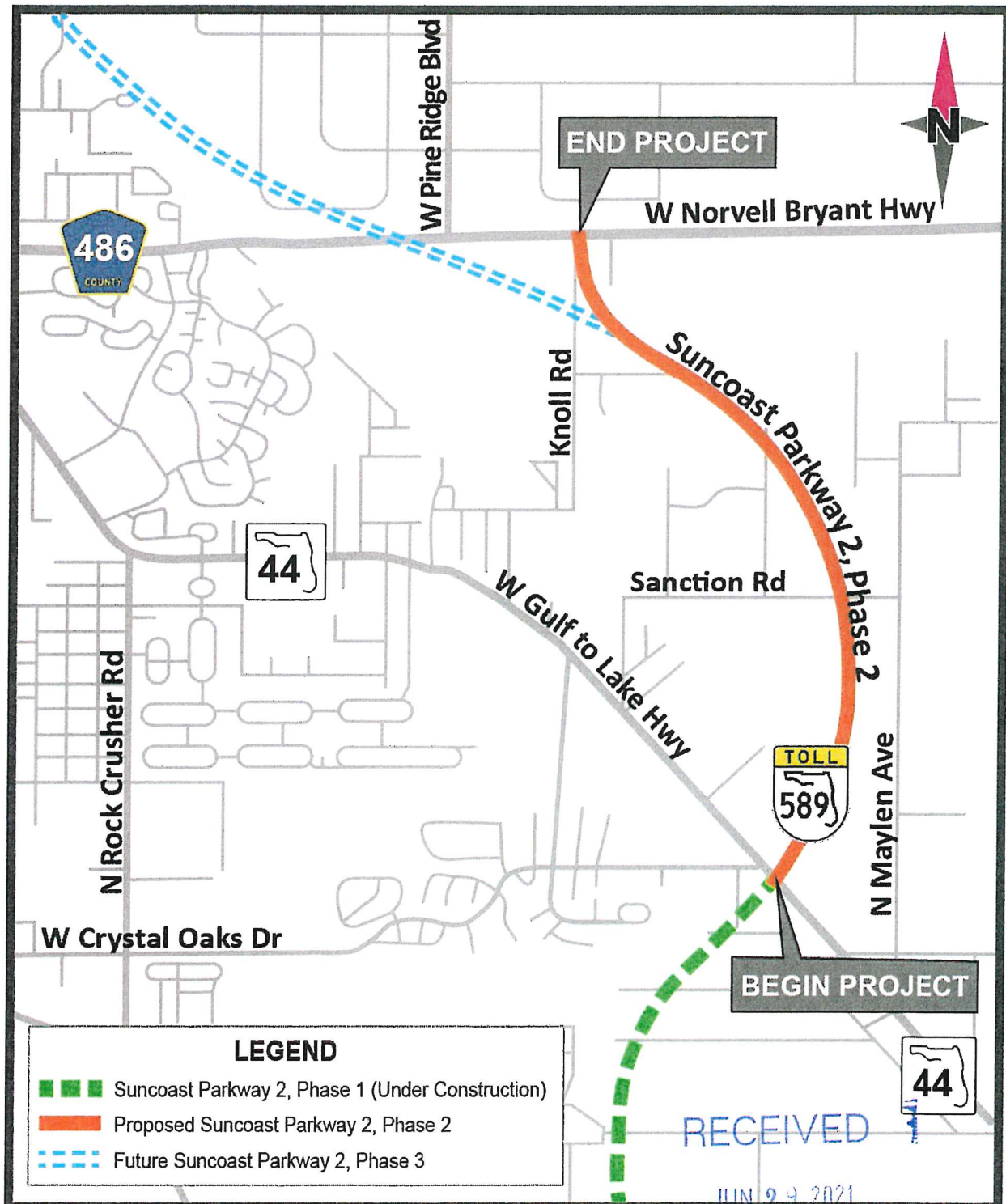
- VI. Conclusion: As to County Road 486 road frontage the highest use of the site is GNC. Historical GNC land uses and expected residential growth in the area support the new GNC uses. The IND parcel meets plan consistency and compatibility given PUD limited use, acreage size and Type D buffers with wall. The applications meet statutory test of consistency (F.S. 163.3184(1)(b)) and compatibility (F.S. 163.3164(a)) for both GNC and IND parcels.

SUNCOAST PARKWAY 2 (SR 589), PHASE 2 - DESIGN

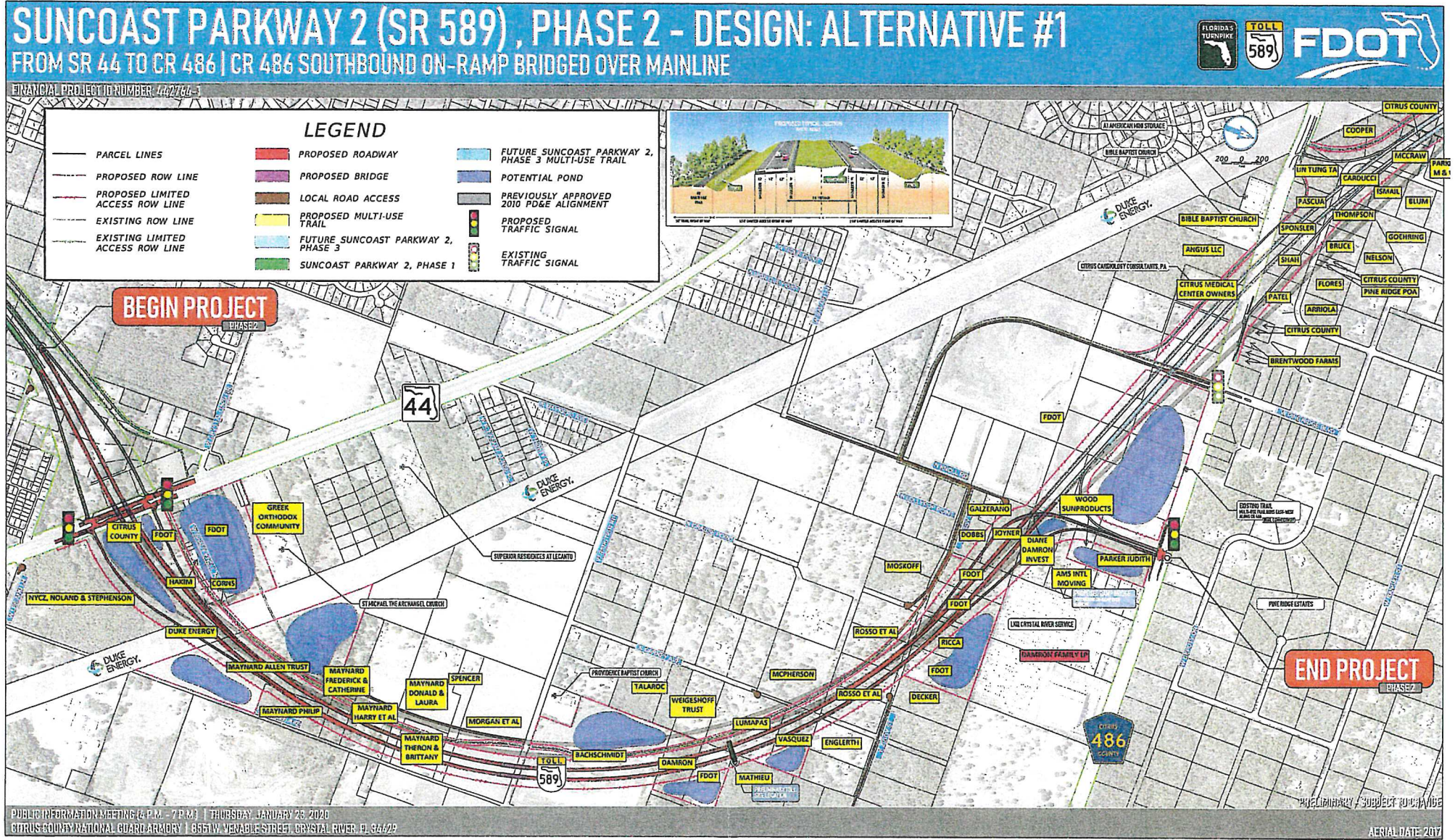
From SR 44 to CR 486



Financial Project ID Number: 442764-1

PROJECT LOCATION MAP

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Exhibit "I"

Avis Marie Craig, AICP - MBA
Planning Consultant
P. O. Box 568
Lecanto, FL 34461

June 18, 2021

Clark A Stillwell, Esq
P.O. Box 250
Inverness, FL 34450

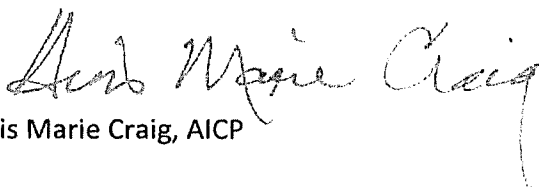
RE: LKQ Expansion of IND as a CPA/AA/PUD application adjacent to their current facilities –
Planning Report

Dear Mr. Stillwell:

Attached please find my planning report on the proposed land use change for LKQ. Let me know if you need anything further. I will plan to be in attendance at all public hearings as this proceeds through the public hearings. Please keep me informed as to dates.

Thank you for allowing me to be involved in a project that certainly offers opportunity for Citrus County.

Sincerely,


Avis Marie Craig, AICP

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Telephone : 352.634.2116

email: amarie02@gmail.com

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CPA/AA/PUD-21-11
Land Development Division

LKQ MEANS BUSINESS FOR CITRUS CO. PLANNING ANALYSIS

To support CPA/AA/PUD for CR 486
Expansion

June 15, 2021

Prepared by

Avis Marie Craig, AICP Planning Consultant

P.O. Box 568 Lecanto, FL 34460-0568
amarie02@gmail.com

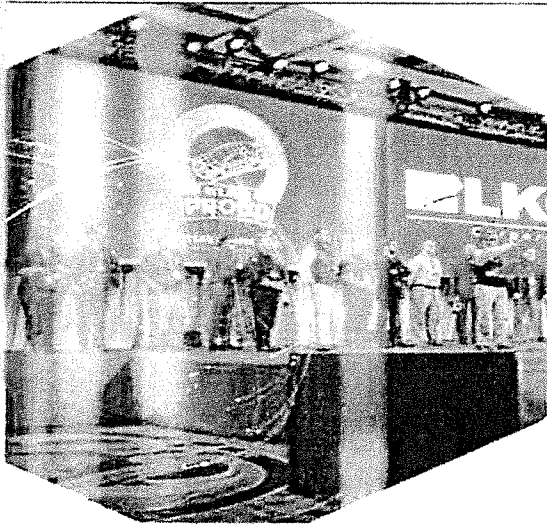
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BACKGROUND

INTRODUCTION & BACKGROUND

The site under application for the PUD is 46.38 acres± and is specifically proposed to allow the expansion of the longstanding salvage business adjacent, which today is operated as LKQ. It involves two parcels in Section 29-18-18 on the south side of CR 486, east of Pine Ridge Blvd and west of CR 491. The parcels proposed for PUD are known as AK 3440248 and AK 3467382 and are currently owned by the Damron family. Of the first parcel referenced, it is vacant property and includes only that portion of the property behind the highway frontage, with no direct access planned to CR 486. The LKQ expansion will continue to rely on their existing LKQ entrances to CR 486, and will have one internal access from the new proposed storage yard interconnecting to the existing storage yard. The second parcel referenced above currently has a S.F. home on it and that will be razed to allow for the expansion.

The site is high and dry property and located in the central ridge region of Citrus County within the Planned Service Area (PSA), an area slated for urbanization and development. Elevations range from 35' in the northeastern corner to a high of 80' in southwestern corner. This section of CR 486 is four-laned, and utilities are available, though not expected to be needed for this type of proposed development.

With plans underway to extend Suncoast Parkway to CR 486 immediately adjacent to LKQ, this proposed expansion is strategically situated to utilize the new limited access highway. The presence of highway further supports future development along this section of CR 486. Because this is a company Citrus Co. has a long history with expectations are that LKQ will deliver a quality project.

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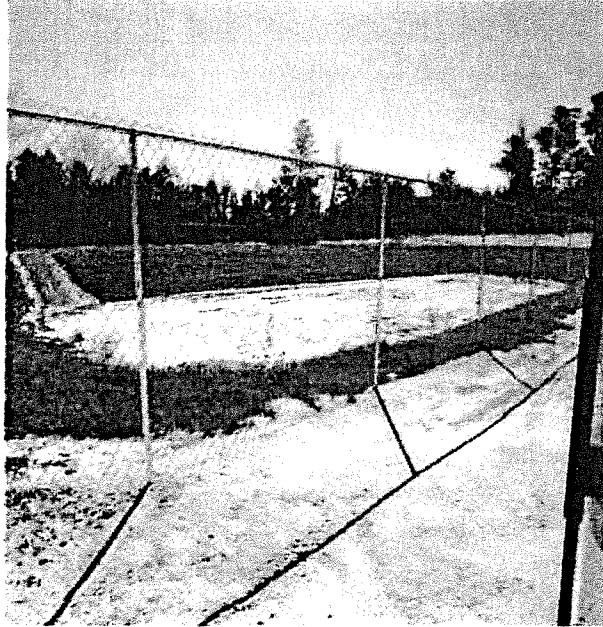
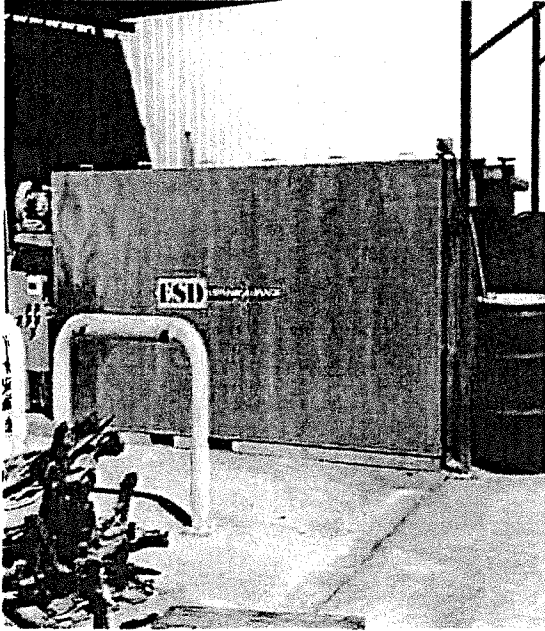
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What to expect



Application Summary

The purpose of this report is to examine the compatibility of proposed PUD expansion location for the intended purpose and to determine consistency with the Comprehensive Plan and other relevant Economic Development & Business Development plans.

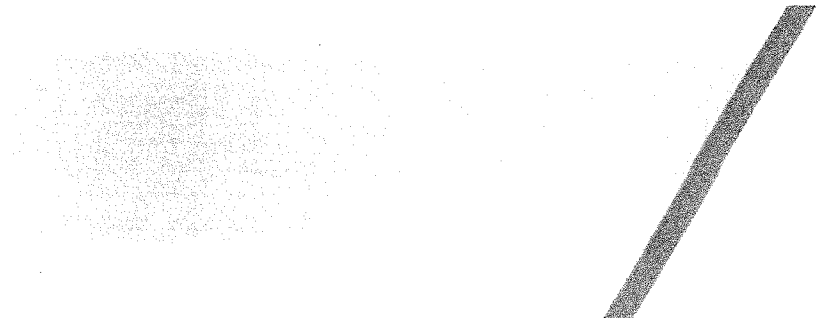
The site proposed for expansion of LKQ under a PUD is designated LDR according to the GFLUM map of the Comprehensive Plan, and LDR MH according to the LDC Atlas Maps is proposed for change to IND on both the Comp Plan GFLUM and LDC Atlas (see Attachments 1 and 2 respectively).

An associated application for the CR 486 highway frontage is proposed for change to GNC, for the first 500' of depth of Parcel AK 3440248 which is a portion of the larger parcel also under PUD application for the LKQ expansion. Currently, this property is shown on the GFLUM map as Low Density Residential (see Attach 1) but on the LDC Atlas the western half of this frontage is currently designated Professional Service Office (PSO) while the remainder is designated LDR MH (see Attach 2). There is an existing internal inconsistency between the two maps which will be resolved by the applications proposed for these properties.

Plan Consistency & Compatibility

The ability to expand a successful existing businesses is vital to any growing concern and that is certainly the case for LKQ. A determination of consistency with the plan must take into consideration changing conditions in the area, development patterns and surrounding and adjacent land uses. See Attachment 3 for adjacent surrounding and planned land uses.

As seen on Attachment 4, to the north of the LKQ expansion will be a future Commercial corridor on the south side of CR 486 if approved as proposed within the overall applications affecting the Damron holdings. The majority of the site is vacant at the present time, and has agricultural uses of cattle on site. There is a SF home within the LKQ expansion property (AK 3467382) a 4.79 ac lot owned by the Damron family which will be razed for that expansion. Another home owned by a member of the Damron family exists to the north of the LKQ PUD within the area proposed for GNC which can be expected to be abandoned if the commercial corridor land use proposed is approved and as development begins to phase in. Across CR 486 is the master planned and platted development of Pine Ridge. This portion of Pine Ridge is vacant and per the owner's commitment reserved for residential development beyond a buffer strip along CR 486 frontage, at the far eastern frontage a future school site is planned and diagonally to east of that is the site of Citrus County's YMCA.



To the east of the proposed PUD, on the south side of CR 486 is a Duke Energy ownership, presumably a future substation but designated LDR. Continuing along the east side of the proposed LKQ PUD expansion to the south and east of Duke is similarly designated LDR vacant land. However, further to the east within this same holding and not contiguous to the LKQ applications is a strip of CR 486 frontage containing a PSO corridor with MDR behind before returning to LDR properties.

To the west of the proposed PUD is the existing, longstanding salvage use now under the LKQ management and operation. To the south of the proposed PUD is similarly designated LDR lands, all but one lot is vacant. There is only one developed SF home to the SE at the SE corner of this PUD subject property. Of the lots to the south, and several are owned by the Damron family and at the far west end, one lot has already been acquired by FDOT in anticipation of the future Suncoast Parkway II expansion to CR 486 and beyond (see attachment . See attachment 4, to appreciate the impacts the highway will bring to the historical LDR large lot area to the south. In summary from a land use compatibility standpoint, there are virtually no compatibility issues and none that cannot be addressed through buffering and proper design provisions as a PUD.

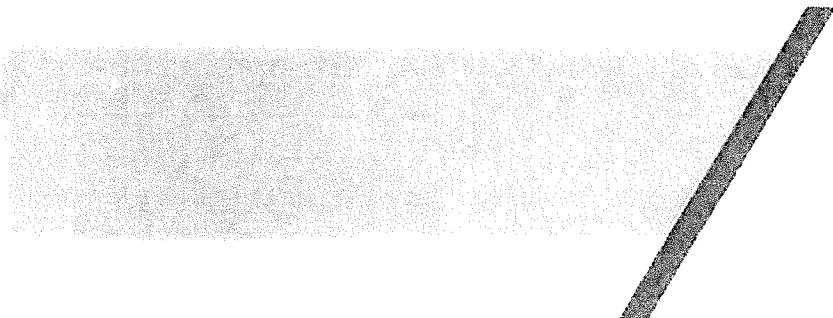
According to Chapter 163.3164 (9), "compatibility" is further defined as "condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

Upon examination of the surrounding land uses, the longstanding salvage facility has demonstrated the ability to co-exist with its neighbors so this definition of compatibility can be satisfied through the master plan and LDC requirements for the proposed use.

This facility for automobile storage, and salvage of parts has been in place at this location since the 1970s, and only the IND land use and similar LDC designation allow for such uses. That is why the PUD is so important to this application. With a PUD, specific standards and conditions allow for safeguards to protect the surrounding land uses which ensures that compatibility can be achieved.

According to the adopted Future Land Use Element (chapter 10 of the adopted Citrus County Comprehensive Plan, pp 10-137-138), the following locational and design criteria are established for industrial development and especially as it relates to this type of IND land uses. As applicable, below these can be met:

1. While located in the Central Ridge, this project employs extensive Best Management Practices to address (BMPs – see Attachment 6 - 6/11/21 memo from LKQ mgmt.) LKQ removes all fluids and those are regularly removed from the site by certified vendors which ensures that the operation will not impact Aquifer Recharge areas and thus will not pollute the aquifer. Furthermore, the proposed PUD master plan (see Attachment 5, further demonstrated engineered designed DRAs and swales to further safeguard the aquifer.

- 
2. This site has access to central water and sewer. Though this type of project does not put demands on the public infrastructure system.
 3. Air pollution is not a factor for this project. Noise consideration take place back within the original site with no processing of vehicles taking place out in the storage yard.
 4. Such uses are required by the LDC to provide adequate landscaping within parking lots (N/A) and along existing rights-of-way (this application has no road frontage, therefore is N/A as specified in the LDC). Instead, the buffering for IND uses and of Section 3350 of the LDC for this type of land use are applicable and met as per the PUD master plan.

Therefore, this project is consistent with Objective 17.7 for Industrial land uses that meet the community's needs and "specifically minimizes land use conflicts and environmental problems within the County" and specifically the proposed PUD is consistent with Policies 17.7.3 and 17.7.4.

Additionally, this project satisfies the Planned Development Objective 17.5 and in particular Policy 17.5.6. For a non-residential project ISR is a key consideration. The PUD master plan (Attachment 5) indicates an ISR of below 50% when IND allows 70%.

Basis for Approving Land Use Applications

From a planning perspective, the basis for approving the CPA/AA/PUD is as follows:

1. The proposal is consistent with the applicable goals, objectives and policies of the Citrus County Comprehensive Plan
2. The proposal offers positive benefits to the community as a whole by providing jobs and encouraging a longstanding business to expand here in Citrus County.
3. The proposal through the PUD process provides safeguards of buffers, landscaping and engineered master plan to protect both the environment and the limited neighbors around the perimeter of the project.
4. The proposal will receive scrutiny and review by many state and regional governmental entities because it is a large scale comprehensive plan amendment.
5. The proposal ensures compatibility with adjacent land uses, through the PUD process, and considering the significant impacts expected nearby as a result of the imminent Suncoast Parkway II construction planned to CR 486.
6. The proposal will place no burdens on Citrus County infrastructure.
7. The county is being asked to approve the land use and the private sector will bear the responsibility for development and bringing the project to fruition.

List of Attachments to Planning Report

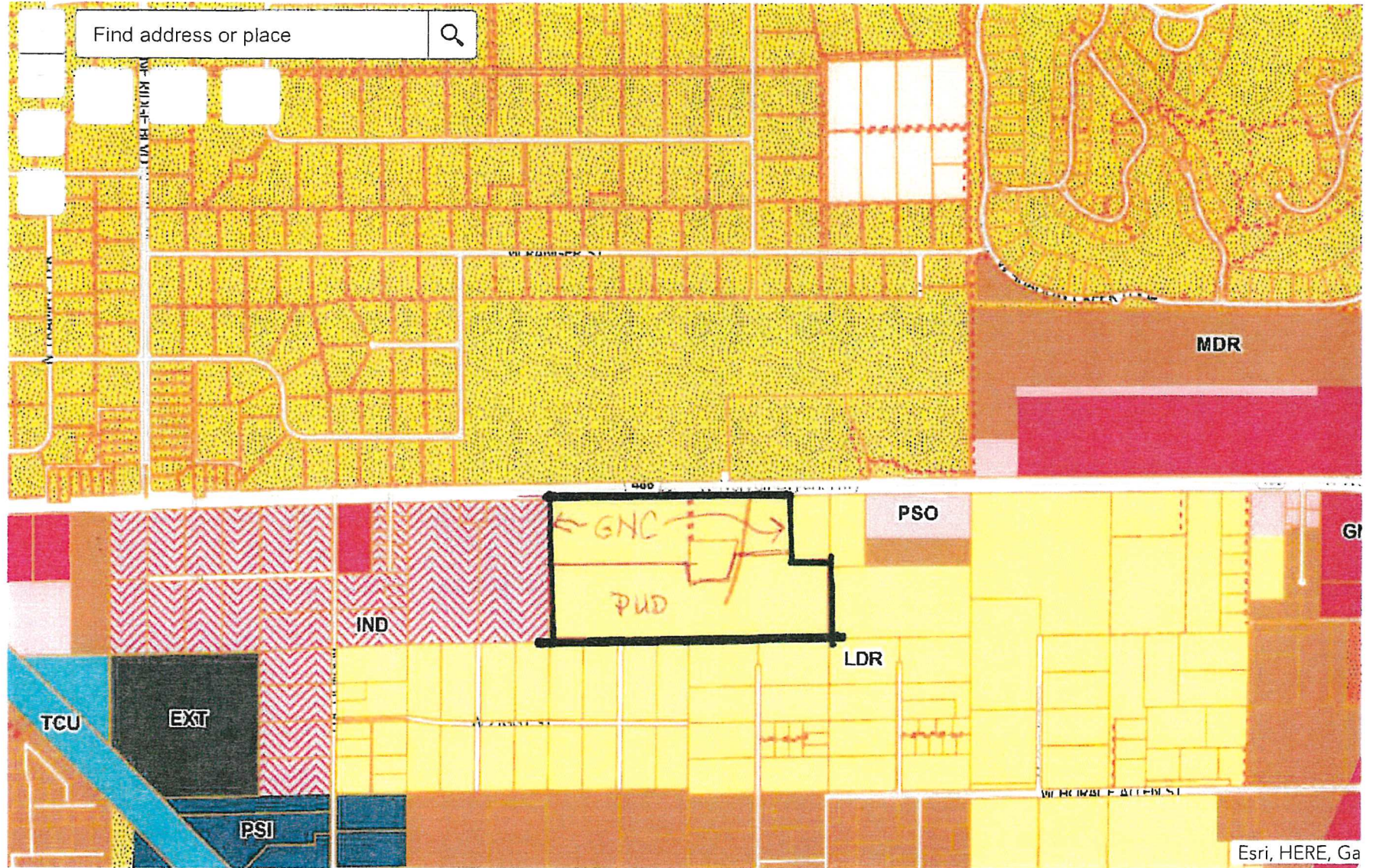
Craig 06/15/21

- 1 Future Land Use Map**
- 2 LDC Atlas – Zoning Map**
- 3 Surrounding Land Use**
- 4 FDOT Tpke Dist Maps on SCP 2**
- 5 PUD Master Plan**
- 6 LKQ BMPs**

Attachment 5

Attachment 6

Attachment 1



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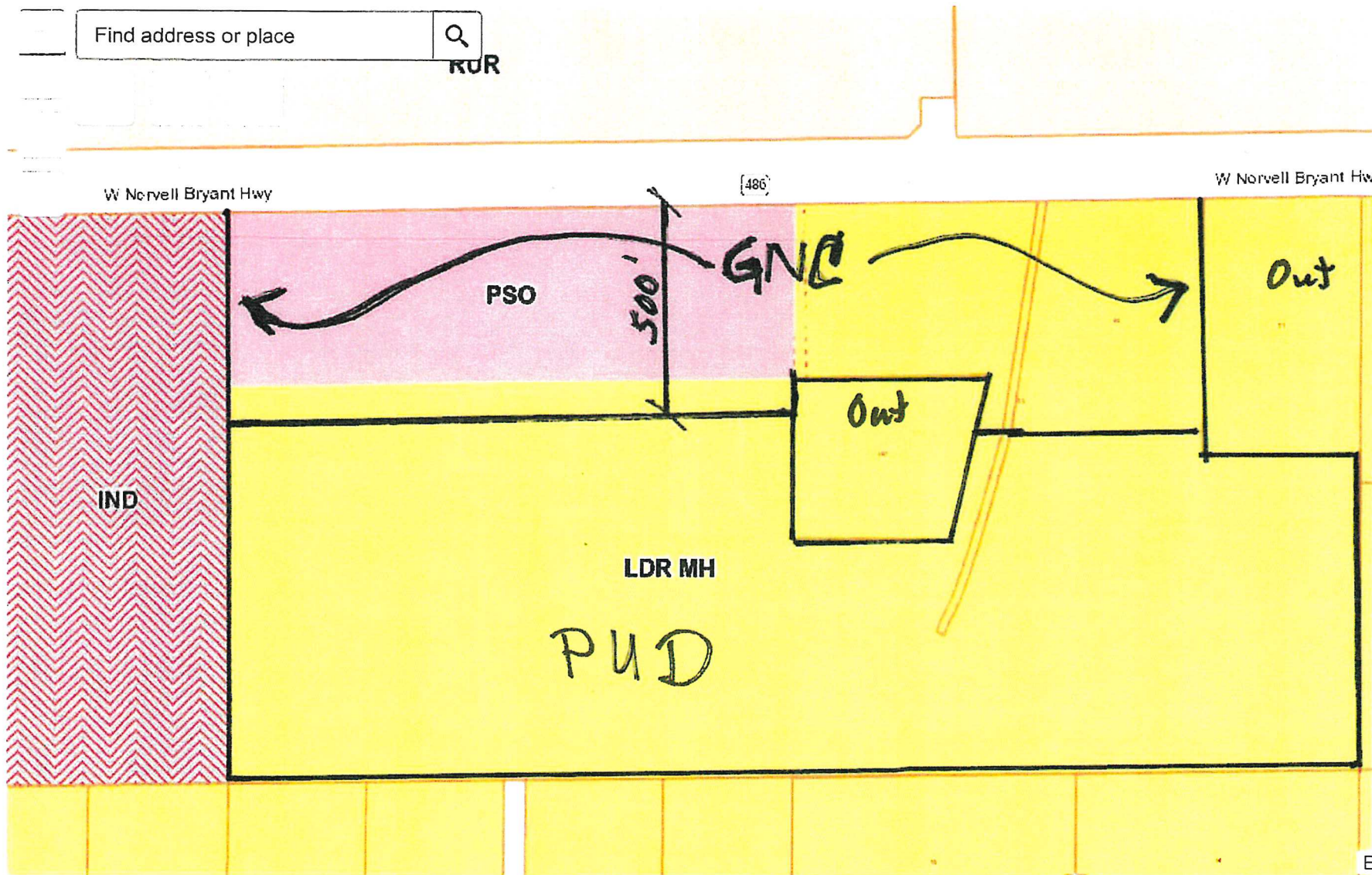
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Attachment 2



Zoning



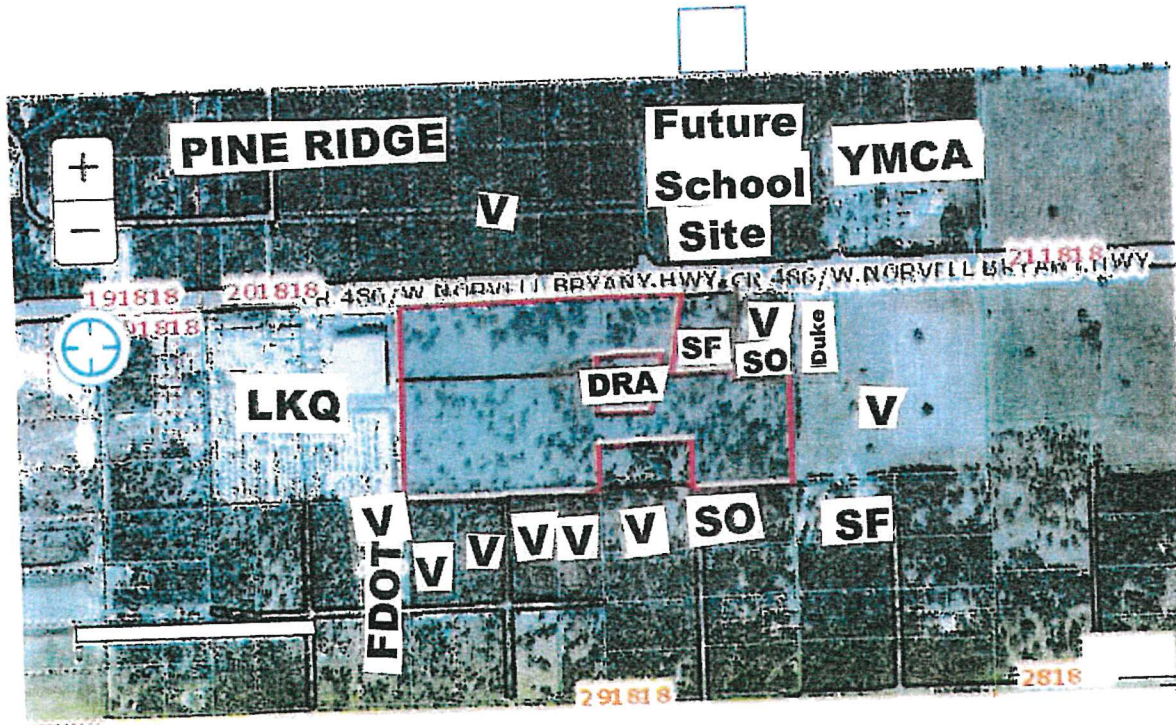
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Altkey: 3440248
DAMRON GERALDINE ROSE &



SO - Same Family Owner

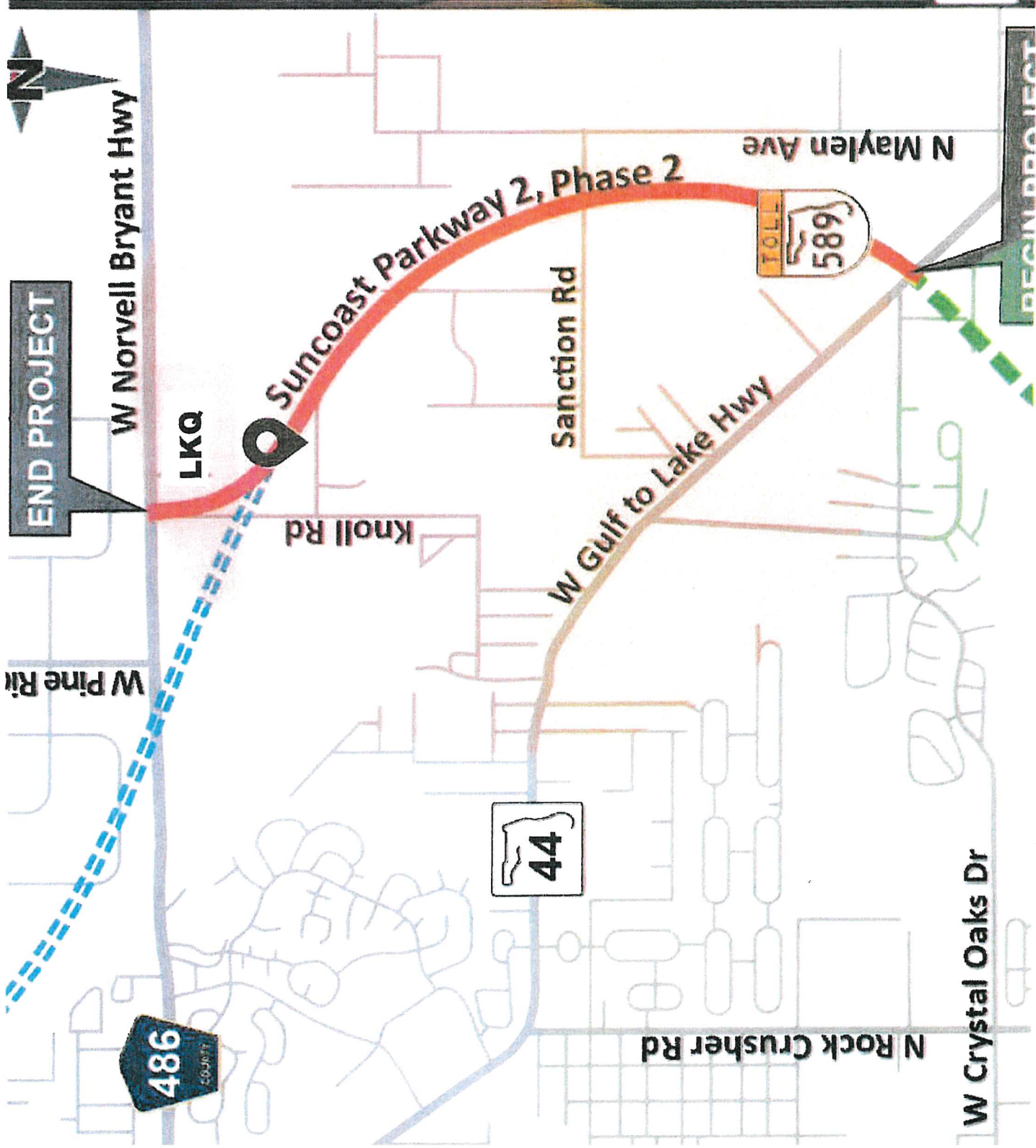
Attachment 3

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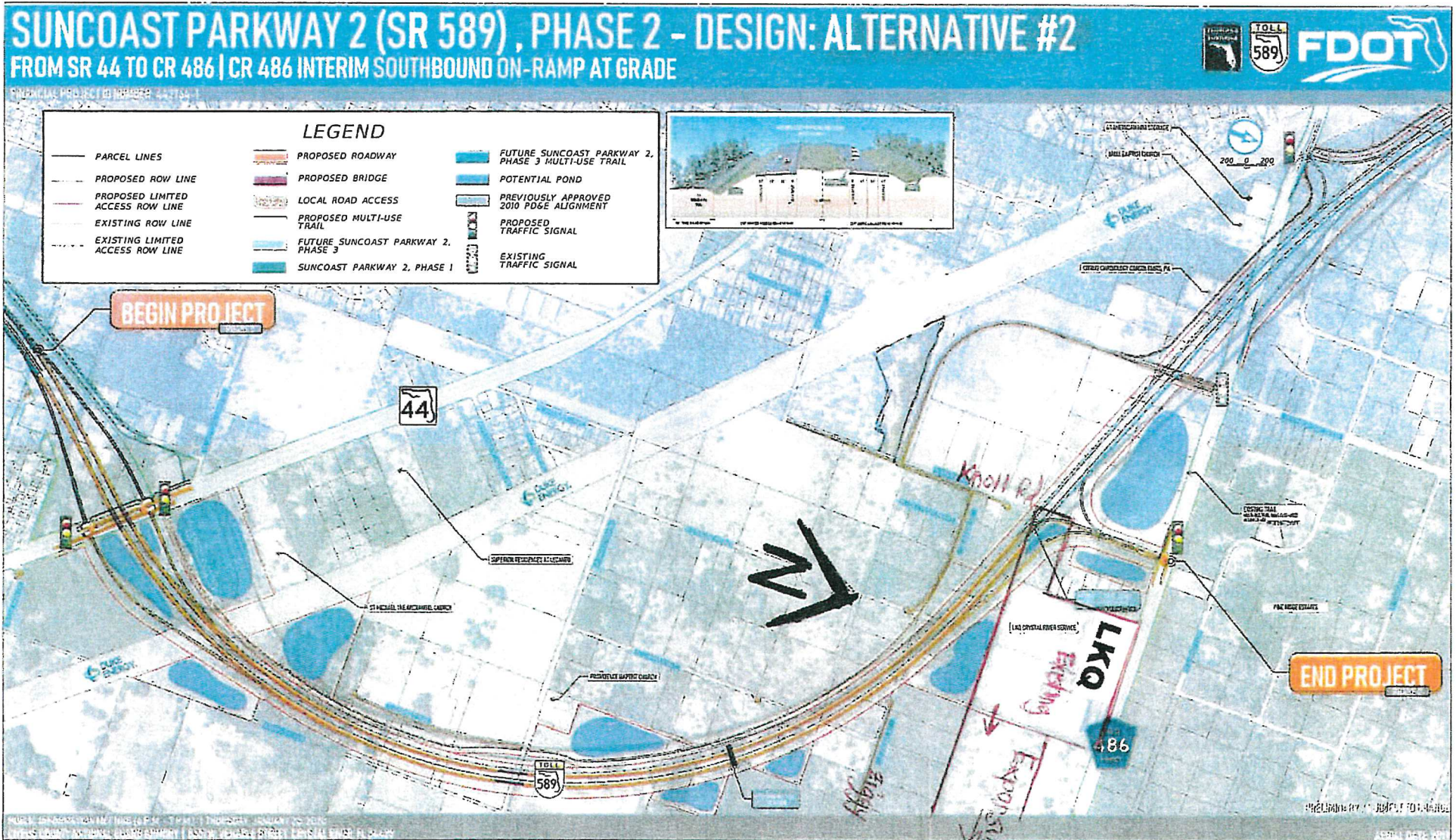
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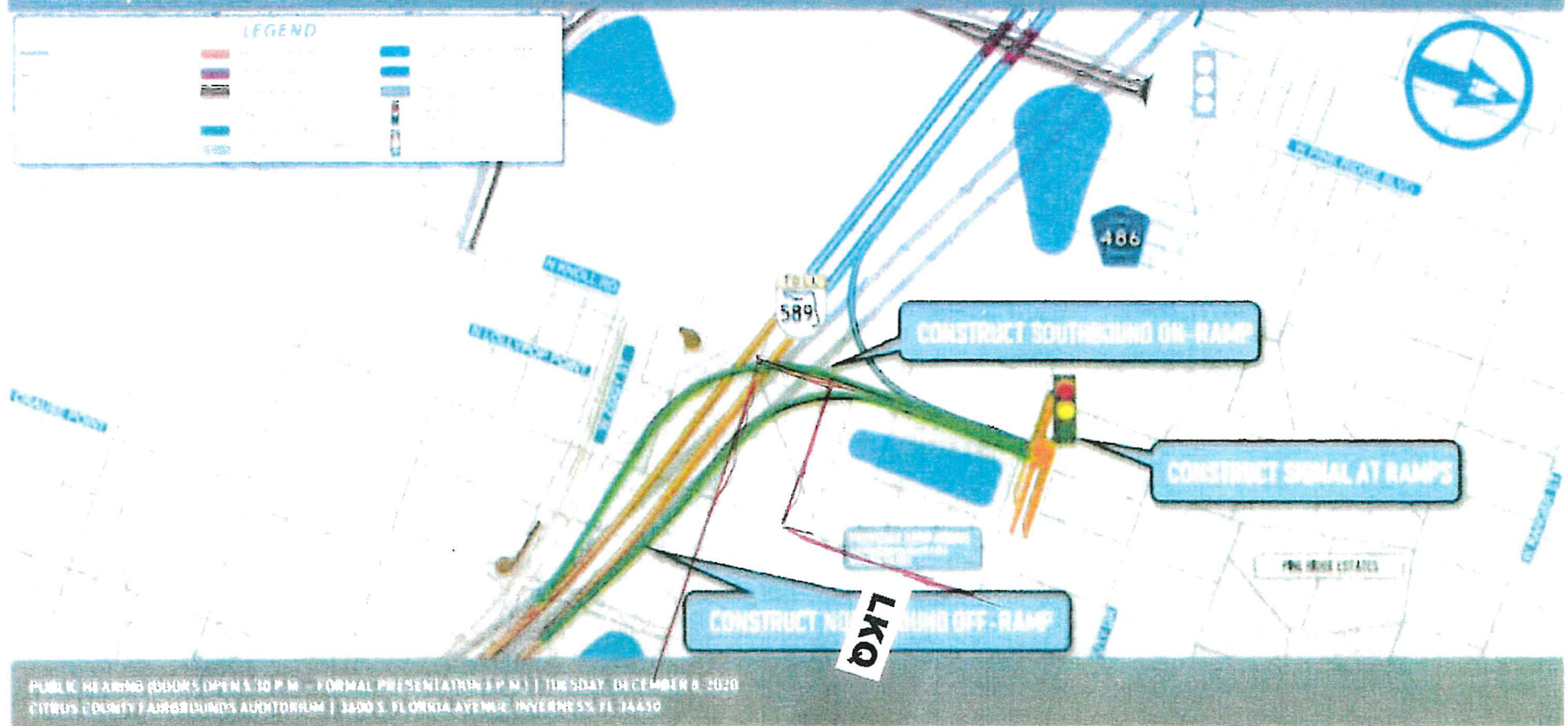
pike.com/turnpike-projects/featured-projects/suncoastparkway2/



LEGEND

RED	RED	RED	RED
PURPLE	PURPLE	PURPLE	PURPLE
BROWN	BROWN	BROWN	BROWN
BLUE	BLUE	BLUE	BLUE
GREEN	GREEN	GREEN	GREEN
YELLOW	YELLOW	YELLOW	YELLOW
PINK	PINK	PINK	PINK
WHITE	WHITE	WHITE	WHITE
BLACK	BLACK	BLACK	BLACK
GREY	GREY	GREY	GREY

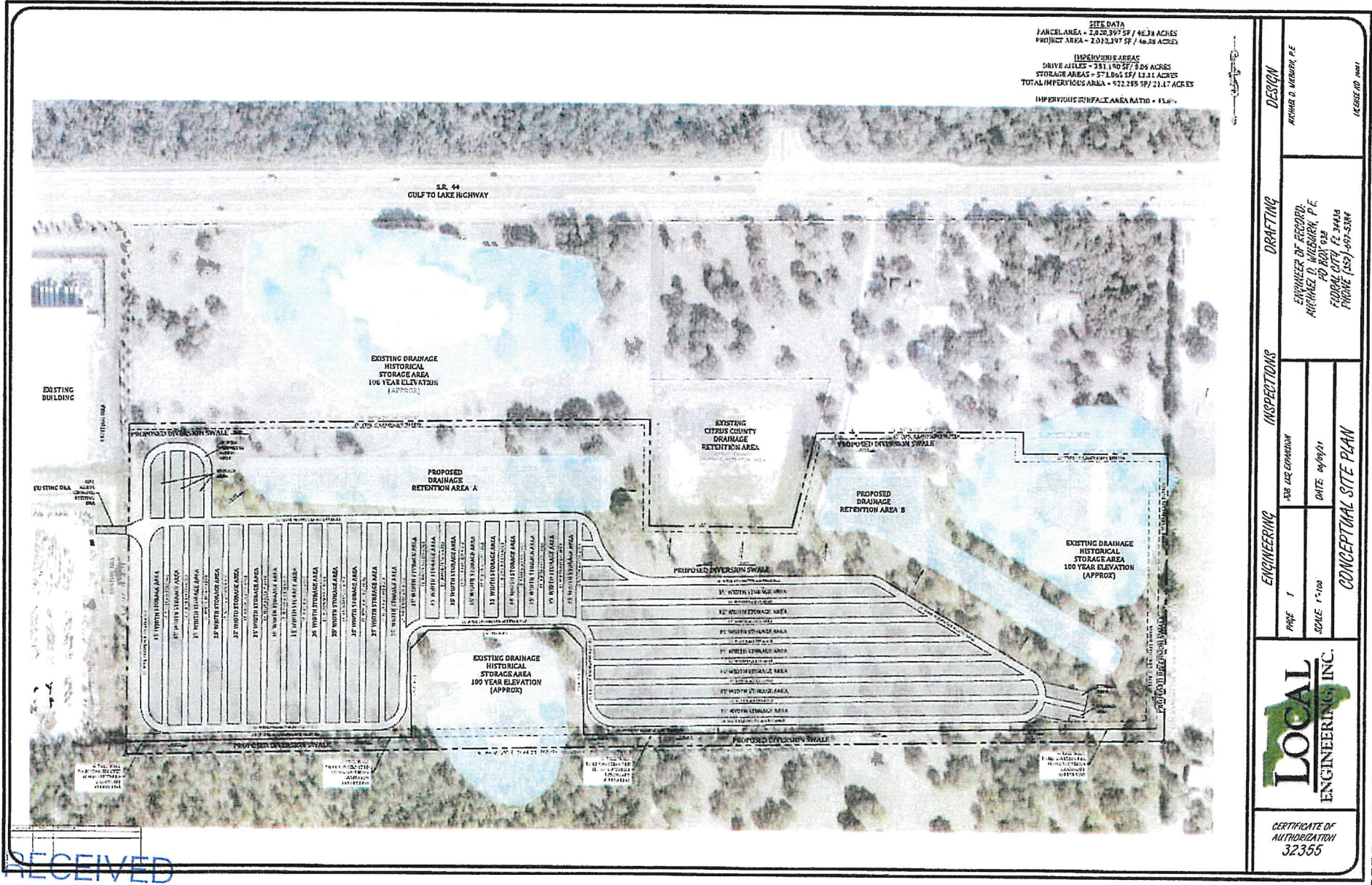
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From: Casey Ingram [mailto:CRIngram@LKQCORP.com]
Sent: Friday, June 11, 2021 8:37 AM
To: Clark A. Stillwell
Cc: Casey Ingram
Subject: BMP's for LKQ Crystal River Florida

Attachment 6

Below is a list of the BMP's for our location in Crystal River. This list is not all inclusive but is a high level overview of the actions taken by our location to ensure we are environmental compliant and good stewards of the land.

Yearly

- Yearly training is completed with all employees on SWPPP and Hazard Material handling. New hires receive training before they are placed into the workforce.

Daily

- Daily equipment inspections are completed by operators. Records are reviewed and kept by LKQ Management.

Weekly

- ~~Trash and Hazard~~ materials are removed from the location using 3rd party certified disposal companies.

- Weekly equipment inspections are completed by department supervisors. Records are kept by LKQ Management.

Monthly

- Monthly inspections on all tanks and drums are completed. Inspections include checking secondary containment devices used for single wall tanks.

Quarterly

* Quarterly Facility Inspections are completed by location management team. Inspection records are reviewed by LKQ district safety team member.

- * Retention pond visual inspections and maintenance are completed by 3rd party vendor.

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Yearly

- Facility inspection is completed by 3rd party vendor
- Dismantling rack inspections are completed by 3rd party vendor
- Overhead Crane Inspections are completed by 3rd party vendor
- Sprinkler System (Fire Suppression) alarm and mechanical inspection is completed by 3rd party vendor.

Casey Ingram

LKQ Crystal River

4950 West Highway 486

Crystal River FL 34429

Office 239-344-2155

Cell 239-273-0265

Fax 855-514-5678

<https://mail.google.com/mail/u/0?ik=0dfd4faa8c&view=pt&search=all&permthid=thread-f%3A1702279683742023942%7Cmsg-f%3A17022796837420...> 2/3

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Land Development Division

Exhibit "J"

0330E

Traffic Counts

STATION	0330E
ACTIVE	Y
FDOT_SITE	
COUNT_YEAR	2020
ROADWAY	CR 486 (Norvell Bryant)-East
COUNT_LOCATION	1000' E of SR 44 - East
RD_SEGMENT	SR 44 to Pine Ridge Blvd
ADT	8,375.00
PMPEAK_AVG	795.00
AVG_MOTORCYCLE_PERCENT	0.01
AVG_CARS_PERCENT	0.93
AVG_TRUCK_PERCENT	0.06
AGENCY	

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0330W

Traffic Counts

STATION	0330W
ACTIVE	Y
FDOT_SITE	
COUNT_YEAR	2020
ROADWAY	CR 486 (Norvell Bryant)-West
COUNT_LOCATION	1000' E of SR 44 - West
RD_SEGMENT	SR 44 to Pine Ridge Blvd
ADT	8,941.00
PMPEAK_AVG	716.50
AVG_MOTORCYCLE_PERCENT	0.01
AVG_CARS_PERCENT	0.96
AVG_TRUCK_PERCENT	0.04
AGENCY	

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029041

Portable Traffic Monitoring Sites: 029041

AADT	12,500
YEAR_	2,019
Cosite	029041
Classd	No
SECTION_	02505000
COMM	NORVELL BRYANT HWY, W OF LECANTO HWY
Active	Y
Sitetype	Portable
DISTRICT	7
COUNTYDOT	02
COUNTYNM	Citrus
MNG_DIST	7
KFCTR	9.00
DFCTR	53.10
TFCTR	7.20
LOCATION	3.67

Attachment: Applicant's submittal (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

RECEIVED

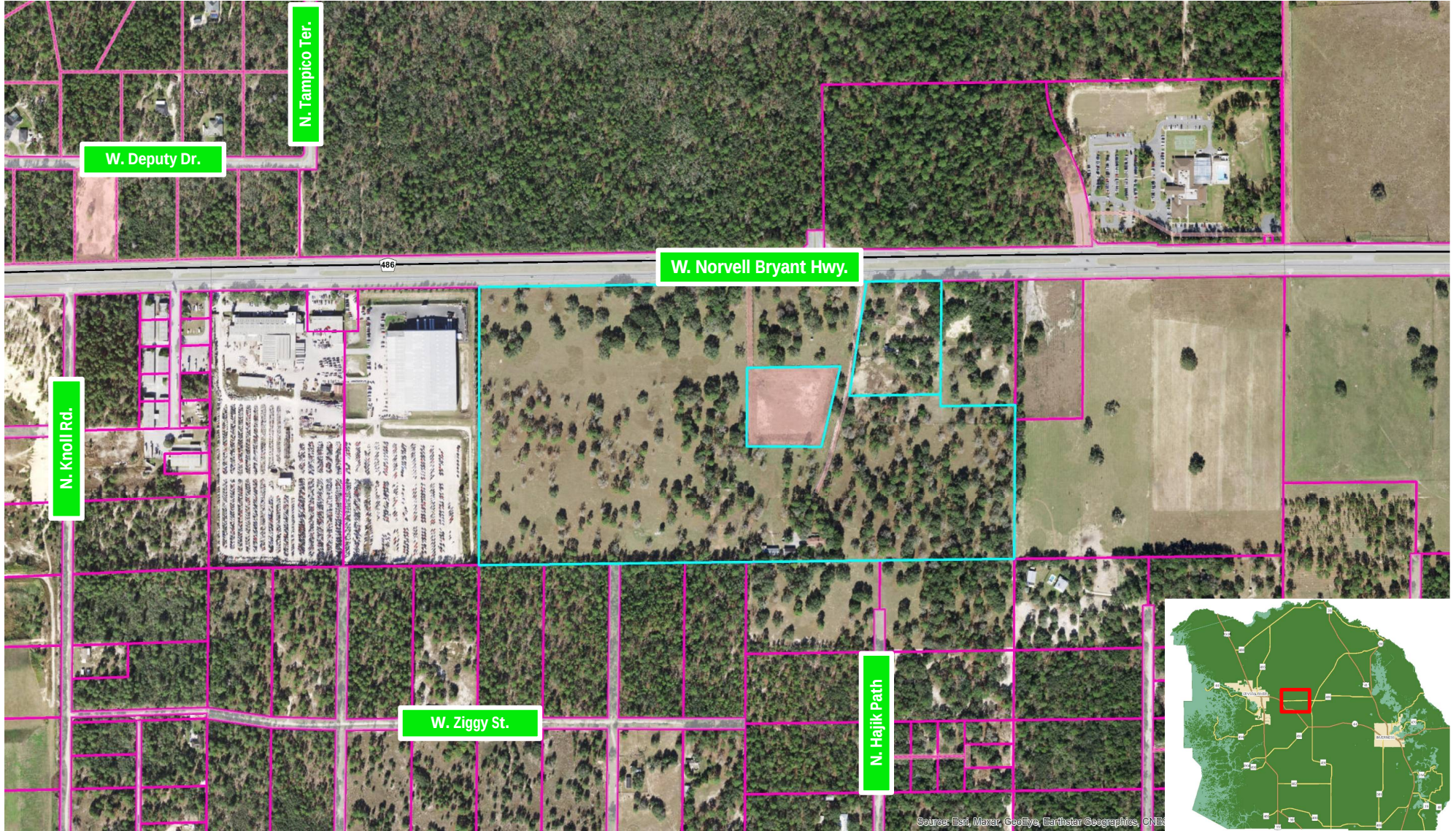


JUN 29 2021

CPA/AA/PUD-21-11
Land Development Division

CPA / AA / PUD- 21-11

**Clark Stillwell for
Damron Family Trust**









Attachment: Coordinator PowerPoint (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron





From: DONALD BLANCHE <waypoint444@gmail.com>
 Sent: Friday, August 27, 2021 12:12
 To: comments <comments@citrusbocc.com>
 Subject: [EXTERNAL]Change of zoning / regulationCPA/AA/PUD-21-11
 Establishing change of regulation for land use. Address: 4386 and 4374
 West Norvell Bryant(HWY486)

WARNING: This email originated from an external Domain DO NOT
 CLICK unless you recognize the sender and know the content is safe.

CPA/AA/PUD-21-11 Establishing change of regulation for land use.
 Address: 4386 and 4374 West Norvell Bryant(HWY486)

My comments are in regards to the change of regulations to designate approximately 118 acres from low density residential to an open storage area for auto salvage. There are many reasons to decline this change of ordinance. Salvage yards are inherently a hazardous waste producer. My concern is whether the waste water and contaminants are being captured before they enter the soil, the storm water runoff system or sewage and ultimately our water sources. Another reason is that the bike trail to Crystal River and the road frontage and drive is a fairly nice one, however the addition of another 100 acres of auto wreckage/salvage will have a negative impact on those biking Norvell Bryant and those in autos coming into Citrus County heading towards Crystal River.

To be clear the salvage yard currently in place is an eyesore. There are car pieces scattered at times along the roadside in proximity to the

Attachment: Public input (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

RECEIVED

AUG 27 2021

CPA/AA/PUD-21-11

Land Development

Packet Pg. 227

current yard. There are trucks stopped in the highway medium at times which could create a traffic hazard.

I am not sure of the number of minimum wage jobs that will be created, however considering the enormous environmental impact this will have and changing the aesthetic impact so dramatically in such a negative way, I feel that this is not a good change to the current ordinance. An alternative could be a low density residential area with some shops/dining which would help with our current housing shortage and also the tax base. Thank you

Leslie Blanche

6630 W. Sentinel Bluff Path

Beverly Hills, Fl. 344656

Attachment: Public input (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for Damron Family Trust, et al)

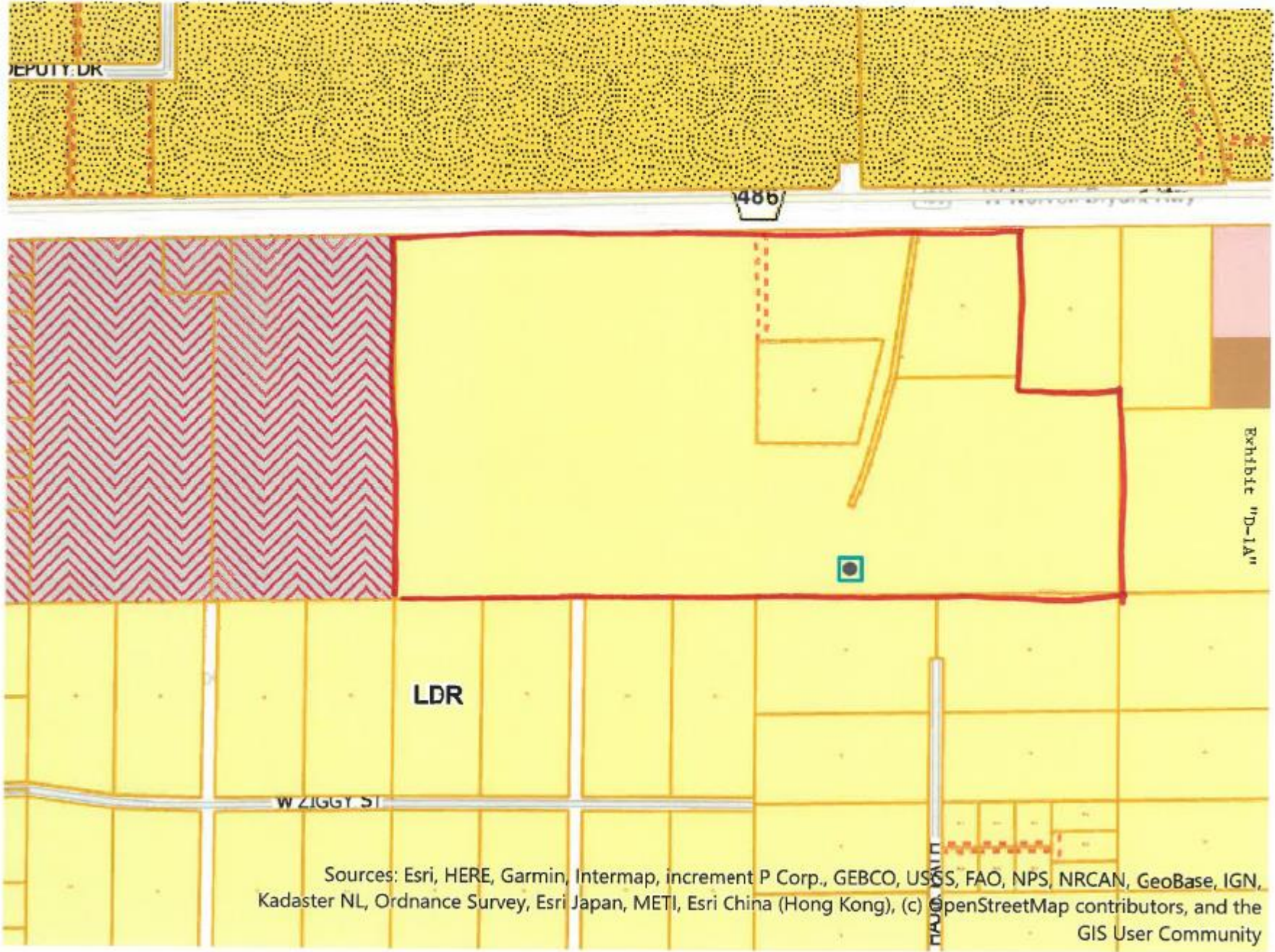
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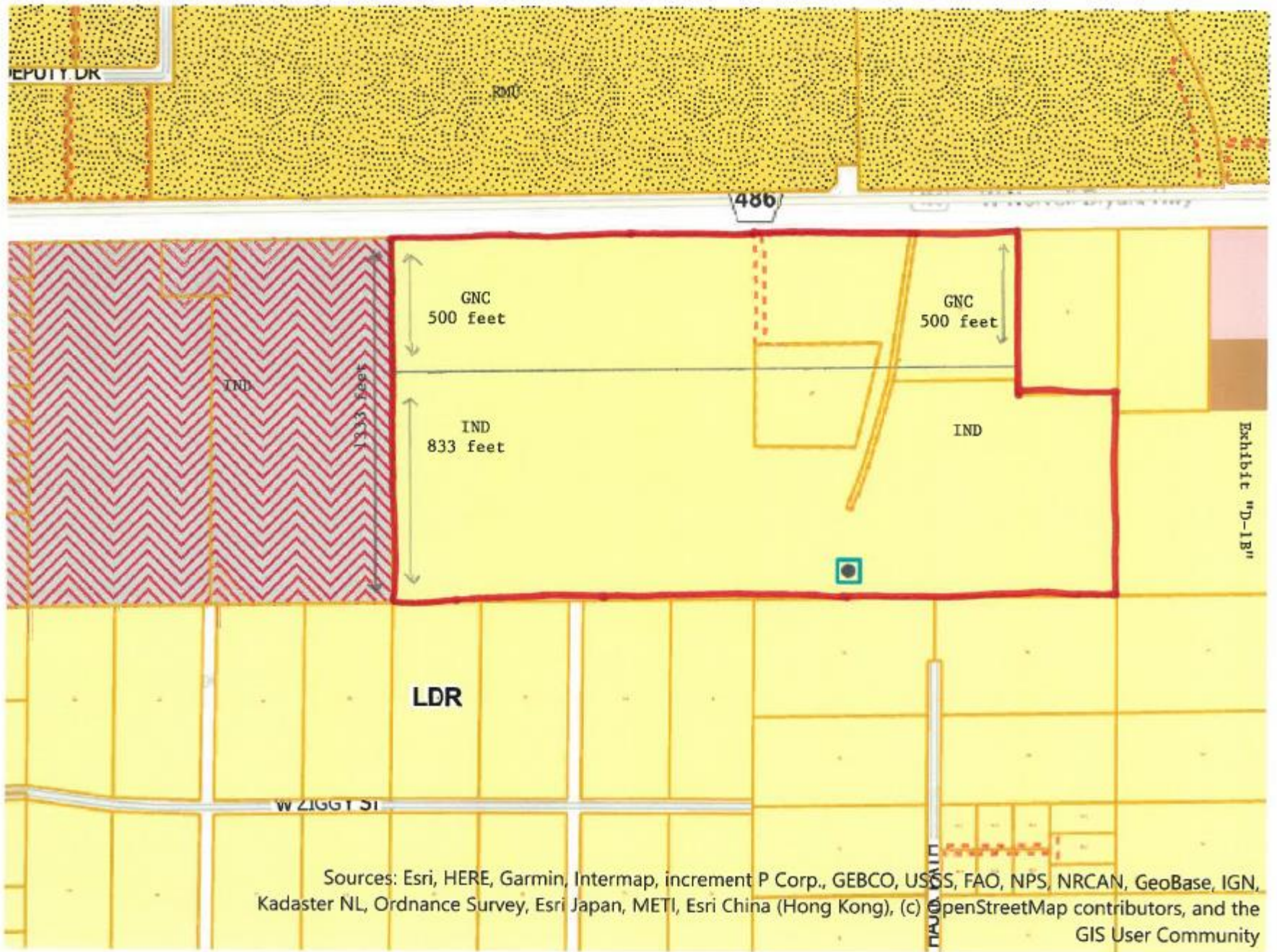
AUG 27 2021

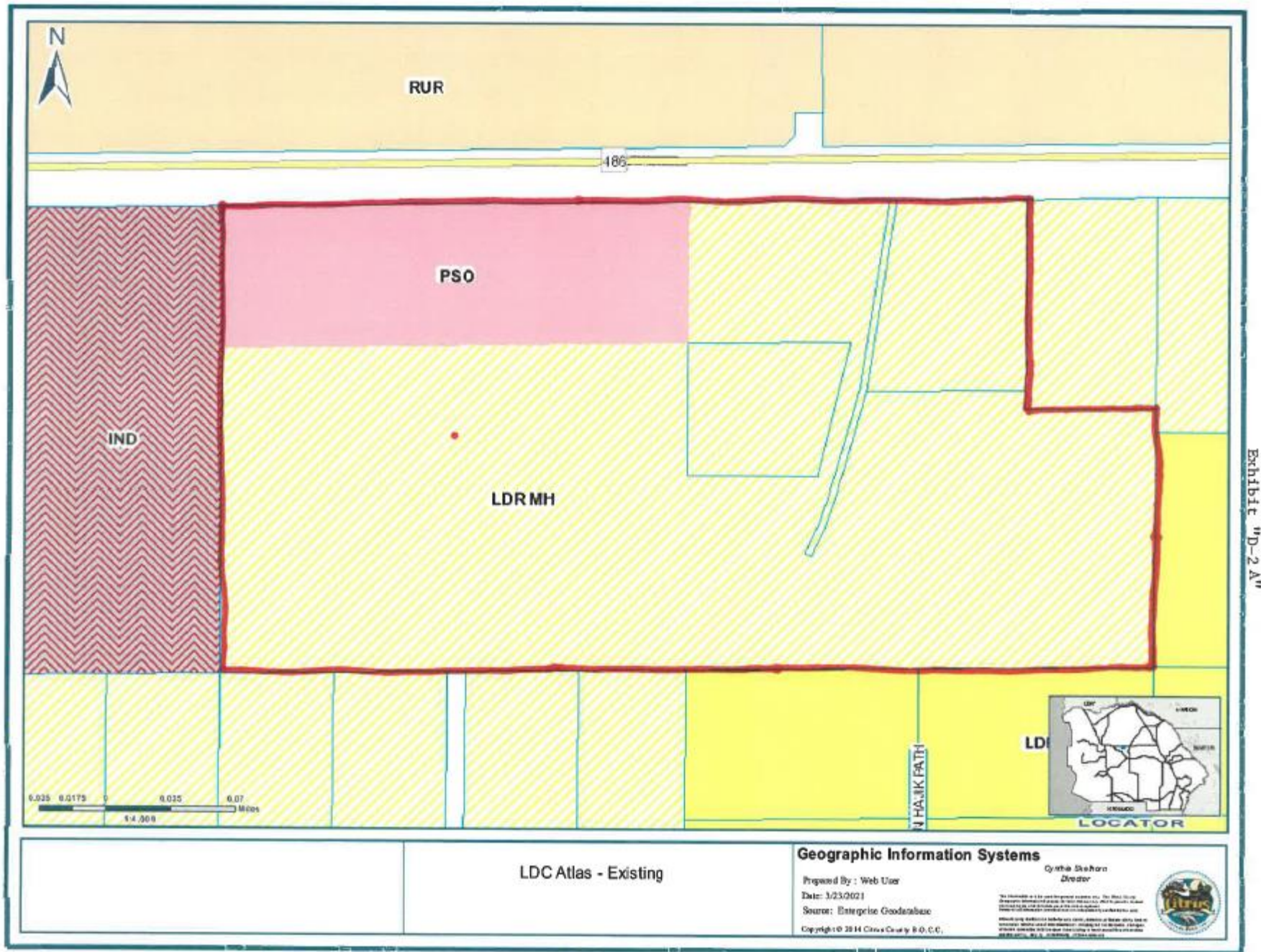
CPA/AA/PUD-21-11
Land Development

CPA/AA/PUD-21-11
Clark A. Stillwell
Law Office of Clark A. Stillwell for
Damron Family
320 US Hwy 41 South
Inverness, Florida 34450
caslaw@tampabay.rr.com









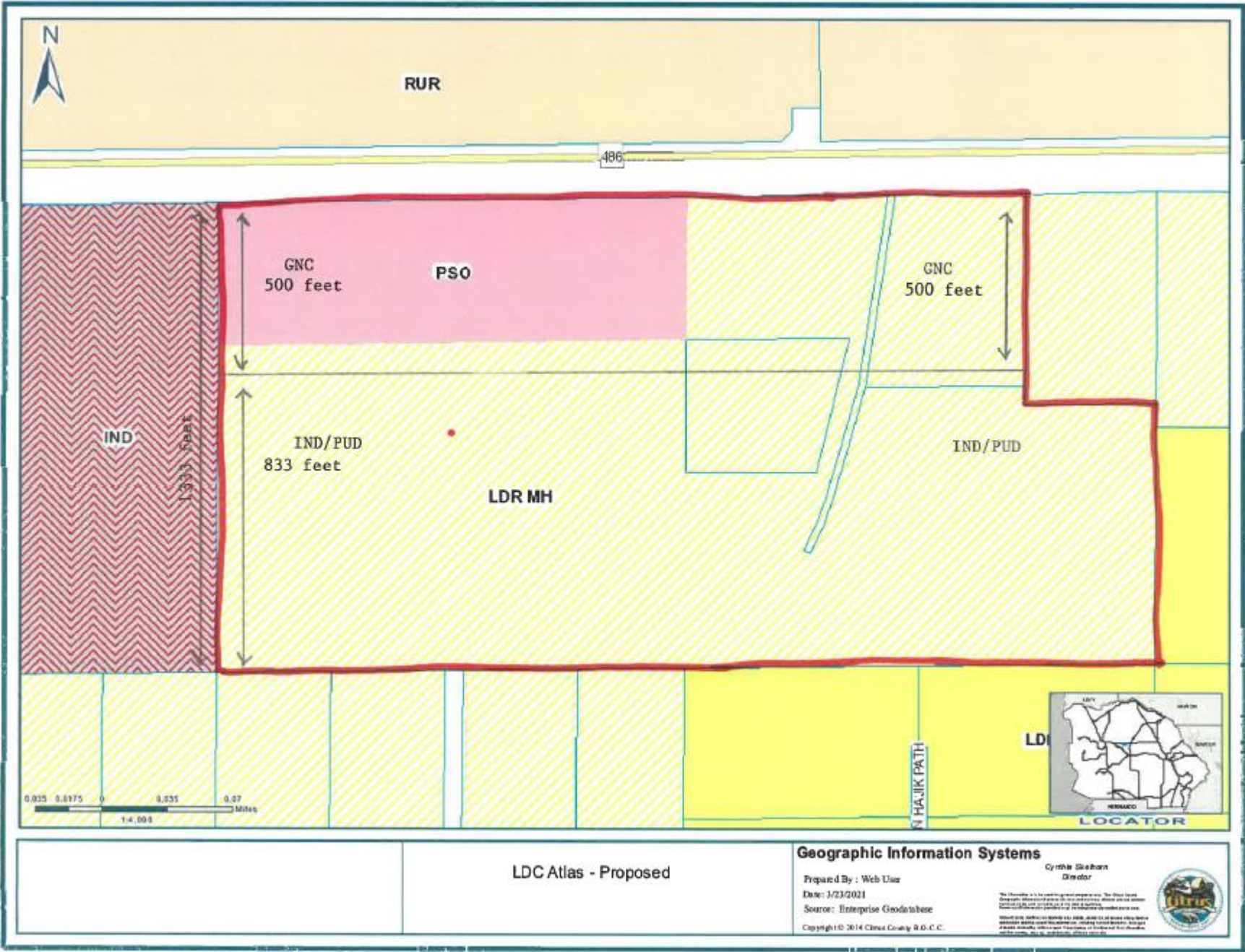
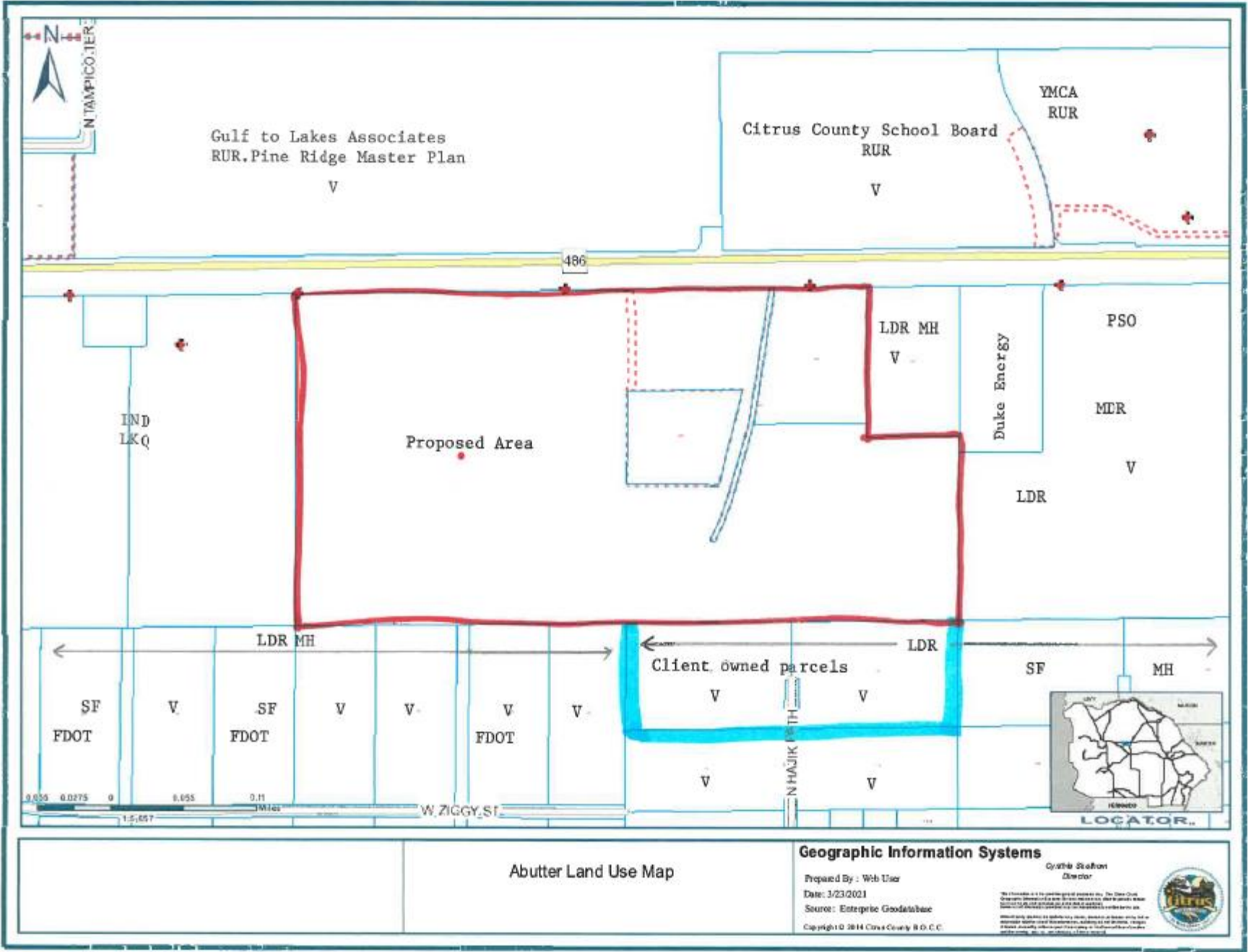
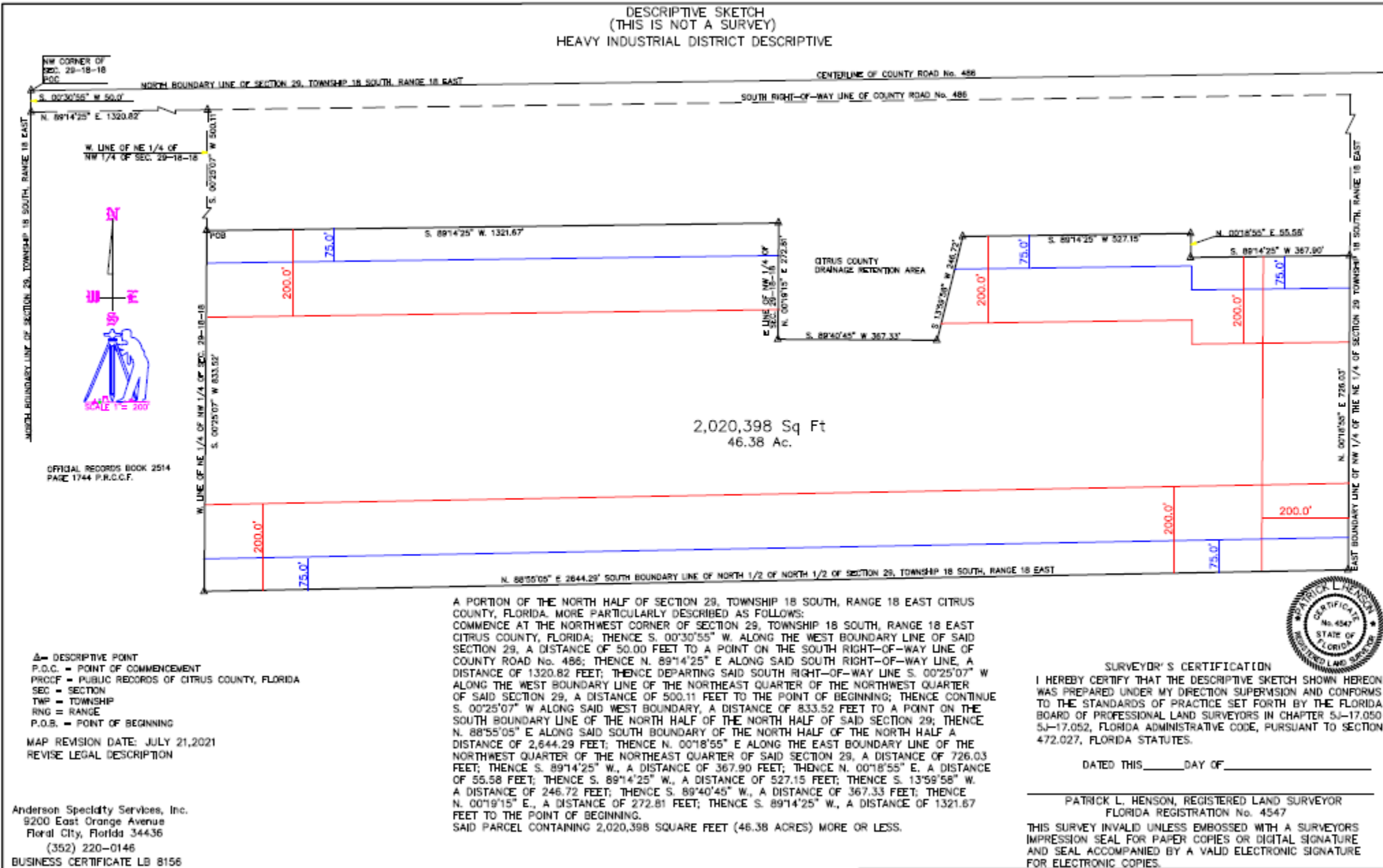


Exhibit "D-2B"





Who is LKQ

LKQ Corporation is the leading provider of alternative and specialty parts to repair and accessorize automobiles and other vehicles. LKQ has operations in North America, Europe and Taiwan. LKQ offers its customers a broad range of replacement systems, components, equipment and parts to repair and accessorize automobiles, trucks, and recreational and performance vehicles.

OUR MISSION IS TO BE THE LEADING GLOBAL VALUE-ADDED DISTRIBUTOR OF VEHICLE PARTS AND ACCESSORIES BY OFFERING OUR CUSTOMERS THE MOST COMPREHENSIVE, AVAILABLE AND COST EFFECTIVE SELECTION OF PART SOLUTIONS WHILE BUILDING STRONG PARTNERSHIPS WITH OUR EMPLOYEES AND THE COMMUNITIES IN WHICH WE OPERATE.

LKQ was initially formed in 1998. It has 1,700 locations in 31 countries with 51,000 employees worldwide. LKQ is a publicly traded company on Nasdaq stock exchange – “LKQ”. Locally, LKQ commenced its current operations in year 1998. The local LKQ operations include 39 acres, 130,000 sq. ft. of warehouse operations and 150 employees. The proposed expansion for open storage will allow LKQ to grow with the community adding additional employees.



PROJECT LOCATION MAP



SUNCOAST PARKWAY 2 (SR 589), PHASE 2 - DESIGN: ALTERNATIVE #1

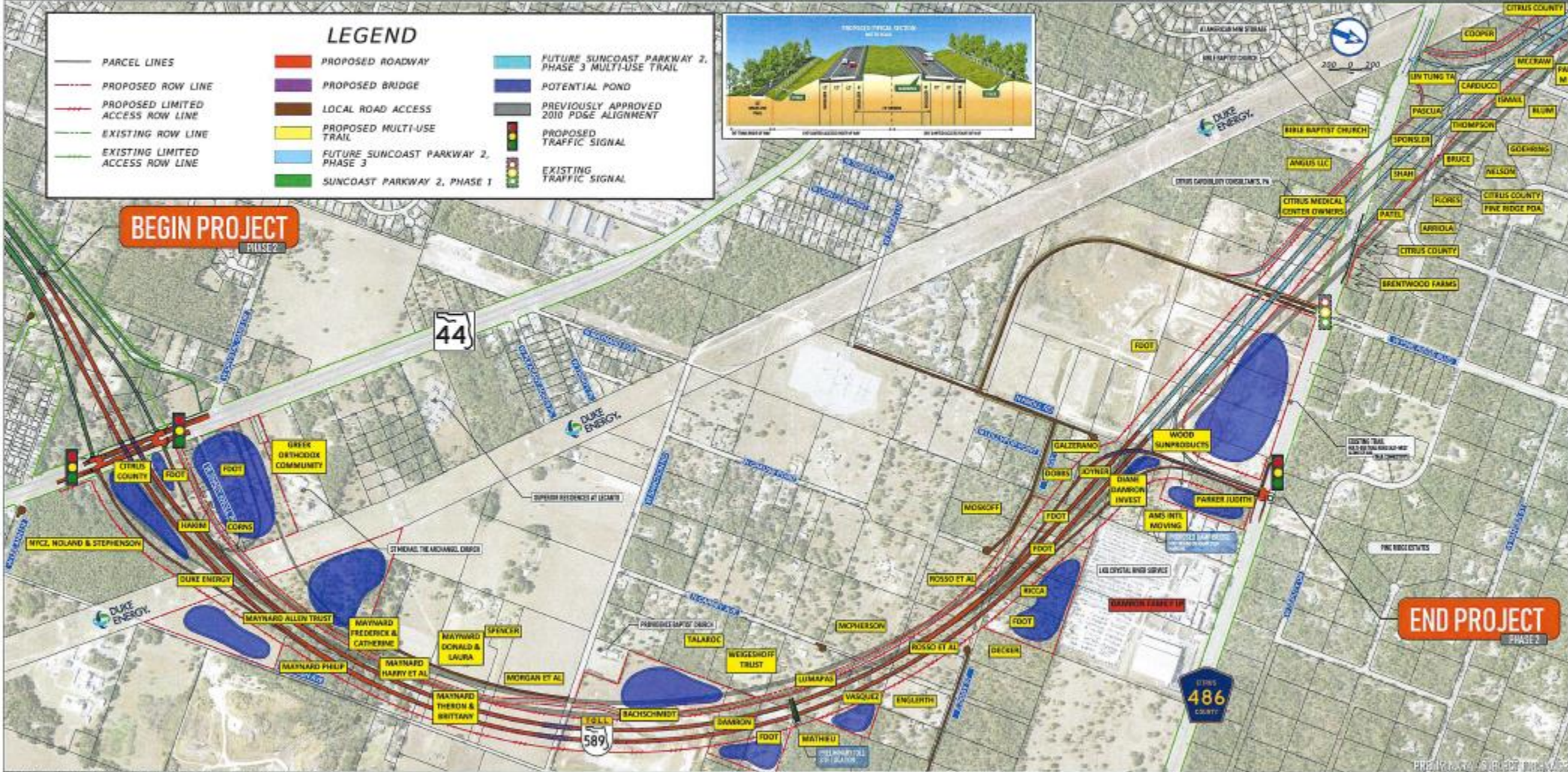
FROM SR 44 TO CR 486 | CR 486 SOUTHBOUND ON-RAMP BRIDGED OVER MAINLINE



FINANCIAL PROJECT ID NUMBER: 442764-7

LEGEND

PARCEL LINES	PROPOSED ROADWAY	FUTURE SUNCOAST PARKWAY 2, PHASE 3 MULTI-USE TRAIL
PROPOSED ROW LINE	PROPOSED BRIDGE	POTENTIAL POND
PROPOSED LIMITED ACCESS ROW LINE	LOCAL ROAD ACCESS	PREVIOUSLY APPROVED 2010 PDSE ALIGNMENT
EXISTING ROW LINE	PROPOSED MULTI-USE TRAIL	PROPOSED TRAFFIC SIGNAL
EXISTING LIMITED ACCESS ROW LINE	FUTURE SUNCOAST PARKWAY 2, PHASE 3	EXISTING TRAFFIC SIGNAL
	SUNCOAST PARKWAY 2, PHASE 1	



PUBLIC INFORMATION MEETING (4 P.M. - 7 P.M.) | THURSDAY, JANUARY 23, 2020
CITRUS COUNTY NATIONAL GUARD ARMORY | 8351 W. VENABLE STREET, CRYSTAL RIVER, FL 34429

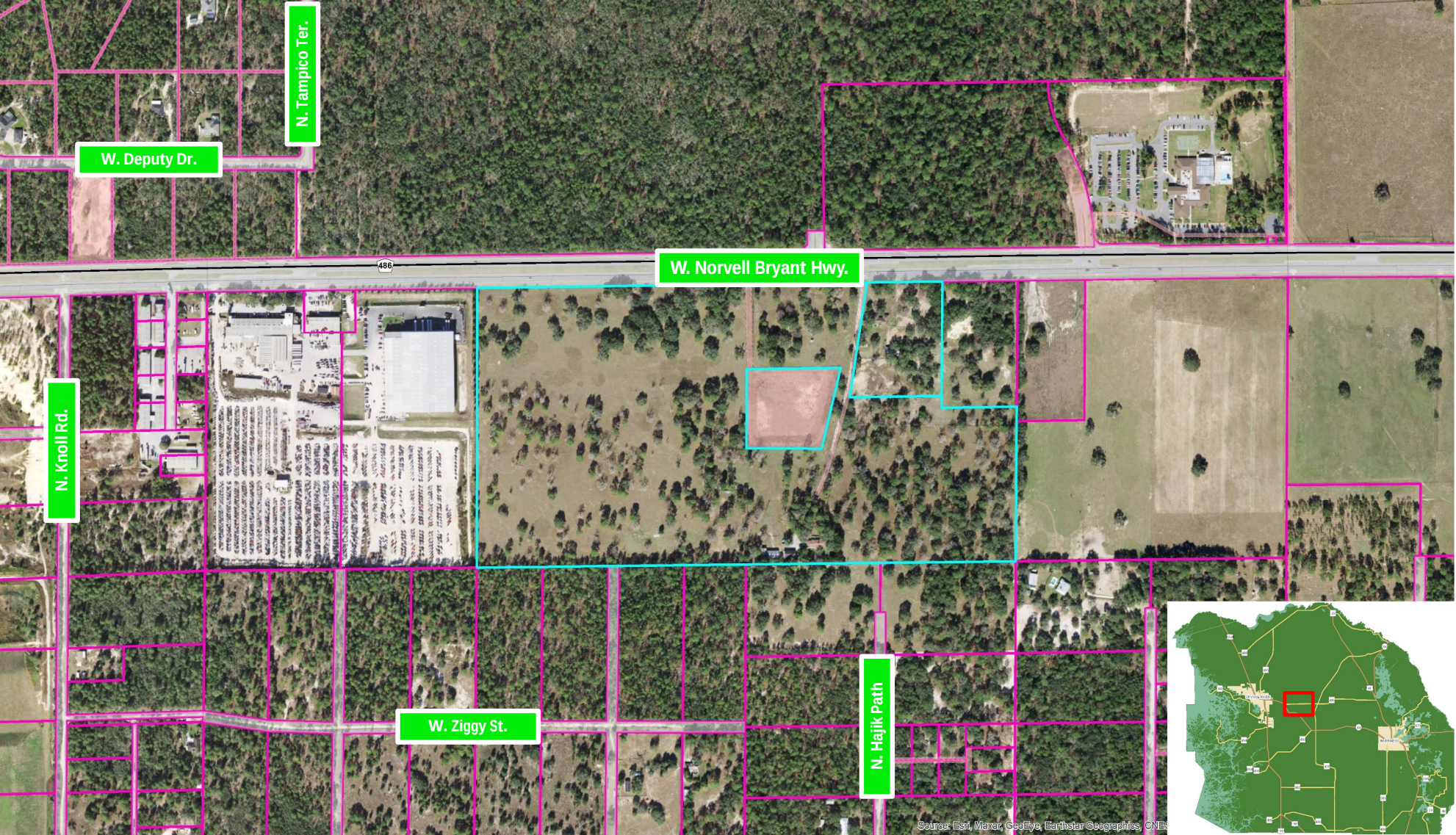
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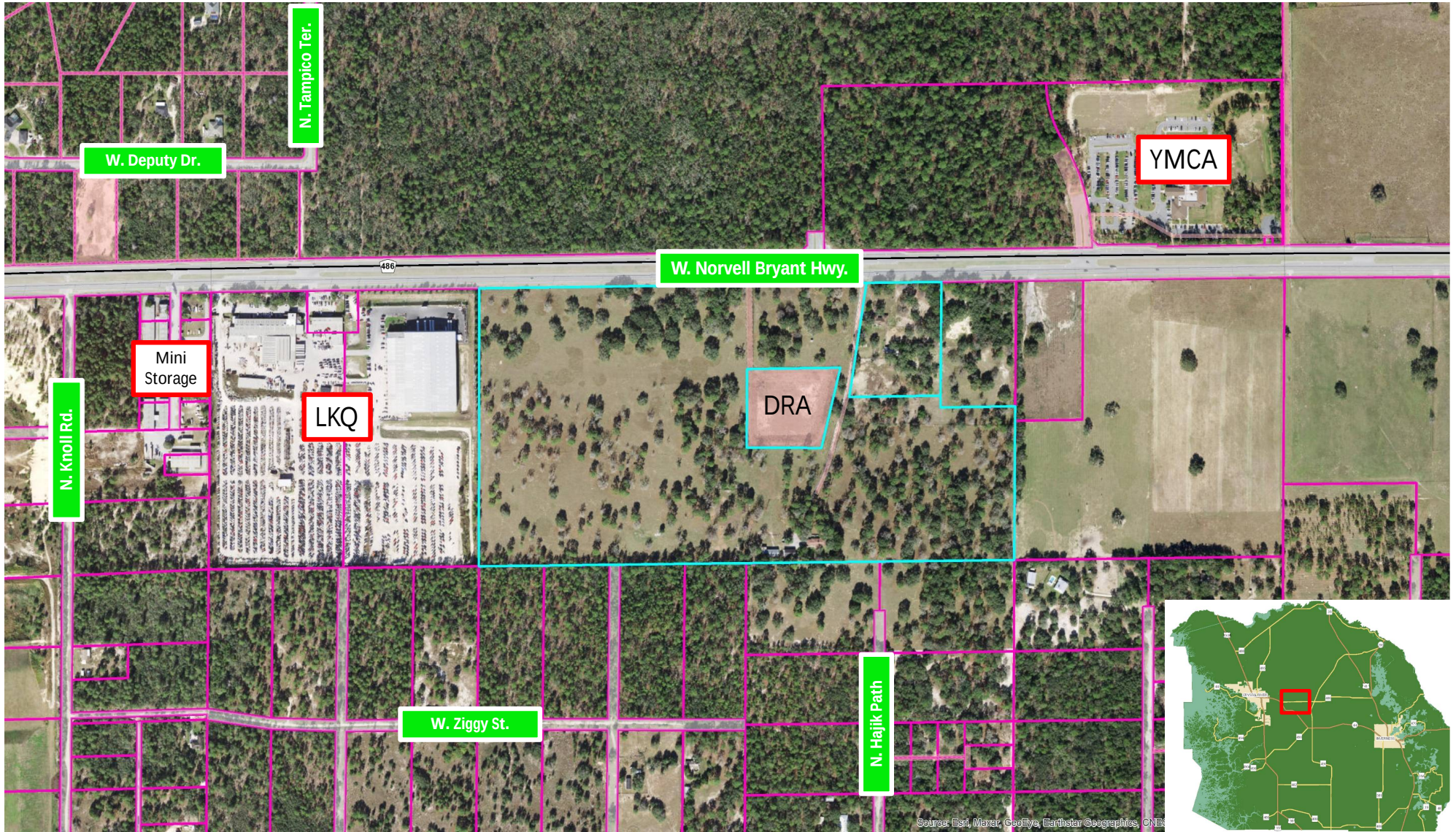
Attachment: Applicant PowerPoint (17287 : CPA/AA/PUD-21-11 Clark A. Stillwell, Esq. for

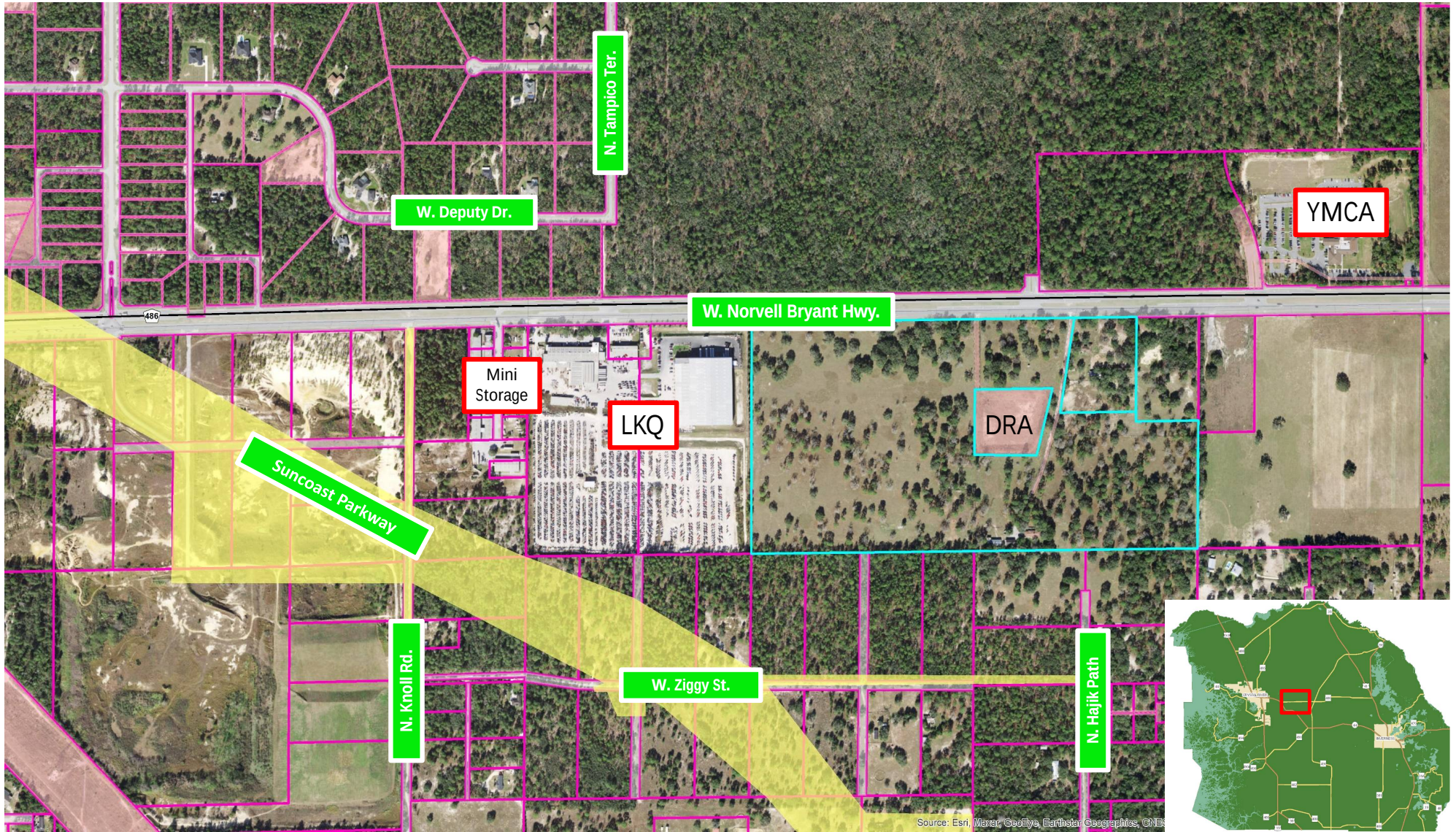


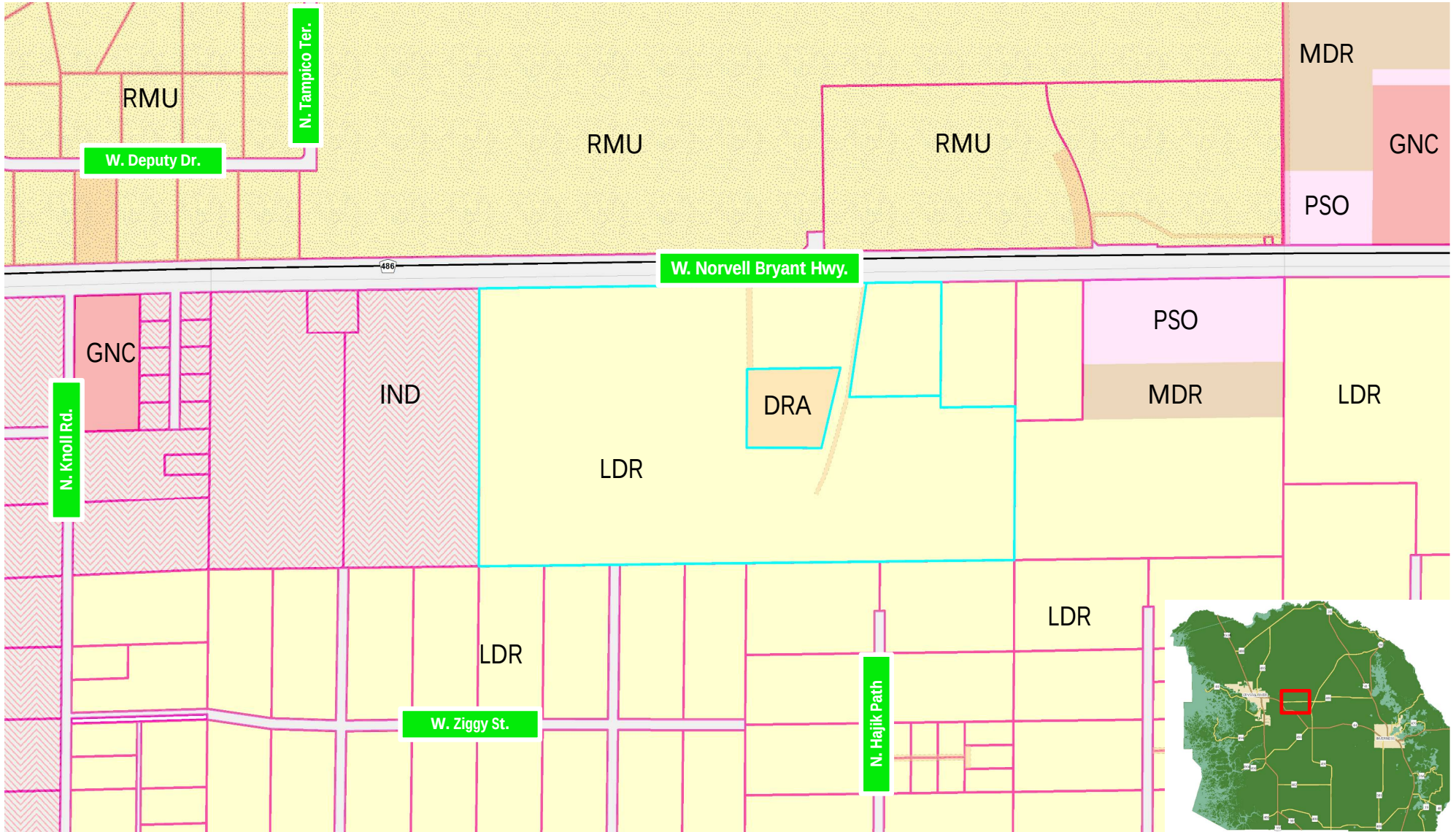
CPA / AA / PUD- 21-11

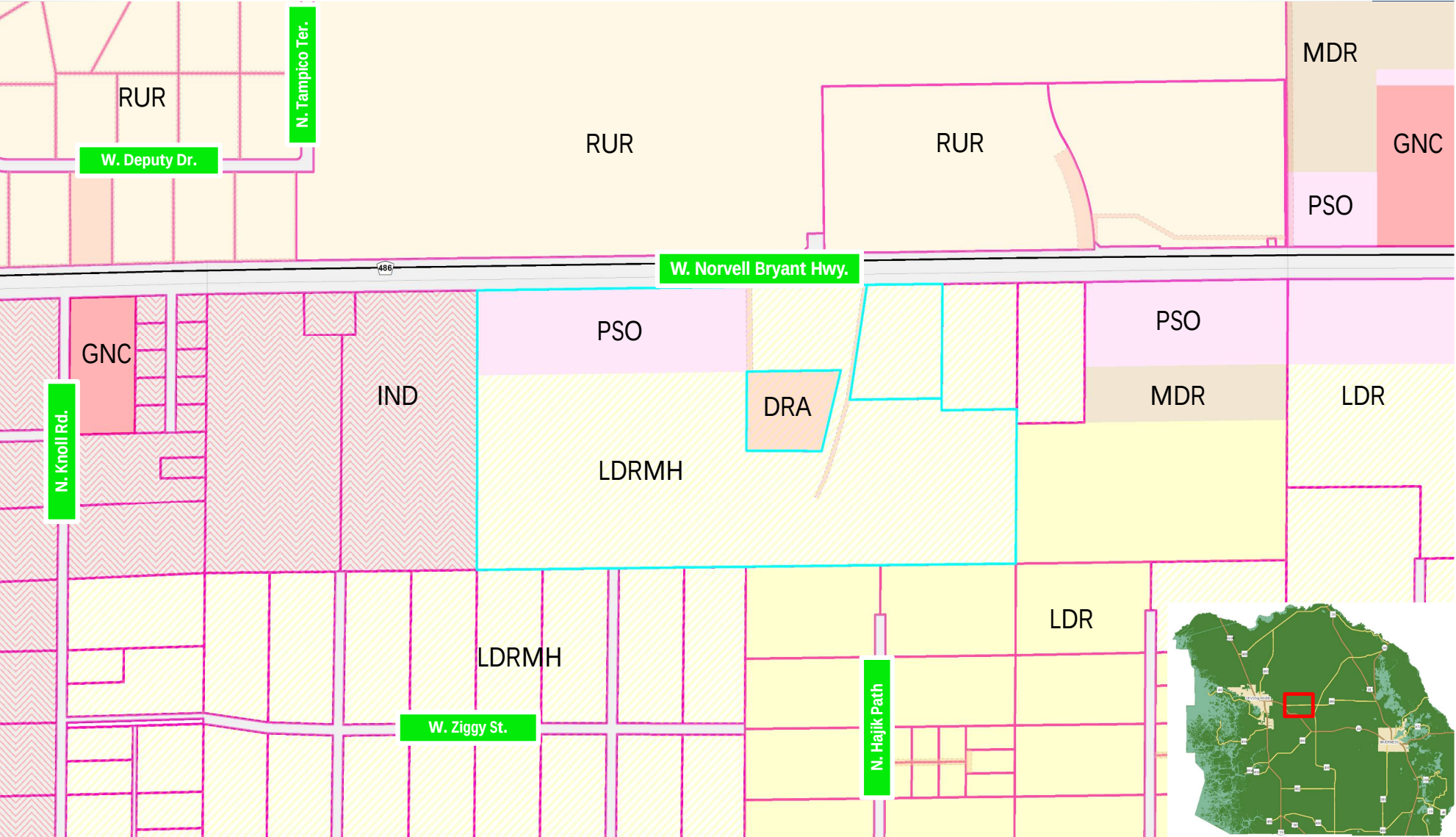
**Clark Stillwell for
Damron Family Trust**

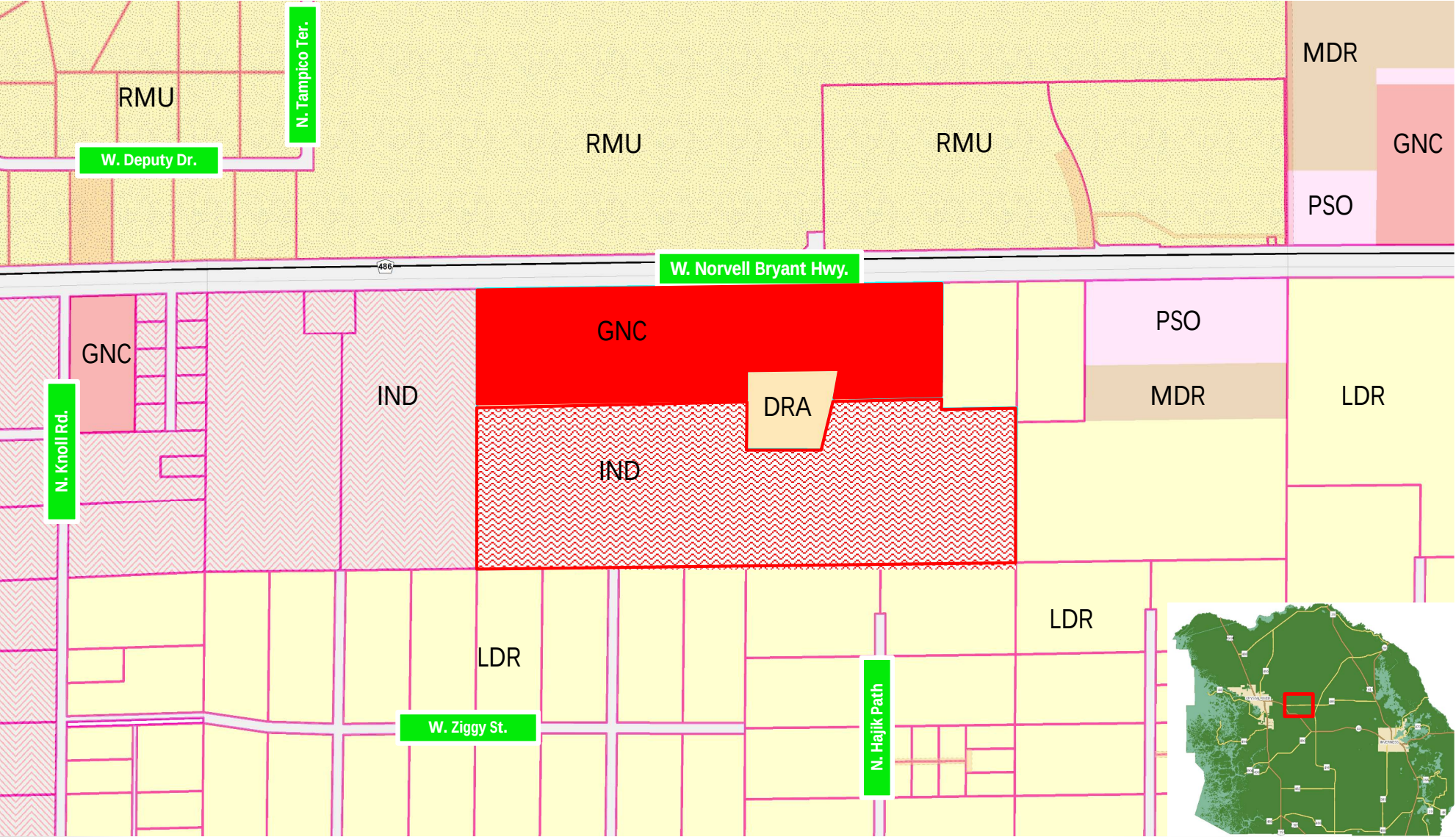












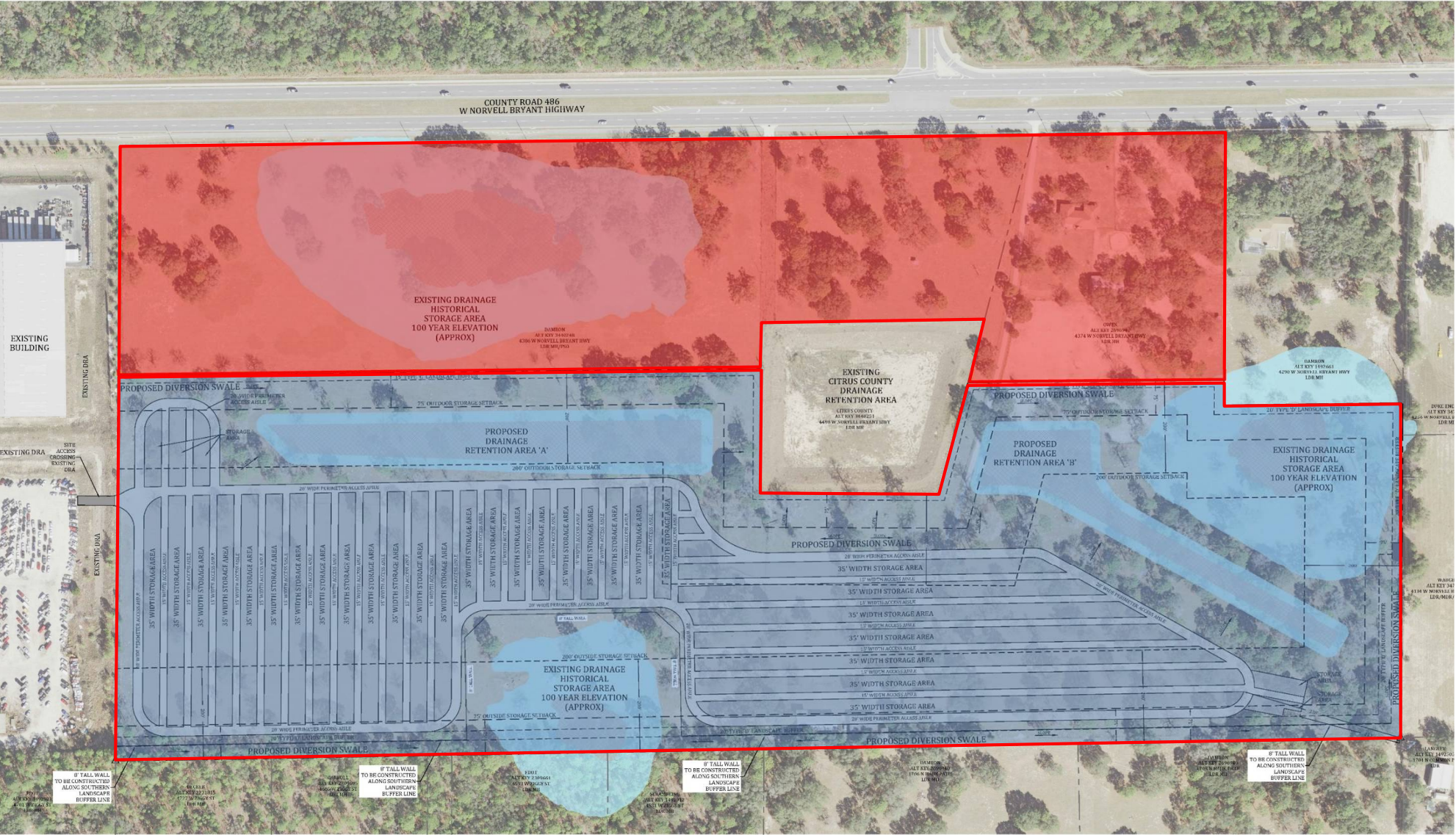


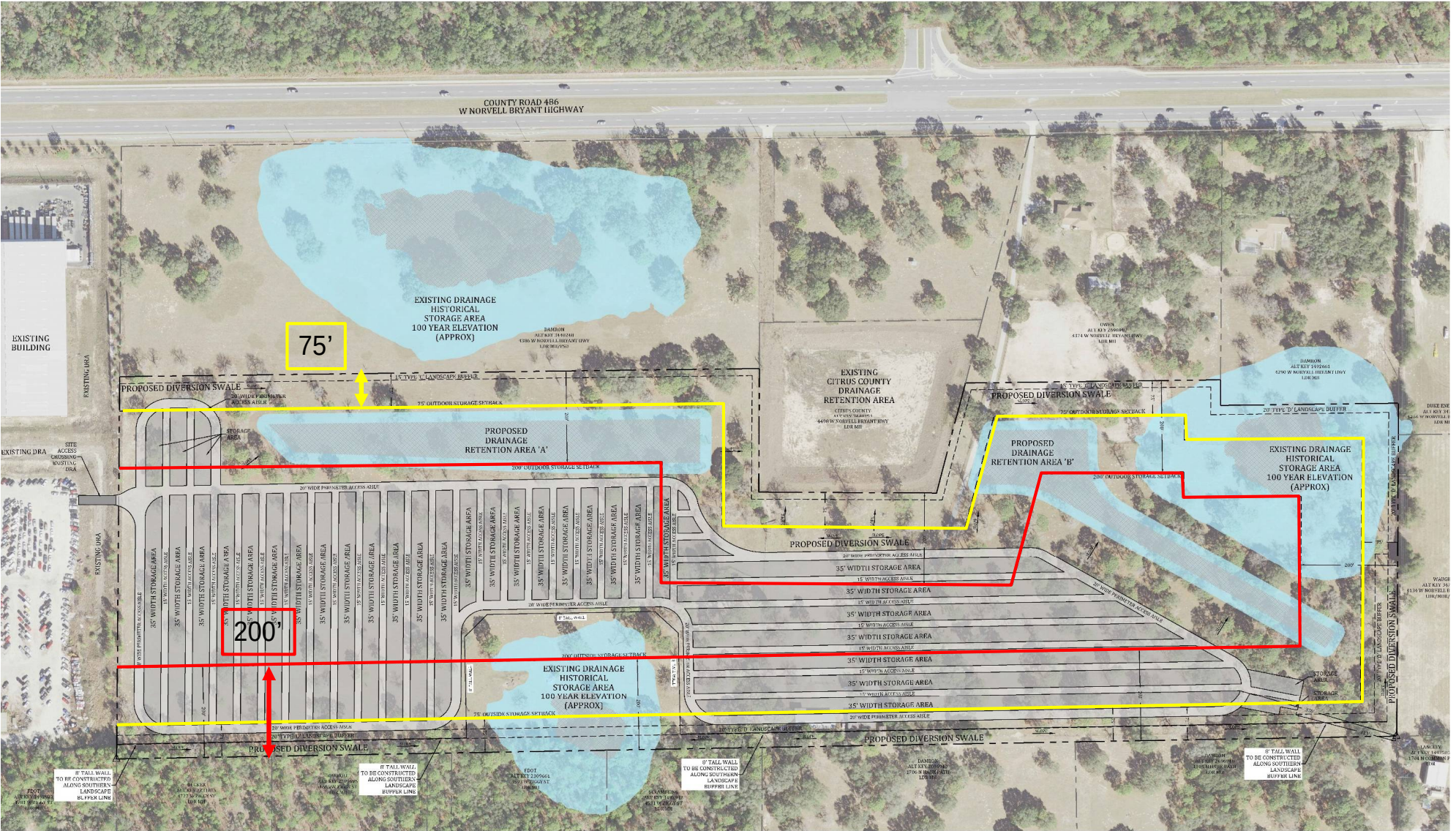


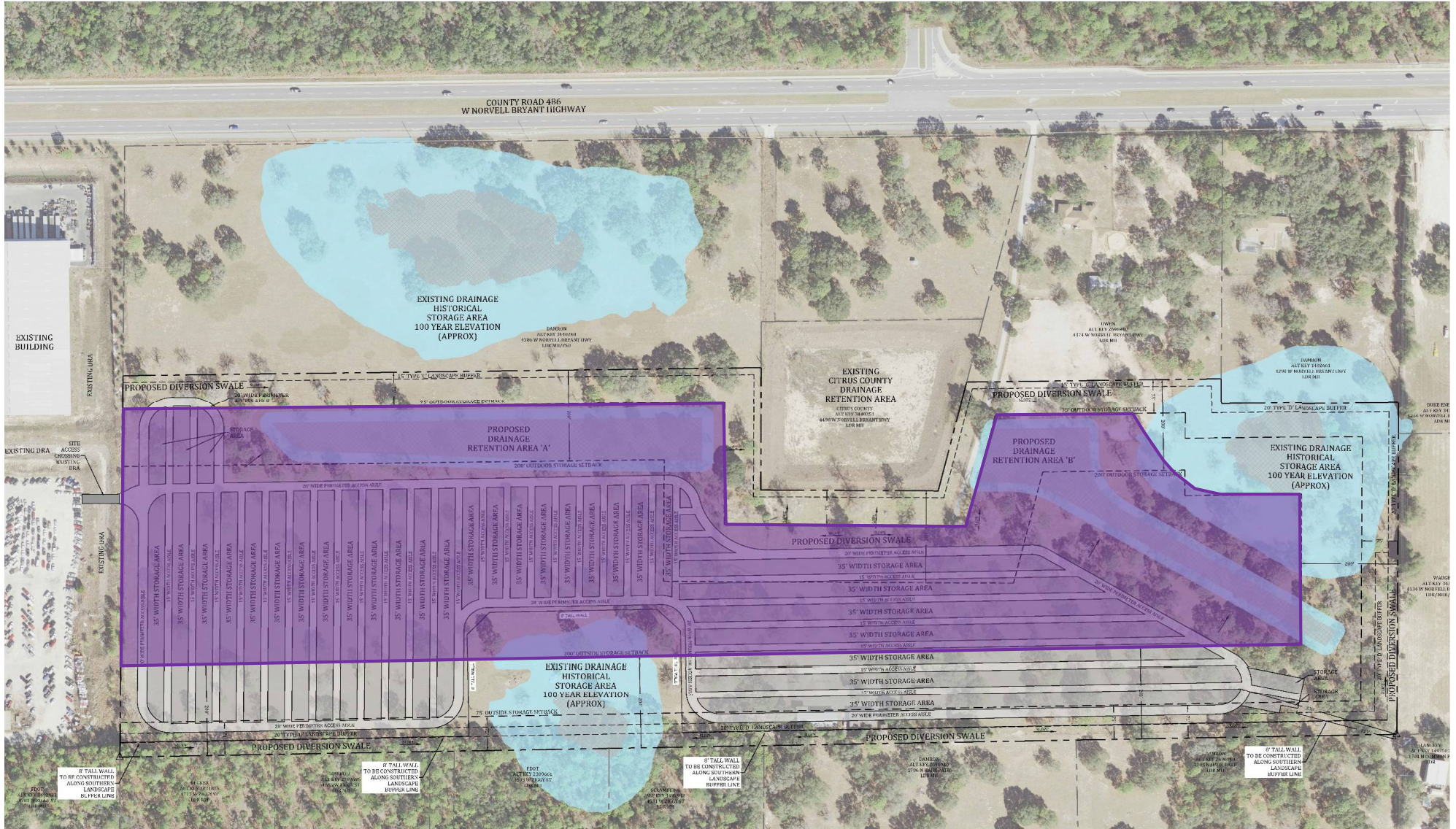








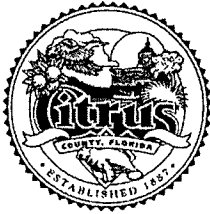






AGENDA MEMORANDUM

FROM:	Michael Sherman, AICP Growth Management Director
SUBJECT:	CU-21-09 Nadene and Scott Reynolds
AGENDA DATE:	September 16, 2021
<u>BRIEF OVERVIEW:</u>	
This request is for a Conditional Use to allow for the raising of animals for non-commercial purposes in the Low Intensity Coastal and Lakes District that exceeds the maximum number of animals per acre, pursuant to Section 3730, <u>Animals</u>, as specified in the LDC. .	
<u>BUDGET IMPACT/FUNDING SOURCE:</u>	
<u>RECOMMENDED ACTION:</u>	
Conduct a public hearing on September 16, 2021 to review and consider CU-21-09, Nadene and Scott Reynolds 	



Board of County Commissioners

DEPARTMENT OF GROWTH MANAGEMENT
LAND DEVELOPMENT DIVISION

3600 W. Sovereign Path, Suite 140

Lecanto, FL 34461

Telephone: (352) 527-5239 TTY Dial 711

Web Address: www.citrusbocc.com

CITRUS COUNTY LAND DEVELOPMENT CODE

CONDITIONAL USE APPLICATION

Application No.: CU-21-09 Date: 5/6/21
 * Written Authorization is required if Applicant is different than Owner. mailing address
Applicant* Nadene Reynolds **Property Owner** Same
 Name: Nadene Reynolds Name: 4075 Se 6th nbl
 Address: 6535 E Turner camp rd Address: Same Bushnell FL
 City: Inverness City: 33513
 State: FL Zip: 34453 State: Zip:
 Home No.: Cell No.: 352 476 6384 Home No.: Cell No.:
 Work No.: Fax No.: Work No.: Fax No.:
 Email: nadener Reynolds@icloud.com Email:

Property Description: Section: 05 Township: 19 South Range: 20 East
 Legal Description: See attached
 Subdivision: Lot(s): Block/Parcel:
 Alternate Key #: 1726026 Parcel ID:
 Acreage: 5.61

Is this hearing being requested as a result of a Code Violation Notice? Yes No X
 If "Yes", explain on a separate sheet and attach a copy of the Notice of Violation.

Conditional Use Request: see attached

Describe how it will/will not affect surrounding development:

see attached

I am aware that if the property cannot be located using information from the submitted application, this application may be rescheduled to a later hearing date. I also understand that a sign must be placed (and marking flags may be placed) on the property by the Land Development Division at least seven days prior to the scheduled meeting.

I understand that approval for the proposed use shown hereon does not in any way relieve me of the responsibility of observing and complying with any deed restrictions applicable to the subject property.

I hereby authorize Citrus County or its agents to enter upon the property, which is the subject of this application and the date of the hearing thereon, at any time between the hours of 8:00 AM and 5:00 PM for the purpose of gathering any information relevant to this application.

Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)



Board of County Commissioners

DEPARTMENT OF GROWTH MANAGEMENT

LAND DEVELOPMENT DIVISION

3600 W. Sovereign Path, Suite 140

Lecanto, FL 34461

Telephone: (352) 527-5239 Fax (352) 527-5428

Toll Free (352) 489-2120 TTY (352) 527-5312

Web Address: www.citrusbocc.com

I DO HEREBY SWEAR THAT THE INFORMATION CONTAINED HEREIN AND THE ATTACHMENTS HERETO ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

STATE OF FLORIDA
COUNTY OF CITRUS

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Nadene Michelle Reynolds, who is personally known to me or provided FL DL as identification and who did not take an oath.

WITNESS my hand and official seal this 22 day of April, 21.

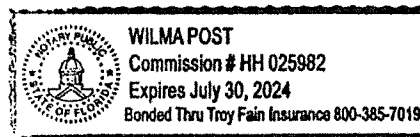
Wilma Post

Printed Name

Wil Post

Notary Public - State of Florida

Seal



For Staff Use Only

Date: 7-22-21

Time: _____

Initials: alr

ATF: _____

QTR: _____

LUD: _____

FZ: _____

CU-21-09

* conditional use
permit
application
+ checklist

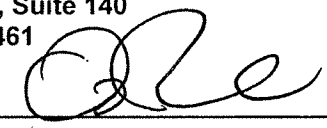
FILING REQUIREMENTS

- ☒ 1. Completed application (additional sheets may be added if more space is needed).
- ☒ 2. Applicable filing fee as required by Resolution adopted by the Board of County Commissioners. The applicant will also be billed for advertising and postage fees, to be billed at a later date. In accordance with the requirements of the Citrus County Land Development Code (Ord. 2012-06 as amended), the applicant is responsible for payment of all costs for public notification of the application review. These costs include notification of abutting property owners by mail and advertising in a newspaper of general circulation. Applicants shall be billed actual costs incurred for public notification. **No application shall be processed for final adoption until all fees are paid.**
- ☒ 3. Proof of ownership and legal description of property (tax notice or deed may suffice).
- ☒ 4. Site plan (**DRAWN TO SCALE**), which shall be no smaller than one inch equals 200 feet on a minimum of an 8 1/2 x 11 sheet. **If the site plans and/or booklets are larger than 8 1/2 x 11, 30 copies will need to be submitted.** Include North arrow to indicate orientation. **SITE PLANS SHALL SHOW THE FOLLOWING INFORMATION:**
 - ☒ A. Lot area and percentage of lot covered (impervious surface ratio).
 - ☒ B. Driveway access location and parking space arrangement included in the site plan.
 - ☒ C. All rights-of-way and easements adjacent to and crossing subject property.
 - ☒ D. All water courses, water bodies, jurisdictional wetlands, and floodplains. The mean high water line (tidal) or line of ordinary high water (non-tidal) must be shown when determining waterfront setbacks.
 - ☒ E. Proposed or existing potable water/well and waste disposal system/septic
 - ☒ F. Existing and proposed location of building/structures including heights and separation.
 - ☒ G. All setbacks between building/structures and property lines/waterbodies/jurisdictional wetlands.
 - ☒ H. Any walls or fences – give location, height, and material type.
 - ☐ I. Existing and proposed stormwater management systems including proposed or existing swales and/or berms.
 - ☐ J. Proposed stormwater management systems.
 - ☐ K. Fire hydrant – give location (if provided).
 - ☐ L. Signs – give location, size, and height (as applicable).
 - ☐ M. Loading – give location and dimensions (as applicable).
- ☒ 5. "Letter of Authorization", if applicant is other than owner (form provided).
- ☒ 6. Written directions to the property from Department of Development Services office.
- ☒ 7. Signed "Appeal Notice" (form provided).
- ☒ 8. Flood Zone designation including base flood elevation.
- ☒ 9. A survey, no more than one year old or re-certified by the original surveyor no more than one year prior to the application date. (NOT applicable for residential applications).

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

Return this application to:

CITRUS COUNTY LAND DEVELOPMENT DIVISION
3600 W Sovereign Path, Suite 140
Lecanto, FL 34461

Signature: 

Date: 4/22/21

Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)

CU-21-09



Nadene Reynolds
6535 E Turner Camp Rd
Inverness FL 34453
352-476-6384

April 9th 2021

Permission for Conditional use:

I am requesting to move my already established dairy goat business to our property located at 6535 E Turner Camp Road, Inverness FL 34453. I have had an established dairy goat farm for approximately 5 years in Bushnell, FL. I breed ADGA registered goats for 4H and FFA students, for the occasional pet, as well as for dairy and show.

I house approximately 25 ADGA registered Nigerian Dwarf goats (approximately 50-60 pounds each) at this time. I also have 4 registered breeding Kune Kune pigs (small grazing pigs) and approximately 2 dozen laying hens and a rooster.

I am asking permission to house these animals on my new property, and continue my established business. I would need approval to raise the amount of livestock permitted on my 5.61 acres. We do also plan to submit our paperwork to become an AG property but cannot do so until the animals are on the property.

Regarding the surrounding areas.... we have chosen to place the barn and pens as far away from neighbors as possible. It will allow for easy access to our customers as well, since it's at the front of the property, off of the main road. We have allowed for customer access and parking in front of the barn/office. We have city water lines that will be run alongside the driveway so gaining access to water is relatively easy. Our barn will be 30' x 60' and include multiple stalls, with large attached pens. All animals will be housed in the same area. We will be fencing the entire perimeter of our property with goat/sheep fencing, and have an electric gate to enter. We will be providing adequate fencing in all pens to keep the animals in their designated areas so they don't bother any of the surrounding neighbors. The chicken coop will be separate from the barn but located in the same general area.

We are in the process of permitting to build our residence on the property as well. We will not move the animals to the property until we can be there with them at all times.

Because we breed SHOW animals we supplement with high quality alfalfa hay, we do not rely on the grass to feed our herd. The animals are allowed out to graze as well but their main source of hay/feed is brought in and provided in their pens.

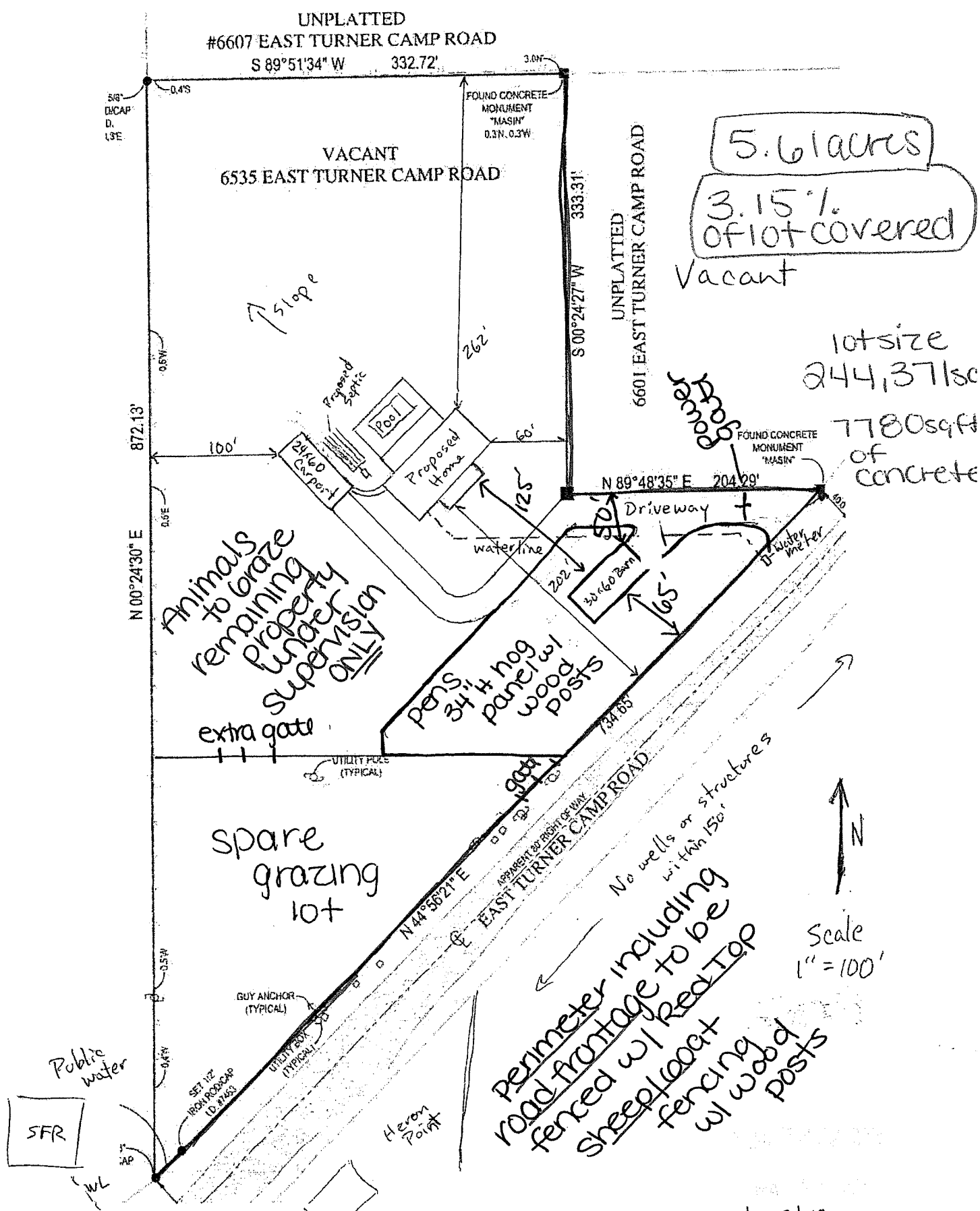
We feel that our operation will be an asset to the community as we also offer private tours, private homeschool & public school events, private farm days and sometimes even goat yoga. We feel that it'll give the local community a "farm experience" close to home and help to provide school aged children with their 4H and FFA project animals.

I hope that you will consider this. I would be happy to explain and answer any questions. Thank you so much for your time.

Sincerely

Nadene Reynolds
Old Hidden Creek Ranch

CU-21-09





proof of ownership
warranty deed

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Dawn Martone

American Title Services of Citrus County, Inc.

2230 Highway 44 West

Inverness, FL 34453

Property Appraisers Parcel I.D. No: 20E-19S-05-23000

Space Above This Line For Recording Data**THIS WARRANTY DEED,**

made the 15 day of OCT., 2020 by WILLIAM D. MCKINNEY and PAMELA R, MCKINNEY, husband and wife, herein called the grantors, to SCOTT REYNOLDS and NADENE REYNOLDS, husband and wife, whose post office address is, 4075 SE 10th Way, BUSHNELL, FL 33513, hereinafter called the Grantees:

(Wherever used herein the terms "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)

W I T N E S S E T H: That the grantors, for and in consideration of the sum of \$84,900.00 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, State of Florida, viz.:

All lands lying North or West of State Road No. 581, which are located in the South 3/4 of the East 1/2 of the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 5, Township 19 South, Range 20 East, Citrus County, Florida;

And

Together with all lands lying North or West of State Road No 581 which are located in the North 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 5, Township 19 South, Range 20 East, Citrus County, Florida.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and easements and restrictions of record, the mention of which shall not serve to re-impose them.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantors hereby covenant with said grantees that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant 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 incurred by the Grantors, except taxes accruing subsequent to December 31, 2019.

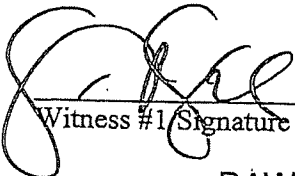
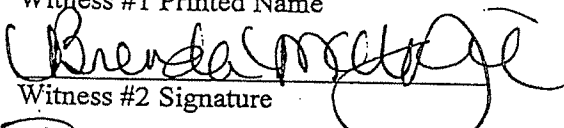
IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

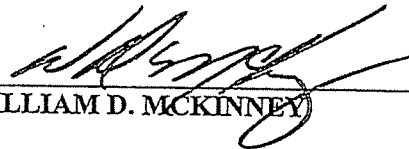
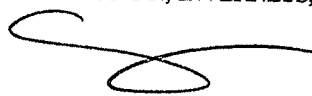
CU-21-09

Warranty Deed

Page 2

Signed, sealed and delivered in the presence of:

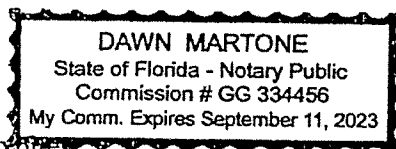

 Witness #1 Signature
DAWN MARTONE
 Witness #1 Printed Name

 Witness #2 Signature
BRENDA MCKENZIE
 Witness #2 Printed Name


WILLIAM D. MCKINNEY
 1471 N. LAGOON PT., INVERNESS, FL 34453

PAMELA R. MCKINNEY
 1471 N. LAGOON PT., INVERNESS, FL 34453

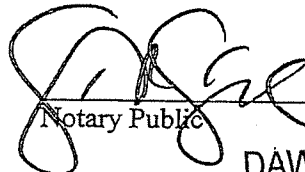
STATE OF FLORIDA
COUNTY OF CITRUS

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15 day of OCTOBER, 2020 by WILLIAM D. MCKINNEY and PAMELA R. MCKINNEY, husband and wife who are personally known to me or have produced Driver's License as identification.

SEAL



My commission expires.


 Notary Public
DAWN MARTONE
 Printed Notary Name

Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)

CU-21-09

Home Parcel Search▼

Summary

Legal

Land & Agriculture

Residential

Commercial

Misc Improvements

Values

Sketch

Photos

Permits

Quick Links

Map

Pictometry

Altkey: 1726026
REYNOLDS SCOTTParcel ID: 20E19S05 23000
6535 E TURNER CAMP RD, INVERNESS

Citrus County Property Appraiser, Cregg E. Dalton

1 of 1

Return to Search Results

My Tax Year: 2021

PC Code 9900 - NON AG
 Bldg Counts Res 0 / MH 0 / Comm 0
 Nbhd 6810 - TURNER CAMP ROAD AREA (OUT OF CITY LIMIT
 Tax District 000X - WITHLACOCHEE RIVER BASIN
 Subdivision 003308 - UNREC TRACTS IN 05-19S-20E
 Short Legal ALL LANDS LYING N OR W OF SR 581 WHICH ARE
 LOCATED IN THE S3/4 OF E1/2 OF W1/2 OF SW1/4 OF
 SE1/4 OF SEC 5-19-20 TOGWITH ALL LANDS LYING N OF
 W OF SR 581 WHICH ARE LOCATED IN
 Est. Parcel Sqft 244,169
 Est. Parcel Acres 5.61
 Map SC-TW-RG 05-19S-20E

Actions

- Neighborhood Sales
- Printable Summary
- Printable Version

Reports

- Attribute Export
- Mailing List
- Property Record Card
- Original Trim Notice

Go

Mailing Address

Name REYNOLDS SCOTT
 Mailing Address 4075 SE 6TH WAY
 BUSHNELL FL 33513

Links

Search Help

All Owners

Name	Owner Type
REYNOLDS SCOTT	HW - Husband And Wife
REYNOLDS NADENE	HW - Husband And Wife

Value History and Tax Amount

Year	Land Value	Impr Value	Just Value	Non-Sch. Assessed	Non-Sch. Exemptions	Non-Sch. Taxable	HX Savings	Tax Amount	Tax Link
2020	\$24,040	\$0	\$24,040	\$24,040	\$0	\$24,040	\$0	\$353.47	Link
2019	\$25,730	\$0	\$25,730	\$25,730	\$0	\$25,730	\$0	\$383.39	Link

Buyer Beware!

Property taxes may be affected with change in ownership. When buying real estate property, you should not assume that property taxes will remain the same. Whenever there is a change in ownership, the assessed value of the property may reset to full market value, which could result in higher property taxes. Please use our tax estimator to approximate your new property taxes. Homestead exemptions and agricultural classifications are not transferable to the new owner. You must apply for your own exemptions and agricultural classifications.

Special Assessment

Project #	Description	Amount
0131	FIRE SERVICES ASSESSMENT	\$4.07

Sales

Sale Date	Sale Price	Book/Page	Instr Type	V/I
10/15/2020	\$84,900	3100/1087	00-WARRANTY DEED	V
02/07/2020	\$72,000	3038/0766	00-WARRANTY DEED	V
04/01/2009	\$35,000	2280/1282	00-WARRANTY DEED	V
04/01/2004	\$35,200	1714/1848	00-WARRANTY DEED	V
03/01/1996	\$23,500	1124/1874	00-WARRANTY DEED	V
11/01/1995	\$100	1107/0409	01-CORRECTIVE/QC/TD/COT	V
11/01/1995	\$8,800	1104/1604	15-15	V
07/01/1994	\$100	1043/1992	03-SAME FAMILY/DEED FOL	V
10/01/1981	\$100	0587/0996	02-MIN DOC STAMP (\$100)	V

Sales do not generally appear in database until approximately 4 to 6 weeks after the closing date. If a recent sale does not show up in this list, please allow more time for the sale record to be processed.

Land & Agricultural

Line	Land Use	Type	Units	Frontage	Depth	Ag Flag	Classified Value	Just Value	Zoning
1	0008-SFR NON-	A-ACREAGE	5.61		.0				CL

CU-21-09

Directions from:

to:

**3600 W Sovereign Path
Lecanto, FL 34461**

**6535 E Turner Camp Rd
Inverness, FL 34453**

Turn left on to S Lecanto Hwy
in 2 miles, turn right on to W Gulf To Lake Hwy
in 9.3 miles turn left on to US-41
in 700 ft take a slight right onto Davidson Ave
in 100 ft take a right on to W Dampier Street
in 350 ft take a left on to Ella Ave
in 2.1 miles the destination is on the left

6535 E Turner Camp Rd
Inverness FL 34453

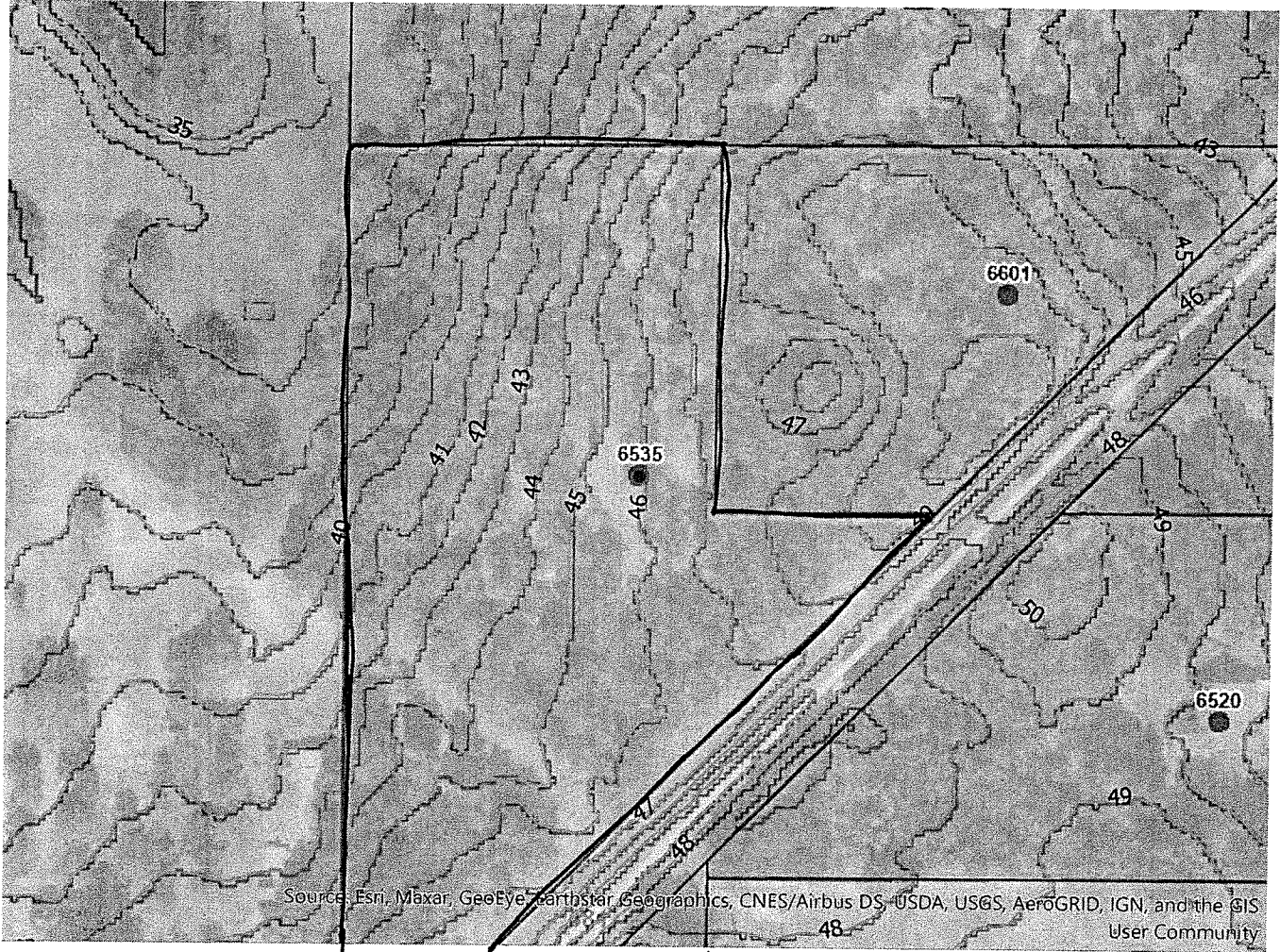
Landmarks: this property is the 2nd property after the "Bark Central"
Dog Park (on the left) and across the street from Heron Point Drive.

Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)

CU-21-09



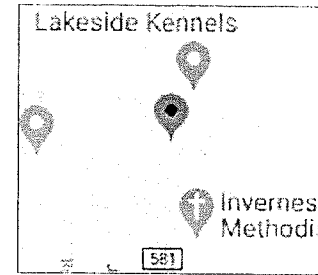
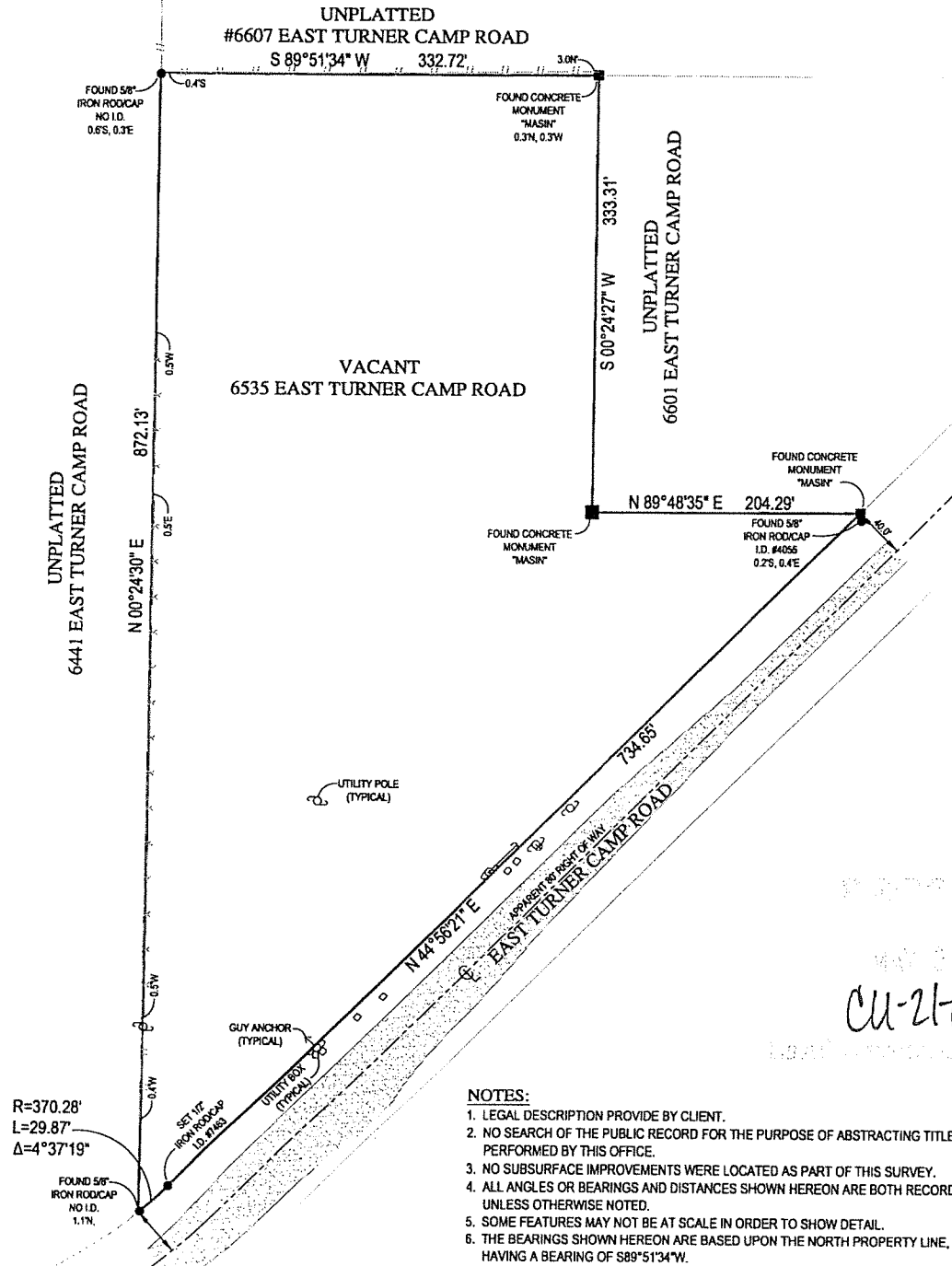
flood zone map



Elevations
6535 & Turner Camp Rd
Inverness, FL 34453

04/27/2020
10:00 AM
CU-21-09
Water Management Division

Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)



LEGAL DESCRIPTION:
ALL LANDS LYING NORTH OR WEST OF S.R. NO. 581, WHICH ARE LOCATED IN THE S3/4 OF THE E1/2 OF THE W1/2 OF THE SW1/4 OF THE SE1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 20 EAST, CITRUS COUNTY, FLORIDA;

AND

TOGETHER WITH ALL LANDS LYING NORTH OR WEST OF S.R. NO. 581 WHICH ARE LOCATED IN THE N1/2 OF THE SE1/4 OF THE SW1/4 OF THE SE1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 20 EAST, CITRUS COUNTY, FLORIDA.

Flood Zone: X
Community Number: 120063
Panel: 12017C0352
Suffix: D
Base Flood Elevation: NAVD88
FIRM Date: 9/26/2014
FIRM Effect/Rev Date: 9/26/2014

LEGEND

AC AIR CONDITIONER
B.P. BACKFLOW PREVENTER
C.B.S. CONCRETE BLOCK STRUCTURE
EL. ELEVATION
F.F. FINISHED FLOOR
ID. IDENTIFICATION
L. LENGTH
L.B. LICENSED BUSINESS
M. MEASURED
N.T.S. NOT TO SCALE
NAD NAIL & DISC
N.A.V.D. NORTH AMERICAN VERTICAL DATUM
N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM
O.R.B. OFFICIAL RECORDS BOOK
P. PLAT
P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
P.R.M. PERMANENT REFERENCE MONUMENT
P.G. PAGE
P.B. PLAT BOOK
P.K. PARKER KYLON NAIL
R. RADIUS
TAN. TANGENT
T.B.M. TEMPORARY BENCH MARK
C. CENTERLINE
AND
NUMBER
Δ. DELTA OR CENTRAL ANGLE
CONCRETE

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)
KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

BOUNDARY SURVEY OF
6535 EAST TURNER CAMP ROAD
INVERNESS, FL 34453
PREPARED FOR:
PAMELA MCKINNEY

No.	Revision/Name	Date
Project	C-18801	
Date	03-11-2020	
Scale	1"=50'	
Sheet	1 of 1	

6520 N. MILITARY TRAIL
SUITE 102
WEST PALM BEACH, FL 33407
PHONE: 561.640.4800
FAX: 561.640.0576

COMPASS SURVEYING
WWW.COMPASSSURVEYING.NET

LI #7453

Susan K. Wright

From: Joseph C. Hochadel
Sent: Tuesday, May 11, 2021 8:41 AM
To: Susan K. Wright
Subject: FW: [EXTERNAL]Supporting docs

FYI.

From: Nadene Reynolds <nadenereynolds@icloud.com>
Sent: Thursday, May 6, 2021 8:28 PM
To: Joseph C. Hochadel <joe.hochadel@citrusbocc.com>
Subject: [EXTERNAL]Supporting docs



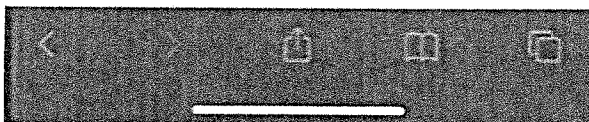
Menu

AUGUST 14, 2019 BY GOATS

What is the recommended stocking rate for meat goats?

A good rule of thumb is six mature goats equal one cow unit on native or improved pasture. The number of goats can be increased depending on the quantity and quality of forages that are available.

Carrying capacity can be calculated using this



Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)

RECEIVED

MAY 11 2021

CU-21-09

County of Citrus, Florida



AUGUST 14, 2015 BY GOATS

What is the recommended stocking rate for meat goats?

A good rule of thumb is six mature goats equal one cow unit on native or improved pasture. The number of goats can be increased depending on the quantity and quality of forages that are available. Carrying capacity can be calculated using this formula:

1. acres x forage and browse production per acre
x seasonal utilization / daily intake x length of
grazing season

It is more difficult to predict stocking rate where there is brush. However, if one can access the soil survey for a specific piece of land, it will have predicted biomass or native range production for the soil type. Multiply this figure by 0.5 (utilization) and allow for 2,000 lb of forage for a mature doe with kids. A stocker goat may require 300 to 1,000 lb of forage depending on size. Carrying capacity of woody species is usually reduced 50 percent by one year's grazing if the plants were severely defoliated in year one, but there may be some more grass available.

WARNING: This email originated from an external Domain DO NOT CLICK unless you recognize the sender and know the content is safe.

Sent from my iPhone

Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)

Susan K. Wright

From: Joseph C. Hochadel
Sent: Tuesday, May 11, 2021 8:41 AM
To: Susan K. Wright
Subject: FW: [EXTERNAL]Conditional Use Permit

FYI.

From: Nadene Reynolds <nadenereynolds@icloud.com>
Sent: Thursday, May 6, 2021 8:36 PM
To: Joseph C. Hochadel <joe.hochadel@citrusbocc.com>
Subject: [EXTERNAL]Conditional Use Permit

WARNING: This email originated from an external Domain DO NOT CLICK unless you recognize the sender and know the content is safe.



Nadene Reynolds

6535 E Turner Camp Rd

Inverness FL 34453

352-476-6384

www.oldhiddencreek.com

RECEIVED

MAY 11 2021

CU-21-09

Seal of the State of Florida

May 6th 2021

Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)

Permission for Conditional use:

I am requesting to move my already established dairy goat business to our property located at 6535 E Turner Camp Road, Inverness FL 34453. I have had an established dairy goat farm for approximately 5 years in Bushnell, FL. I breed ADGA registered goats for 4H and FFA students, for the occasional pet, as well as for dairy and show.

I house approximately 25 ADGA registered Nigerian Dwarf goats (approximately 50-60 pounds each) at any given time. I also have 4 registered breeding Kune Kune pigs (small grazing pigs) and approximately 2 dozen laying hens and a rooster.

I am asking permission to house these animals on my new property, and continue my established business. I would need approval to raise the amount of livestock permitted on my 5.61 acres. We do also plan to submit our paperwork to become an AG property but cannot do so until the animals are on the property.

Regarding the surrounding areas.... we have chosen to place the barn and pens as far away from neighbors as possible. It's at the front of the property, off of the main road. We have city water lines that will be run alongside the driveway so gaining access to water is relatively easy. Our barn will be 30' x 60' and include multiple stalls, with large attached pens. All animals will be housed in the same area. We will be fencing the entire perimeter of our property with goat/sheep fencing, and have an electric gate to enter. We will be providing adequate fencing in all pens to keep the animals in their designated areas so they don't bother any of the surrounding neighbors. The chicken coop will be separate from the barn but located in the same general area.

We are in the process of permitting to build our residence on the property as well. We will not move the animals to the property until we can be there with them at all times.

Because we breed SHOW animals we supplement with high quality alfalfa hay, we do not rely on the Florida grass to feed our herd, as it is deficient in many minerals necessary to raise healthy goats. The animals are allowed out to graze as well but their main source of hay/feed is brought in and provided in their pens. The recommended "stocking rate" for meat goats (full size goats) is 6 goats per acre and can be increased depending on the quantity and quality of forages available. This is information quoted from the USDA extension website, www.goats.extension.org. Our dwarf goats are less than 1/2 the size of a full-sized goat. With that being said, we DO have plenty of "browse" for the number of goats we own, yet we still bring in quality alfalfa to provide their nutritional needs.

I hope that you will consider this. I would be happy to explain and answer any questions. If you'd like to see the animals that I own, please check out my website www.oldhiddencreek.com for pictures and information.

Thank you so much for your time.

Sincerely

Nadene Reynolds

Old Hidden Creek

Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)

Susan K. Wright

From: Joseph C. Hochadel
Sent: Tuesday, May 11, 2021 8:48 AM
To: Susan K. Wright
Subject: FW: [EXTERNAL]Conditional Use Permit
Attachments: Video.mov

More info for the CU.

From: Nadene Reynolds <nadenereynolds@icloud.com>
Sent: Friday, May 7, 2021 8:42 AM
To: Joseph C. Hochadel <joe.hochadel@citrusbocc.com>
Subject: [EXTERNAL]Conditional Use Permit

WARNING: This email originated from an external Domain DO NOT CLICK unless you recognize the sender and know the content is safe.

I thought this may be helpful as well 😊

ADGA is the registry for all of my animals

17"-22.5" tall is the regulation for Nigerian Dwarf Goats (Standard Size goats are approximately 30" tall and 170# each)

Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)

Rec'd 5/11/21
CU-21-09
2021 5/11/21 1:00 PM

adga.org

NG Known Issues in News ADG

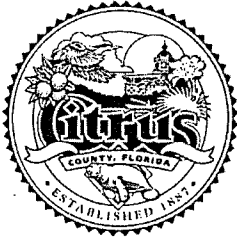
climates and con

NIGERIAN DWARF

Nig



Attachment: Applicant's submittal (17289 : CU-21-09 Nadene and Scott Reynolds)



PM2-21-83

**DEPARTMENT OF GROWTH MANAGEMENT
LAND DEVELOPMENT DIVISION
STAFF FINDINGS REPORT
TO THE
PLANNING AND DEVELOPMENT COMMISSION**

CONDITIONAL USE APPLICATION NO. - CU-21-09 Nadene and Scott Reynolds

DATE: August 17, 2021

PREPARED BY: Joanna L. Coutu, AICP, Director; Land Development Division *JL*

CONDITIONAL USE REQUESTED	This request is for a Conditional Use to allow for the raising of animals for non-commercial purposes in the Low Intensity Coastal and Lakes District that exceeds the maximum number of animals per acre, pursuant to Section 3730, <u>Animals</u>, as specified in the LDC. Specifically, the applicant is asking to keep 25 Nigerian Dwarf goats, 4 Kune Kune pigs, 2 dozen laying hens and a rooster on approximately 5.6 acres in the CL land use district.
SUBJECT PROPERTY	Section 5, Township 19S, Range 20E; more specifically, Parcel 23000 (AK 1726026, which address is 6535 E. Turner Camp Road, Inverness, Florida.
ACREAGE	Approximately 5.6 acres
LDC ATLAS DESIGNATION	CL, Low Intensity Coastal and Lakes District
FLOOD ZONE	According to the Flood Insurance Rate Map (FIRM), the subject property appears to be located in Flood Zone X, with a small portion of AE in the northwest corner of the site, as found on Community Panel Number 12017C0352D.
SURROUNDING LDC ATLAS DESIGNATIONS	North – CL, Low Intensity Coastal and Lakes District South – CL District, City of Inverness East – CL District West – CL District
SURROUNDING FLUM DESIGNATIONS	North – CL, Low Intensity Coastal and Lakes District South – CL District, City of Inverness East – CL District West – CL District
SURROUNDING EXISTING LAND USE	North – Single-family residence on acreage; mobile homes and vacant residential lots South – E. Turner Camp Road; Multifamily development in City of Inverness; Utility site East – Vacant residential acreage; single-family residence West – Single-family residence on acreage; Bark Central Dog Park

Attachment: Staff report and locator map (17289 : CU-21-09 Nadene and Scott Reynolds)

CHARACTERISTICS OF THE SURROUNDING AREA

The surrounding area has a mix of uses, with a dog park, utility site, multifamily development and residential lots (many on acreage).

BACKGROUND

The subject property is currently vacant and takes access from E. Turner Camp Road, a paved County-maintained Minor Collector roadway. The applicants were recently issued building permits for a single-family residence (2021-05678) and 24' x 60' pole barn (2021-05680). They have also applied for two permits for an 8' x 40' shipping container (2021-07966) and 30' x 60' pole barn (2021-08506). The submitted site plan shows the residence and both pole barns (one is labeled as a "carport") but does not show the location of the shipping container. A pool is also indicated behind the residence on the site plan with this application but has not yet been submitted for permitting.

Analysis and Consistency with the Land Development Code

Staff reviewed this application under the standards of Section 3730, Animals, as specified in the LDC. The site contains about 5.6 acres and would be subject to the Animal Schedule contained in that section once the residence has been established. The schedule outlines the following limits, although this can be modified via this Conditional Use process depending on the site applicability:

Type of Animal	# Allowed	Requested	Cumulative #
Goats	1 per acre	25	5 or 1 or 0
Pigs	1 per acre	4	0 or 4 or 3
Hens	10 per acre	24	0 or 0 or 20
Rooster	Not allowed	1	0

The Animal Schedule works in a cumulative manner, meaning that the total number of animals allowable is not additive but instead is a total number for all types of animals proposed based on the acreage. For this site, allowing five goats uses up the entire allowable animal standard.

However, the applicant has requested a specific type of goat, the Nigerian Dwarf. These goats are described by the applicant as being 50-60 lbs. in size, while the University of Florida IFAS states that these goats typically weigh around 20 lbs. They also note that goats, depending on the breed, can weigh up to 250 lbs. The specific type of pig proposed is that of the Kune Kune, which are smaller than the usual domestic pig. Roosters are prohibited in residential land use districts, but anti-crow methods may be taken to reduce any impact to the area.

The Animal Schedule in the LDC has been in place since the 1990's and provides an allowance for goats at the same rate as cattle, sheep and swine while horses are allowed at twice the rate (up to 2 horses per acre of land). IFAS at the University of Florida references a "stocking rate" document from the University of Georgia Forage Extension Team that notes that goats require about 1/7th of the forage area required for mature horses, and about 1/5th of the forage area required for one cow. (Reference "*Is your stocking rate correct*", Carole Knight, UGA Forage Extension Team, June 1, 2018). That article uses the term "goat" in general and does not take into account the smaller size for dwarf goats as proposed.

Utilizing those calculations, 25 goats as requested would be equivalent to approximately 3.4 horses (without taking into account any reduction in impact for the smaller goats as proposed). Swine are not utilized in that stocking article, but in the Animal Schedule are similar to sheep and will be used for this example.

Type of Animal	Animal Equivalent	Unit	Animal Schedule	Requested	Cumulative #
Horse – mature	1.25		2 per acre	0	
Cow	1.00		1 per acre	0	
Goats	0.17		1 per acre	25	4.25 animal units
Pigs (sheep units used)	0.20		1 per acre	4	0.8 animal units
TOTALS					5.05 animal units

The minimum amount of foraging area would not be the sole criteria for regulation of animals on residential sites. The comparison of pigs and sheep above, for example, may have an entirely different viewpoint for citizens; although they are treated identically in the Animal Schedule at a unit of one per acre. The point of this exercise in calculation is to note that the Animal Schedule may not be weighted accordingly for more modern standards for goats, and specifically dwarf goats as proposed.

Staff looked at compatibility in relation to the surrounding neighborhood. The parcel is located adjacent to other parcel acreage and is very close to a large dog park within the City. The applicant has proposed placement of the animal pens for the pigs in front of the residence, while grazing land for the animals would be towards the rear of the site (with an additional "spare grazing lot" also along E. Turner Camp Road). There appear to be other animals in the area, including both cows and horses, but staff could not locate any Conditional Use requests to exceed the animal schedule.

The LDC also requires that any barn, stable, pen, sty, or other similarly utilized building maintain a minimum 50-foot setback to property lines, and the submitted site plan meets this standard.

Consistency with the Comprehensive Plan - All development applications shall demonstrate complete compliance with the Comprehensive Plan. The application is consistent with the Comprehensive Plan goals, policies, and objectives including:

Policy 17.3.16 Special buffering and/or special separations shall be incorporated into the County LDC to buffer between residential areas and agricultural activities, mining, industrial, or commercial operations having noise, dust, glare, odor, traffic, or other problems incompatible with residential uses.

Staff Comment: The site contains some tree canopy that should be maintained to further buffer between the site and surrounding residential areas. The pen area, if approved, may necessitate an additional buffer component along the front property line.

PROPOSED FINDINGS OF FACT

Pursuant to Section 4500, Conditional Uses, of the Citrus County Land Development Code (LDC), a conditional use application which meets the objective criteria of the LDC for that use shall be presumed entitled to approval. Such presumption may be rebutted by competent, substantial evidence that the applicable LDC criteria have not been met. Following completion of the public hearing, the PDC shall

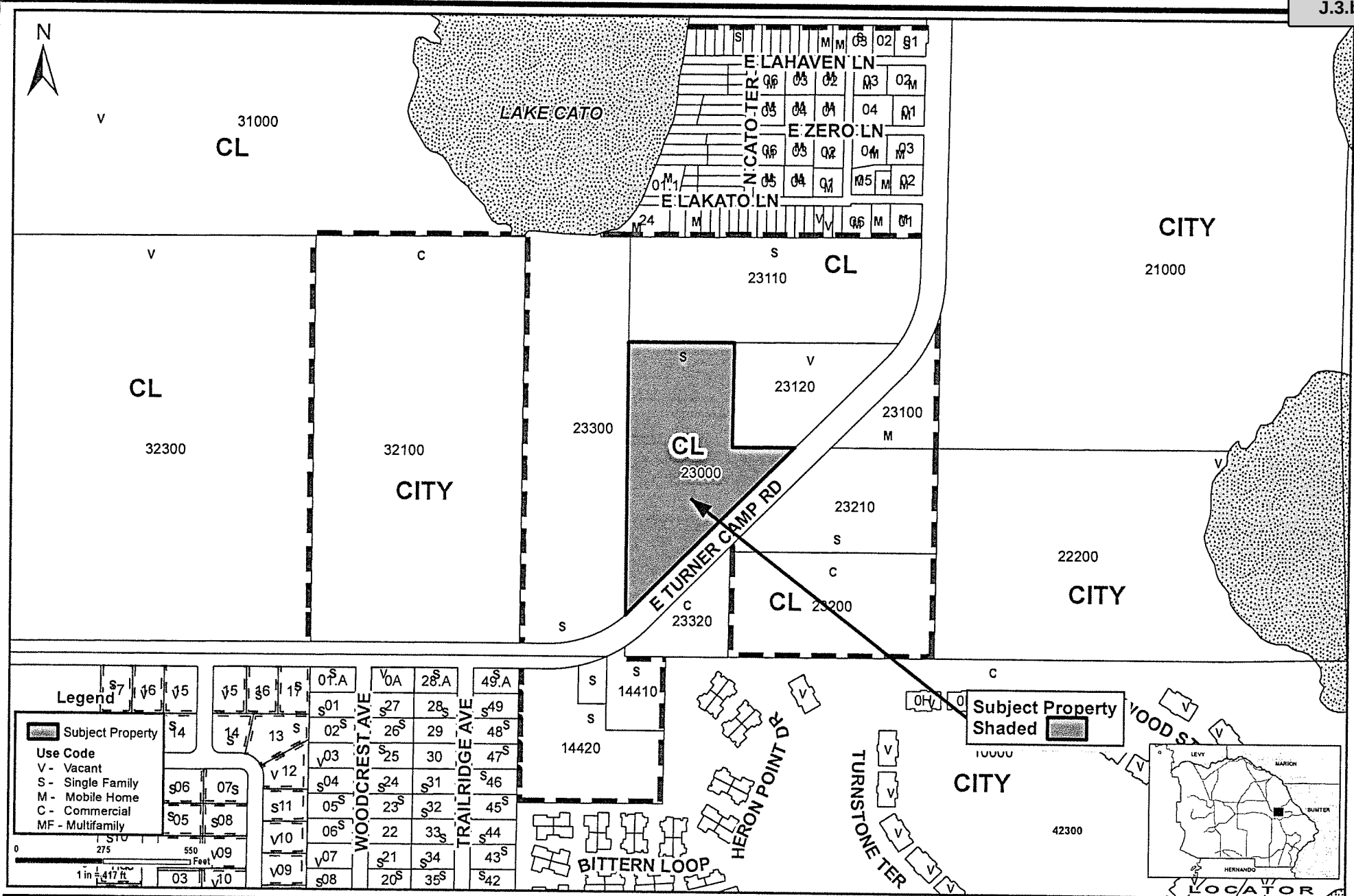
approve, disapprove, amend and approve the proposal, or approve the proposal with conditions. Any action taken shall be accompanied by the findings of the PDC upon which the action was based. Approval of a Conditional Use application shall be granted by the PDC only if all the following are positive:

1. ***The proposed uses and structures would violate the land uses, densities, or other directives of the adopted Comprehensive Plan or the LDC.*** The number of animals proposed exceeds the allowable numbers of the Animal Schedule outlined in the LDC but may be considered with the specific breeds proposed.
2. ***The proposed uses and structures would not be incompatible with the uses, structures, and activities on adjacent and nearby lands.*** The general area appears to be rural in nature and additional animals may be compatible with this area with specific conditions.
3. ***The proposed uses and structures would not violate health, safety, welfare, and/or convenience of those residing, working, or owning land in the vicinity of the proposed use or structure, specifically with respect to:***
 - a. ***The use or structure would not exceed the applicable density or bulk regulations except as specifically authorized, nor shall the use or structure result in overcrowding of land or buildings;*** This application would not violate residential density or bulk regulations but is requesting to exceed the Animal Schedule for this acreage.
 - b. ***The use or structure would not impair pedestrian or vehicular movement in adjoining streets so as to violate adopted level of service standards;*** Animals on the site would not impact pedestrian or vehicular movement in the area.
 - c. ***The use or structure would not create a fire hazard;*** Any structures would need to obtain permits to meet this standard.
 - d. ***The use or structure would not result in noise, odor, glare, vibration or other similar characteristic, which is detectable at the property line and which exceeds the level which will result from permitted uses*** With suggested conditions, this standard should be obtainable.
 - e. ***The use or structure would not prevent an adjoining landowner from the legal use of his property pursuant to the LDC;*** The use as proposed will not prevent use of adjoining lands, provided that all suggested conditions are adhered to.
 - f. ***The use or structure would not violate a requirement or limitation of any applicable state or federal law or regulation;*** The use as proposed will not violate applicable state law or federal regulation.
 - g. ***The use or structure would not result in the inadequacy or inability of any public facility or service to meet adopted standards.*** N/A,
4. ***Termination and/or expiration of Conditional Uses - The PDC may specify a term for the duration of a Conditional Use. A Conditional Use will terminate if no development activity under the Conditional Use is commenced within three years of the date of approval, or if the approved use ceases for a period of three years. The property owner may seek an extension by applying to the PDC.*** The applicant has not requested an extension of the three year term.

If the PDC chooses to approve this application, staff would suggest the following conditions:

1. This conditional use is to allow for the following number of animals, as outlined on the site plan date-stamped received May 6, 2021, by the Land Development Division
 - Up to 25 Nigerian Dwarf goats
 - Up to 4 Kune Kune pigs
 - Up to 24 hens
 - One rooster
2. As required in the LDC, any barn, stable, pen, sty, or other similarly utilized building or structure shall be located not less than 50 feet from any property line. This provision shall not be construed to apply to a perimeter fence.
3. Any portion of the property on which animals are kept shall be completely enclosed with a fence sufficient in area, size, and type to contain the number of animals on the property.
4. The raising of animals on the site shall be done under the guidelines of Best Management Practices as established by the University of Florida and the Natural Resources Conservation Service. Methods of waste management, pest control, and odor abatement must be demonstrated.
5. The rooster shall be equipped with an anti-crow device or alternative strategy under Best Management Practices to reduce impacts to the surrounding area.

JLC/cb



Application #: CU-21-09

Applicant: Nadene Reynolds

Proposal: Exceed animal schedule in CL district

Location: 6535 E. Turner Camp Rd. Inverness, 34453

Land Use Atlas: Low Intensity Coastal and Lakes (CL)

S-T-R - 05-19-20 SE

Planner Initials: *g* Date: 6/19/21

Geographic Information Systems

Prepared By: William Braunsch

Date: June 4, 2021

Source: Enterprise Geodatabase

Map Number: WB0000572

Cynthia P. Skeithorn

Director

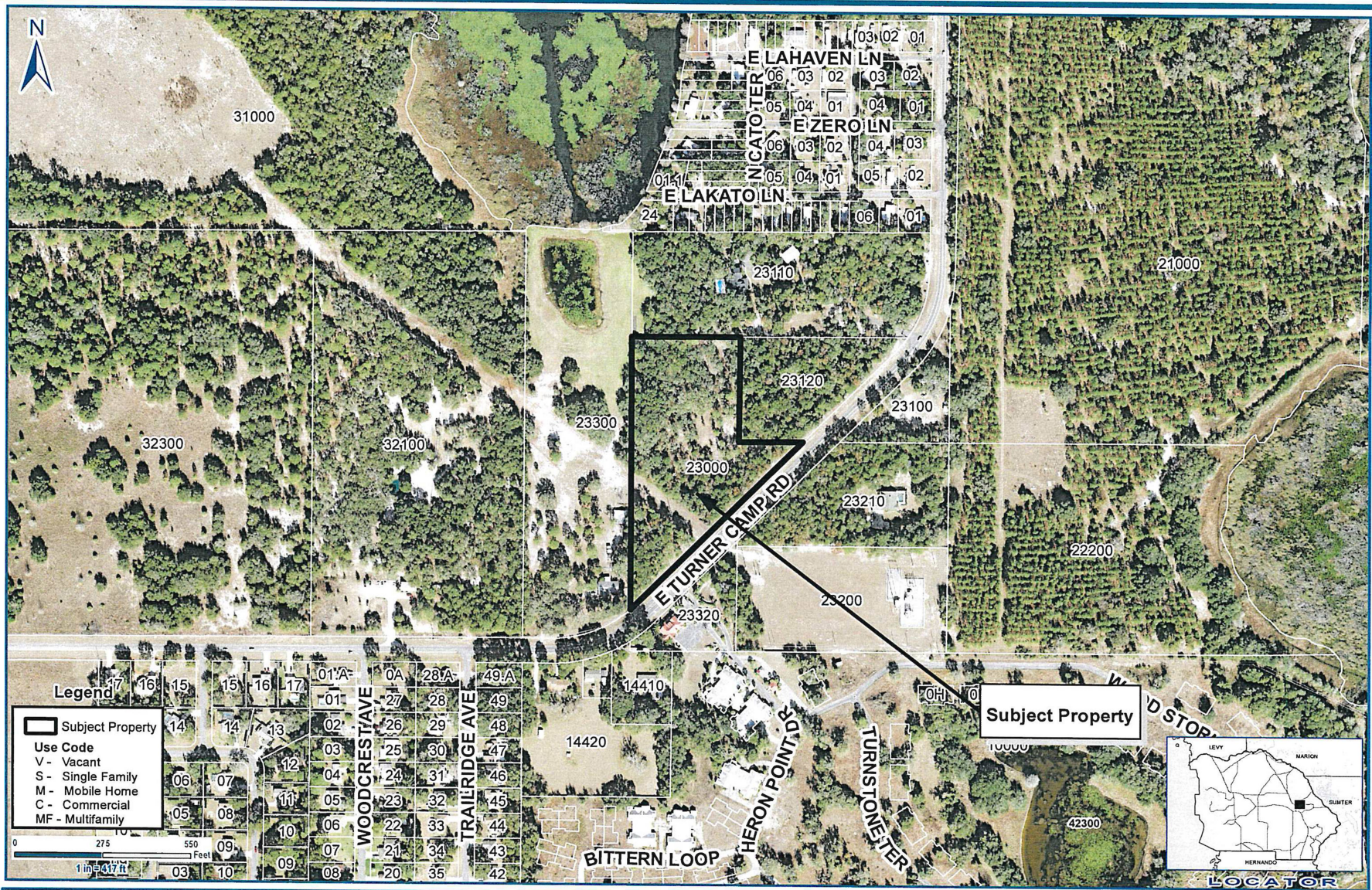
The information is to be used for general purposes only. The Citrus County Geographic Information System is not a warranty of any kind. Citrus County is not responsible for any errors or omissions in this information. Citrus County shall not be liable for any claims, damages, or losses of any kind in connection with the use of this information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of this information and the accuracy, timing, or timeliness of this information.





CU-21-09

Nadene Reynolds



Application #: CU-21-09		Applicant: Nadene Reynolds	
Proposal: Exceed animal schedule in CL district		Location: 6535 E. Turner Camp Rd. Inverness, 34453	
Land Use Atlas: Low Intensity Coastal and Lakes (CL)		S-T-R - 05-19-20 SE	
Planner Initials: <i>g</i>		Date: 6/14/21	

Geographic Information Systems

Prepared By : William Braunsch
 Date: June 4, 2021
 Source: Enterprise Geodatabase
 Map Number: WB0000574

Cynthia P. Skelhorn
Cynthia P. Skelhorn
 Director

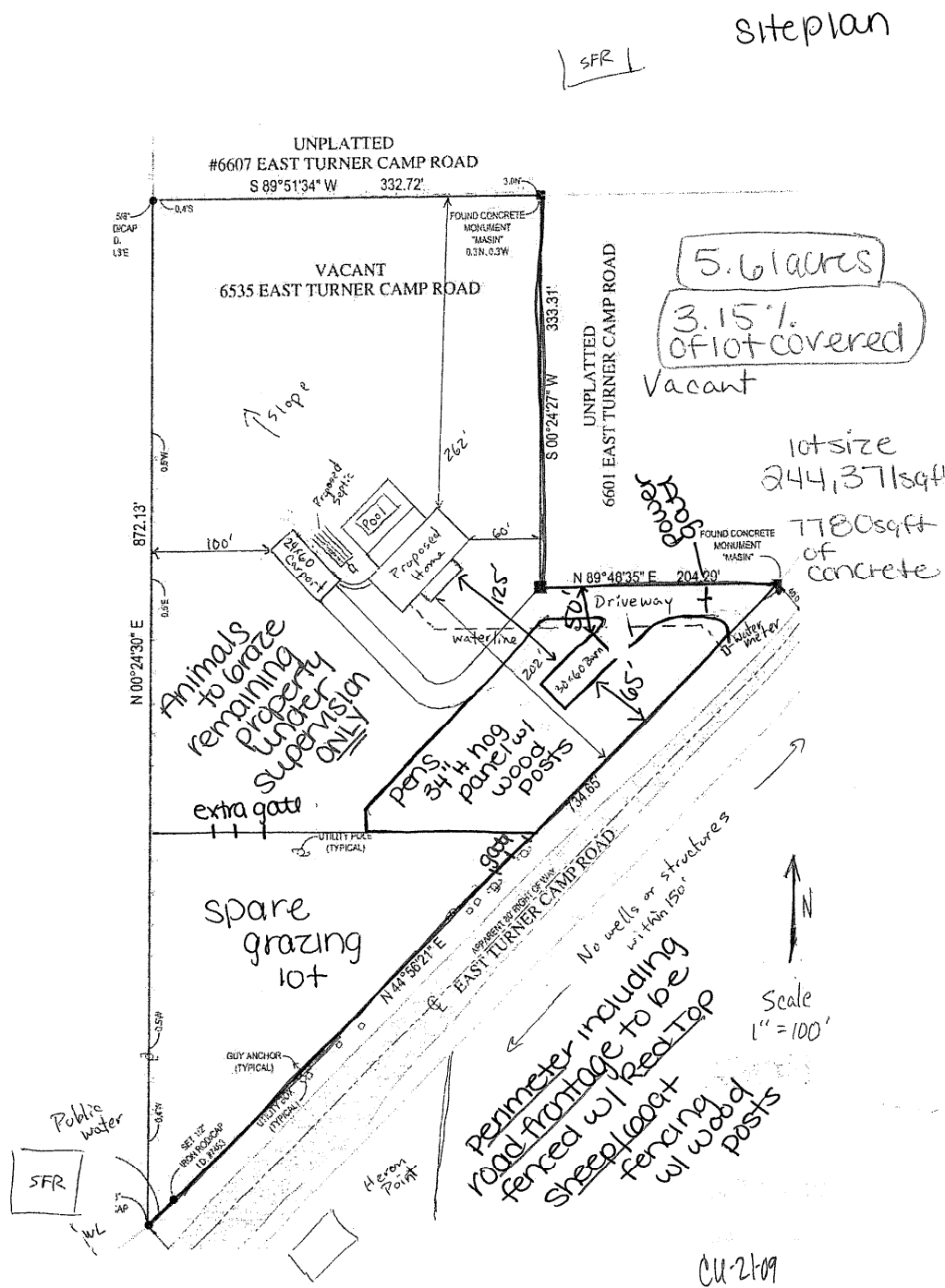
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Attachment: Coordinator PowerPoint (17289 : CU-21-09 Nadene and Scott Reynolds)



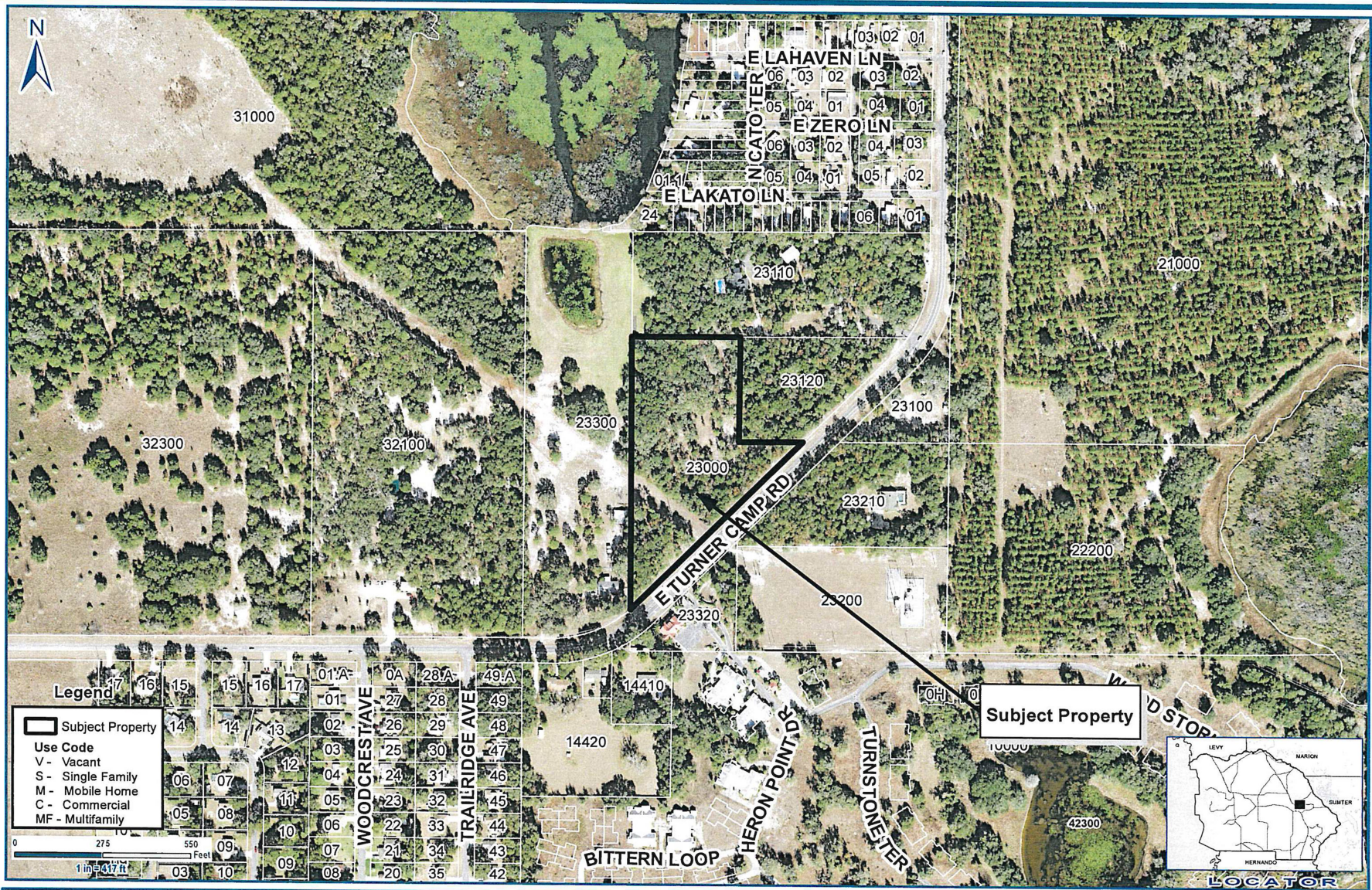






CU-21-09

Nadene Reynolds



Application #: CU-21-09		Applicant: Nadene Reynolds	
Proposal: Exceed animal schedule in CL district		Location: 6535 E. Turner Camp Rd. Inverness, 34453	
Land Use Atlas: Low Intensity Coastal and Lakes (CL)		S-T-R - 05-19-20 SE	
Planner Initials: <i>[Signature]</i>		Date: 6/14/21	

Geographic Information Systems

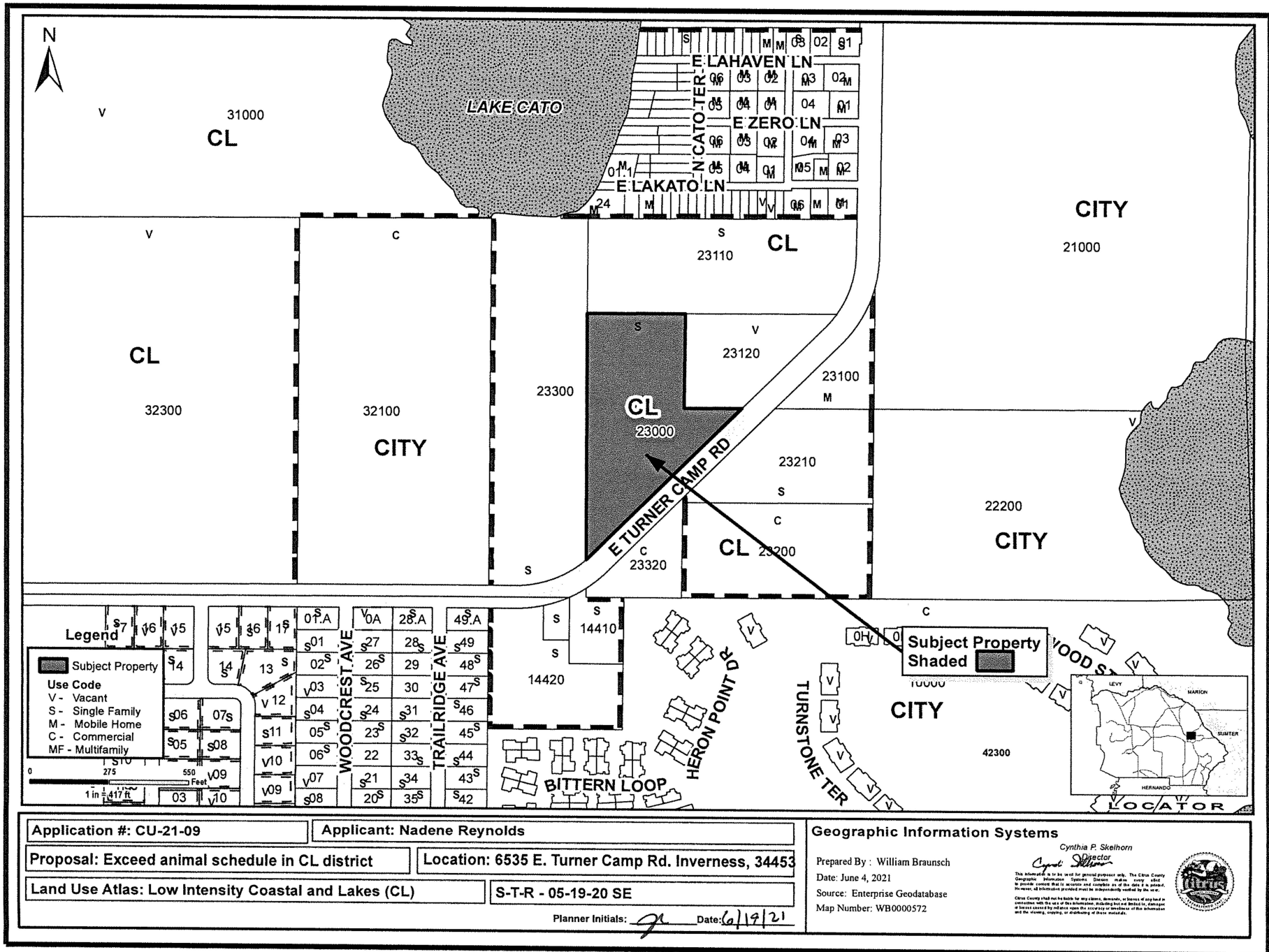
Prepared By : William Braunsch
Date: June 4, 2021
Source: Enterprise Geodatabase
Map Number: WB0000574

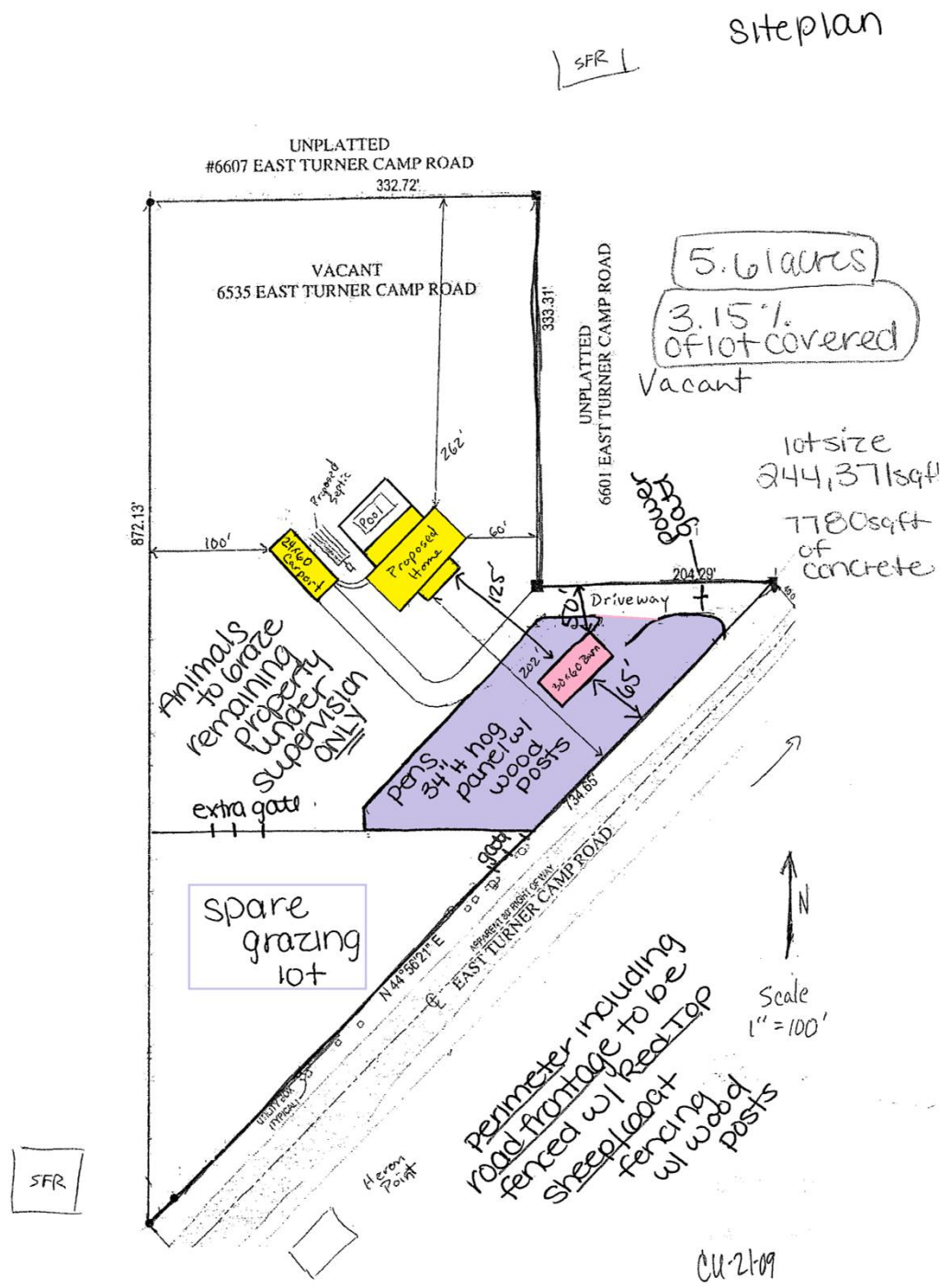
Cynthia P. Skelhorn
[Signature]
Director

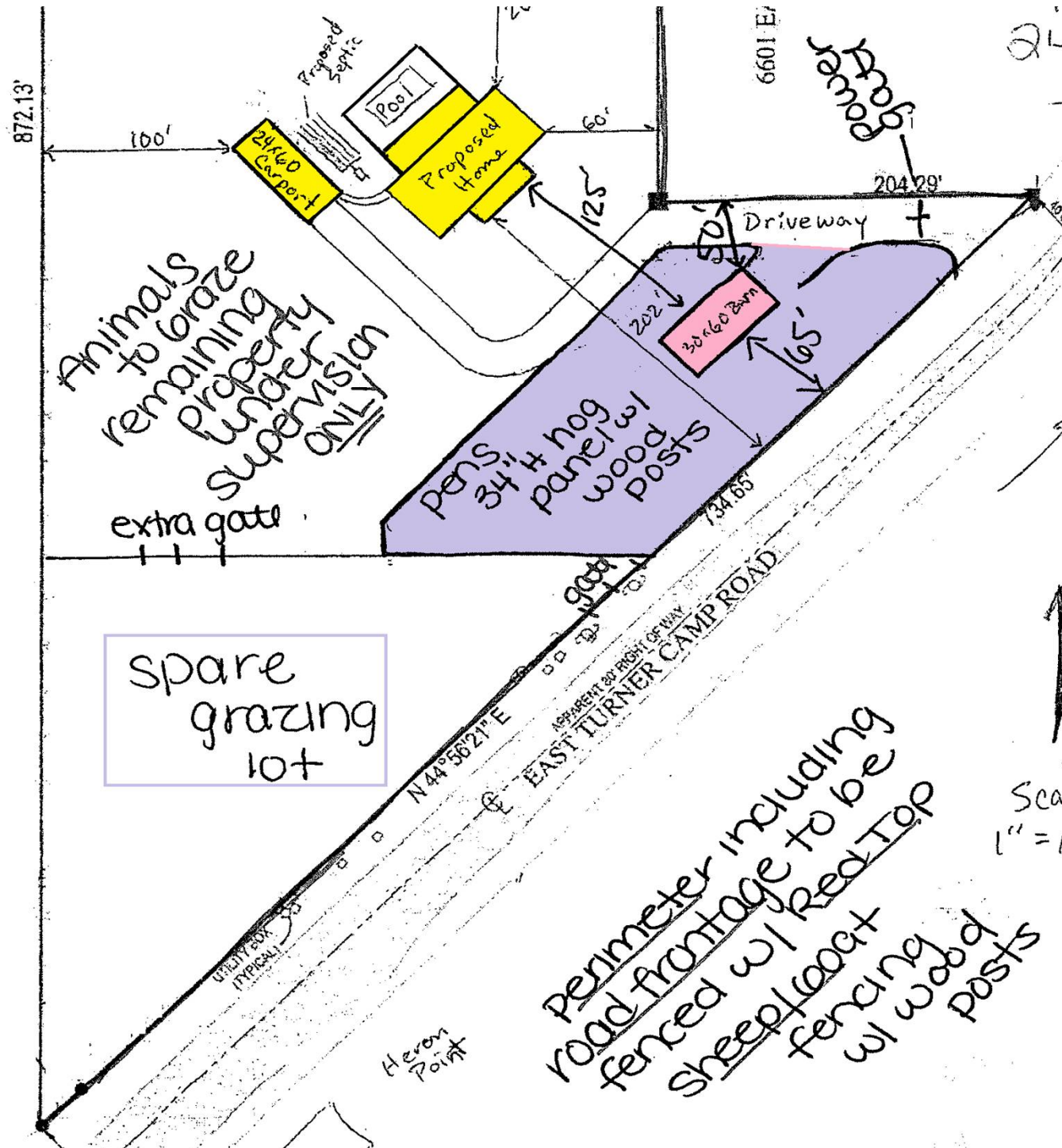
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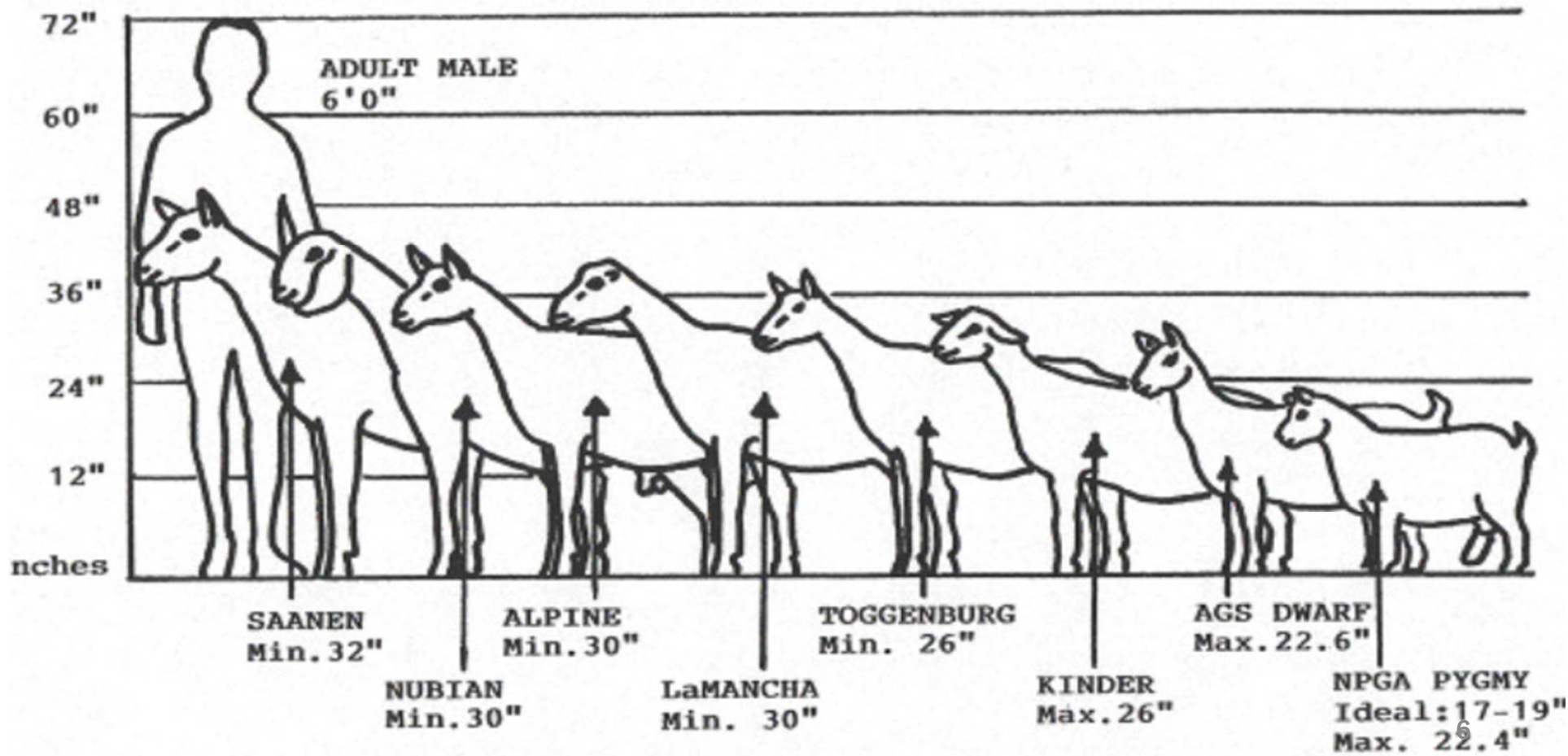


Attachment: Planner PowerPoint (17289 : CU-21-09 Nadene and Scott Reynolds)



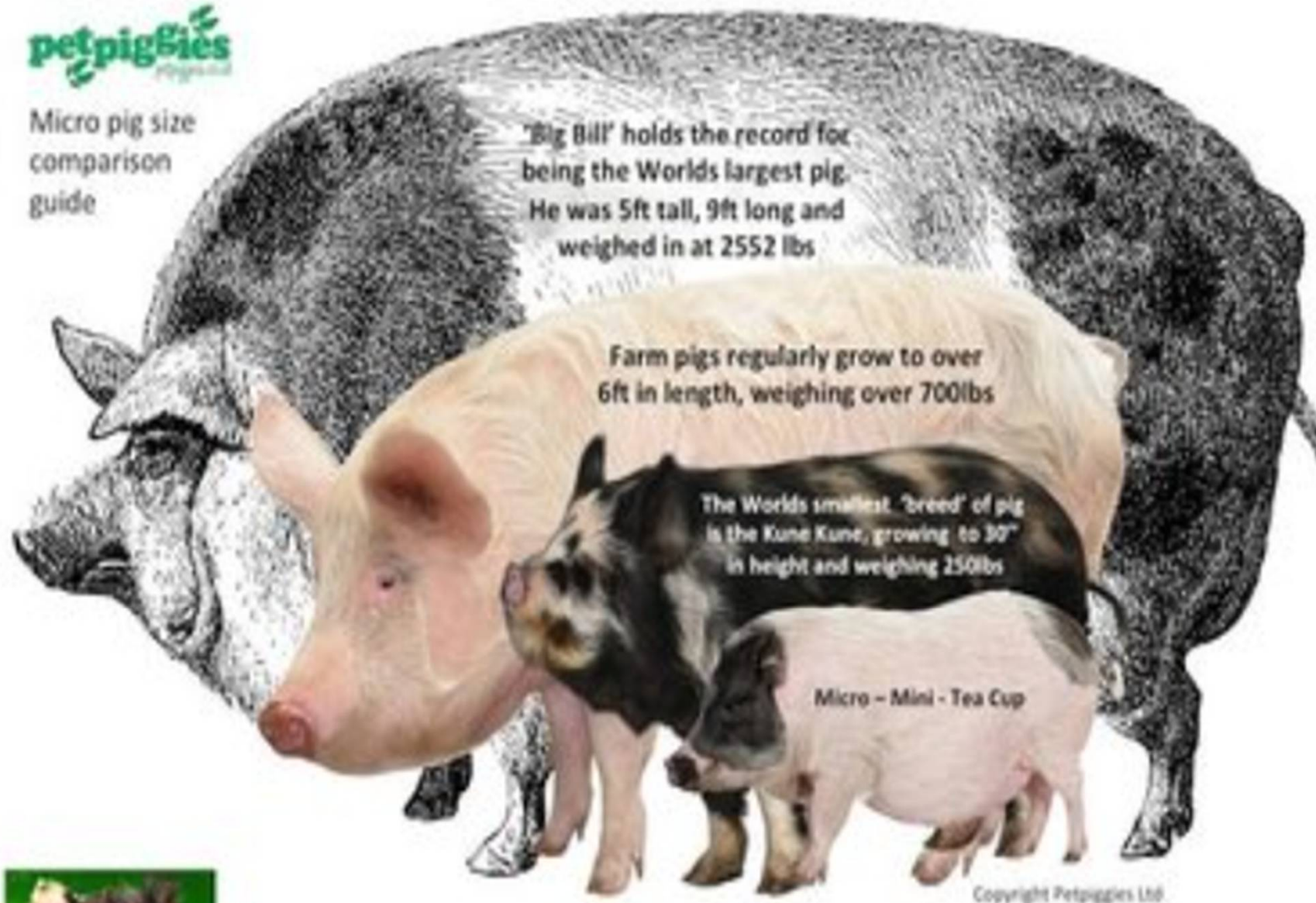


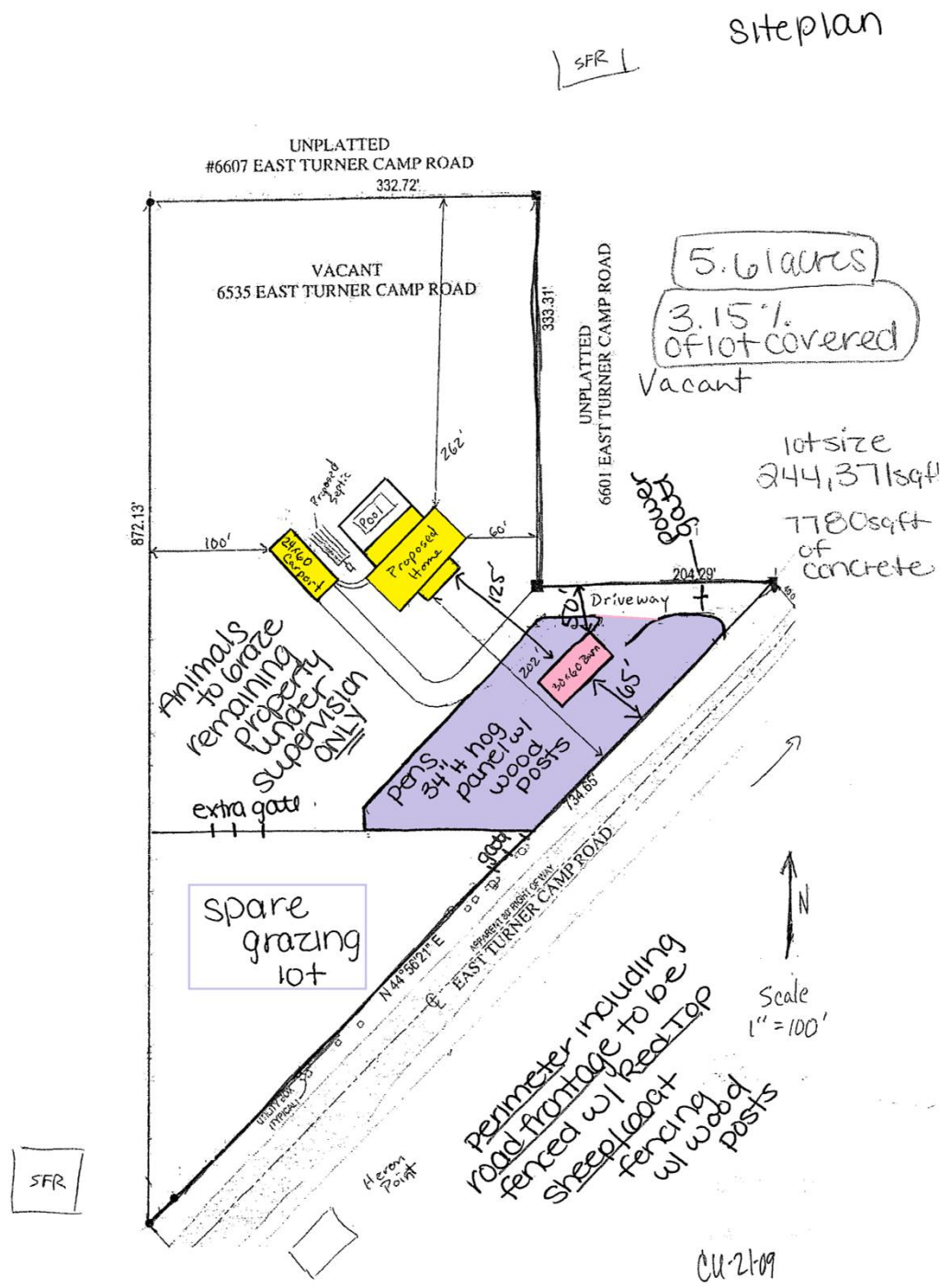






Micro pig size
comparison
guide



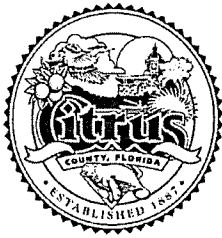




AGENDA MEMORANDUM

FROM:	Michael Sherman, AICP Growth Management Director
SUBJECT:	CPA-21-12 Private Property Rights Element (Chapter Seven)
AGENDA DATE:	September 16, 2021
<u>BRIEF OVERVIEW:</u> This application is a request to amend the Citrus County Comprehensive Plan by creating a new Private Property Rights Element (Chapter Seven), including corresponding goals, objectives and/or policies.	
<u>BUDGET IMPACT/FUNDING SOURCE:</u>	
<u>RECOMMENDED ACTION:</u> Conduct a public hearing on September 16, 2021, to review and consider CPA-21-12 - Private Property Rights Element of the Comprehensive Plan.	

PM2-21-84



**DEPARTMENT OF GROWTH MANAGEMENT
LAND DEVELOPMENT DIVISION
2021 COMPREHENSIVE PLAN AMENDMENT
STAFF FINDINGS REPORT
TO THE
PLANNING AND DEVELOPMENT COMMISSION**

APPLICATION NUMBER: CPA-21-12 Private Property Rights Element (Chapter Seven)

DATE: August 17, 2021

PREPARED BY: Joanna L. Coutu, AICP, Director; Land Development Division *JL*

OVERVIEW:

In 2021, the Florida Governor and legislature approved House Bill 59, which requires that the Comprehensive Plan include a Private Property Rights Element. The legislation notes the following:

In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making.

(Chapter 2021-195, Laws of Florida).

The bill contains suggested language and requires that the County adopt this amendment no later than the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021. For Citrus County, that would mean that it should be considered no later than the October 7, 2021, PDC agenda.

1000 Friends of Florida created a model document for this element, which contained the minimum criteria outlined in the bill. While not required, that model document also added in some public hearing criteria that is addressed in the County's quasi-judicial ordinance and/or in the Land Development Code regarding public notice so was not include in this proposed document. Staff also considered the policies proposed by a private planning consultant for Walton County, and a copy of their proposed documents as well as House Bill 59 are also included in this packet.

This application creates Chapter Seven, Private Property Rights Element, in the Comprehensive Plan, including a goal, objective and related policies as per the attached document.

JLC/cb

Attachment: Staff report (17290 : CPA-21-12 Private Property Rights Element (Chapter Seven))

ORDINANCE NO. 2021-

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE CITRUS COUNTY COMPREHENSIVE PLAN BY CREATING A NEW PRIVATE PROPERTY RIGHTS ELEMENT (CHAPTER SEVEN), INCLUDING CORRESPONDING GOALS, OBJECTIVES AND/OR POLICIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Citrus County Board of County Commissioners recognize the need to plan for orderly growth and development while protecting Citrus County's abundant natural resources, and

WHEREAS, the Board of County Commissioners adopted the Citrus County Comprehensive Plan, Ordinance No. 89-04 on April 18, 1989, and subsequent amendments, and

WHEREAS, Chapter 163, Florida Statutes provides for amendment to the Comprehensive Plan.

WHEREAS, the Florida Legislature adopted HB 59 (2021), which amended Chapter 163 to require local governments to prepare and adopt a Private Property Rights Element in the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AS FOLLOWS:

SECTION 1. SHORT TITLE

THIS ORDINANCE shall be known as, cited as, and referred to as the Citrus County Comprehensive Plan Amendment CPA-21-12, Private Property Rights Element (Chapter Seven) and shall be effective within the unincorporated areas of Citrus County, Florida.

SECTION 2. AUTHORITY

This Citrus County Comprehensive Plan Amendment CPA-21-12, creating a Private Property Rights Element of the Comprehensive Plan, is adopted pursuant to Chapter 163, Florida Statutes.

SECTION 3. CREATION OF A PRIVATE PROPERTY RIGHTS ELEMENT (CHAPTER SEVEN) OF THE COMPREHENSIVE PLAN

Revisions as presented in application CPA-21-12 and as further described in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional and all ordinances and parts of ordinances in conflict with the provisions of the ordinance are hereby repealed.

SECTION 5. INCLUSION IN THE COMPREHENSIVE PLAN

It is the intention of the Board of County Commissioners of Citrus County, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Citrus County Comprehensive Plan (Citrus County Ordinance No. 89-04). To this end, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article" "policy" or other appropriate designation.

SECTION 6. MODIFICATIONS

It is the intention of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and Filed by the Clerk to the Board pursuant to Section 7.

SECTION 7. EFFECTIVE DATE

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

DONE AND ADOPTED in regular meeting of the Board of County Commissioners of Citrus County, Florida, this ____ day of _____ 2021.

**CITRUS COUNTY, FLORIDA, A
POLITICAL SUBDIVISION OF THE
STATE OF FLORIDA**

ATTEST:

ANGELA VICK, CLERK OF COURT

BY: _____
SCOTT CARNAHAN, CHAIRMAN

**APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY ONLY**

DENISE A. DYMOND LYN,
COUNTY ATTORNEY

Attachment: Draft Ordinance (17290 : CPA-21-12 Private Property Rights Element (Chapter Seven))

EXHIBIT A

CPA-21-12

Private Property Rights Element (Chapter Seven)

Overview: This Element is created pursuant to House Bill 59 (2021) as adopted by the Florida legislature (Chapter 2021-195). The legislation notes the following:

In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. (Chapter 2021-195, Laws of Florida).

Citrus County utilizes a quasi-judicial process as codified in Sections 2-51 through 2-58, of the Citrus County Code to ensure due process for citizens and applicants during public hearings, and continues to comply with statutory public notice standards. The rights of citizens, as well as applicants, regarding these decisions are and will continue to be considered as outlined in the Land Development Code, the Comprehensive Plan, the County Code of Ordinances, and Florida Statutes.

- | | |
|-------------------|--|
| Goal #11 - | Establish and utilize a Private Property Rights Element in compliance with Florida Statutes. |
| Objective 11.1 | Ensure that private property rights are considered in local decision-making, comply with Florida Statutes. |
| Policy 11.1.1 | The County will consider the right of a property owner to physically possess and control his or her interests in the property, including easements, leases or mineral rights. |
| Policy 11.1.2 | The County will consider the rights of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances including, but not limited to, this Comprehensive Plan, Land Development Code, and Code of Ordinances, as amended. |
| Policy 11.1.3 | The County will consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property in accordance with Florida law. |

Policy 11.1.4

The County will consider the right of a property owner to dispose of his or her property through sale or gift.

CHAPTER 2021-195

Committee Substitute for Committee Substitute for
Committee Substitute for House Bill No. 59

An act relating to growth management; amending s. 163.3167, F.S.; specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; amending s. 163.3177, F.S.; requiring local governments to include a property rights element in their comprehensive plans; providing a statement of rights which a local government may use; requiring a local government to adopt a property rights element by the earlier of its adoption of its next proposed plan amendment initiated after a certain date or the next scheduled evaluation and appraisal of its comprehensive plan; prohibiting a local government's property rights element from conflicting with the statement of rights contained in the act; amending s. 163.3237, F.S.; providing that the consent of certain property owners is not required for development agreement changes under certain circumstances; providing an exception; amending s. 337.25, F.S.; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances; providing requirements and procedures for the right of first refusal; amending s. 380.06, F.S.; authorizing certain developments of regional impact agreements to be amended under certain circumstances; providing retroactive applicability; providing a declaration of important state interest; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(3) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan is controlling until the municipality adopts a comprehensive plan in accordance with this act. A comprehensive plan for a newly incorporated municipality which becomes effective adopted after January 1, 2016 2019, and all land development regulations adopted to implement the comprehensive plan must incorporate each development order existing before the comprehensive plan's effective date, may not impair the completion of a development in accordance with such existing development order, and must vest the density and intensity approved by such development order existing on the effective date of the comprehensive plan without limitation or modification.

Section 2. Paragraph (i) is added to subsection (6) of section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(i)1. In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decisionmaking:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

Section 3. Section 163.3237, Florida Statutes, is amended to read:

163.3237 Amendment or cancellation of a development agreement.—A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest. A party or its designated successor in interest to a development agreement and a local government may amend or cancel a development agreement without securing the consent of other parcel owners whose property was originally subject to the development agreement, unless the amendment or

cancellation directly modifies the allowable uses or entitlements of such owners' property.

Section 4. Subsection (4) of section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.

(4) The department may convey, in the name of the state, any land, building, or other property, real or personal, which was acquired under subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility. When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due advertisement for property valued by the department at greater than \$10,000. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)-(d). The department may afford a right of first refusal to the local government or other political subdivision in the jurisdiction in which the parcel is situated, except in a conveyance transacted under paragraph (a), paragraph (c), or paragraph (e). Notwithstanding any provision of this section to the contrary, before any conveyance under this subsection may be made, except a conveyance under paragraph (a) or paragraph (c), the department shall first afford a right of first refusal to the previous property owner for the department's current estimate of value of the property. The right of first refusal must be made in writing and sent to the previous owner via certified mail or hand delivery, effective upon receipt. The right of first refusal must provide the previous owner with a minimum of 30 days to exercise the right in writing and must be sent to the originator of the offer by certified mail or hand delivery, effective upon dispatch. If the previous owner exercises his or her right of first refusal, the previous owner has a minimum of 90 days to close on the property. The right of first refusal set forth in this subsection may not be required for the disposal of property acquired more than 10 years before the date of disposition by the department.

(a) If the property has been donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.

(b) If the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.

(c) If the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement

housing. As compensation, the state shall receive at least its investment in such property or the department's current estimate of value, whichever is lower. It is expressly intended that this benefit be extended only to persons actually displaced by the project. Dispositions to any other person must be for at least the department's current estimate of value.

(d) If the department determines that the property requires significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 10 years to offset the property's value in establishing a value for disposal of the property, even if that value is zero.

(e) If, at the discretion of the department, a sale to a person other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for the department's current estimate of value.

Section 5. Paragraph (d) of subsection (4) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(4) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

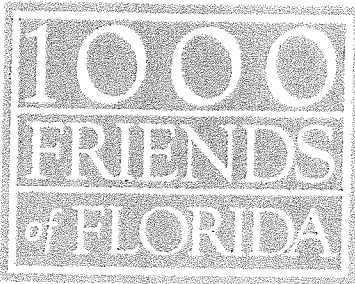
(d) Any agreement entered into by the state land planning agency, the developer, and the local government with respect to an approved development of regional impact previously classified as essentially built out, or any other official determination that an approved development of regional impact is essentially built out, remains valid unless it expired on or before April 6, 2018, and may be amended pursuant to the processes adopted by the local government for amending development orders. Any such agreement or amendment may authorize the developer to exchange approved land uses, subject to demonstrating that the exchange will not increase impacts to public facilities. This paragraph applies to all such agreements and amendments effective on or after April 6, 2018.

Section 6. The Legislature finds and declares that this act fulfills an important state interest.

Section 7. This act shall take effect July 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.

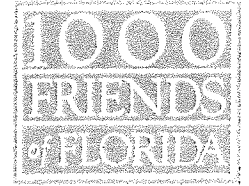


Model Property Rights Element

Developed in Compliance
with the Requirements of
Fla. Stat. § 163.3177 (6)(i)1
(2021)

July 20, 2021

building better communities · saving special places



Dear Florida local government leader,

This summer, Florida amended the Community Planning Act to require every city and county “to include in its comprehensive plan a property rights element.” FLA. STAT. § 163.3177(6)(i)1. (2021). Your city or county must adopt this new element “by the earlier of the date of its adoption its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan.” FLA. STAT. § 163.3177(6)(i)2. (2021).

1000 Friends of Florida believes that open and transparent decision-making is the best protection for property rights. We have long advocated for the rights of all people to contribute to local government planning. Engaged citizens improve their neighborhoods. Our quality of life is enhanced, our environment is protected and our communities are strengthened when local government planning respects the rights of everyone. Public participation leads to more thoughtful and enduring planning, and builds more public support for plans.

We have authored the enclosed model property rights element for Florida comprehensive plans in collaboration with faculty at the University of Florida so that you can underscore your commitment to property rights and public participation. This model property rights element meets the applicable standards of the Community Planning Act. But it does more. With this element, your city or county can affirm its support for the rights of all people to participate in the planning decisions you make that affect their lives and property.

If you have further questions about this proposed element, please contact 1000 Friends of Florida Policy & Planning Director Jane West at jwest@1000fof.org or 904-671-4008. A downloadable version of this document is available at www.1000fof.org/property-rights.

Sincerely,

Paul Owens

Paul Owens, President



Model Property Rights Element

Adoption Guide

We all rely on local government plans in different ways.

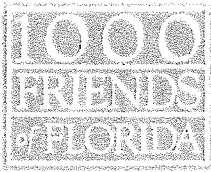
- *Residents* of any community have chosen to live there—and often have bought a home, the most significant financial decision many people make—because of things local governments address, like the condition of streets and parks, the proximity to daily needs, and community safety.
- *Businesses* locate in a community for its resources. They care about human assets, like customers and workers. And they care about physical assets like public infrastructure and the environment. From farmers to tech companies, businesses rely on local government plans so they can count on these resources being available.
- Finally, *real estate investors* study local government rules so they can make financial plans and accurately evaluate investment opportunities. For investments in real estate to have low risk, local governments need to protect and improve the quality of a community over time.

Land values reflect how desirable a community is in many ways. Regulating land use and protecting property rights are not conflicting goals. Rather, local government rules generally create value in property and bring stability to real estate markets. Rules that benefit the public also protect property rights.

Still, *a local government's process for regulating land* greatly impacts real estate markets and property rights. Transparency, predictability, and reliability are three strategies for implementing land use rules in a way that benefits people and respects property rights.

- *Transparency* means people can see and participate in processes for developing rules.
- *Predictability* means a local government follows rules that are clear and unambiguous. Real estate investors should be able to read rules and know whether local government will permit a development proposal. Residents should be able to read rules and then know what kind of development will occur in their community.
- *Reliability* means a local government follows through on its commitments. Cities and counties should make realistic plans and should follow them. And local governments should only change their plans after thorough consideration leads to strong support. When a government is reliable, people can make long-term investments in the community—one key to a successful local economy.

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Model Property Rights Element

Adoption Guide *continued*

The property rights element

The property rights element attached includes three objectives addressing property rights.

- **Objective 1** identifies specific property rights and states that local government will respect them.
- **Objective 2** identifies the rights of people to participate in decisions that affect their lives and property. The objective provides standards for local government decisions to be *transparent* in respect for this right.
- **Objective 3** provides standards for local government decision-making to be *reliable* and *predictable* to promote sound, long-term investments in a community.

The following paragraphs explain each of these objectives, and their policies, in more detail.

Objective 1—Respect property rights

Florida Statutes provide the language of objective 1 and of policies 1.1 through 1.4 as possible language local governments can adopt to meet the statutory requirement to have a property rights element. See Fla. Stat. § 163.3177(6)(i) (2021). Adopting objective 1 alone would meet the minimum statutory standard of having a property rights element in a comprehensive plan.

Objective 2—Transparency

Florida law recognizes the due process rights of people who are parties to many local government land use decisions. See *Brevard Cnty. v. Snyder*, 627 So. 2d 469 (Fla. 1993) and *Jennings v. Dade Cnty.*, 589 So. 2d 1337 (Fla. 3d DCA 1991). Due process rights are rights to have government make decisions in a certain way when those decisions affect other rights, like the right to property.

Courts have recognized due process rights in Florida land use hearings including the right to receive notice, the right to be heard, the right to present or rebut evidence, and the right to be informed of all facts on which a local government bases its decision. *Jennings* at 1340. Objective 2 includes four policies that clearly identify what decisions a local government will make in a hearing, who will get to participate in that hearing, and what process the local government will use to protect the rights of participants.

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Model Property Rights Element

Adoption Guide *continued*

State law does not require a local government to adopt objective 2 and a local government could adopt this property rights element with or without objective 2 and its comprehensive plan could still comply with state law. Adopting objective 2, however, establishes clear standards to make planning and development decisions more *transparent*.

Here are summaries of and notes on each of the four policies in objective 2.

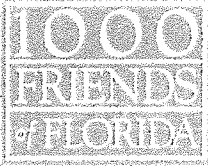
- **Policy 2.1** identifies those decisions a local government will make according to objective 2. The decisions are: comprehensive plan amendments, rezonings, and development approvals of a certain size or requiring a variance or an exception. A variance is permission to not follow land use rules a government may grant when following those rules would create a hardship. *Josephson v. Autrey*, 96 So. 2d 784 (Fla. 1957). An exception is permission to not follow a general land use rule when a development proposal meets certain predetermined standards. 7 Fla. Jur. 2d *Building, Zoning, and Land Controls* § 245 (2020).

The threshold sizes that Policy 2.1 provides for development to be subject to objective 2 should vary depending on the needs of each city or county. Policy 2.1 presents these thresholds in brackets so a local government can easily identify them and change them to match local needs.

- Policy 2.2 includes two subparagraphs. Subparagraph A identifies who may participate in a hearing. Subparagraph A calls a person who may participate an “affected person.” The explanation of who is an affected person generally follows the definition of “aggrieved or adversely affected party” in the Community Planning Act. FLA. STAT. § 163.3215(2). The explanation of who is an affected person also includes associations representing the interests of their members. This inclusion of associations generally follows the Florida Supreme Court standard for associational standing. *Fla. Home Builders Ass’n v. Dep’t of Lab. & Emp. Sec.*, 412 So. 2d 351, 353-54 (Fla. 1982).

Subparagraph B identifies some of the procedural due process rights that Florida courts have recognized parties to some land use hearings have. See *Jennings v. Dade Cnty.*, 589 So. 2d 1337, 1340 (Fla. 3d DCA 1991).

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Model Property Rights Element

Adoption Guide *continued*

- **Policy 2.3** requires a local government to mail notice of hearings when those hearings relate to a specific property.

Policy 2.3 sets a threshold distance from the specific property that the local government will use to identify the residents and property owners to whom the local government will mail notice. This threshold distance should vary depending on the needs of each city or county that adopts the property rights element. Policy 2.3 presents this threshold in brackets so a local government can easily identify it and change it to match local needs.

- **Policy 2.4** requires an applicant to hold a public pre-application meeting. State law does not require public pre-application meetings for planning and development decisions. However, informing the public early about planned changes to their community is a best practice that many recognize.

For example, the 1000 Friends of Florida Citizen Planning Bill of Rights calls for applicants to “conduct workshops with citizens to identify all issues of concern prior to any public hearing.” Citizen Planning Bill of Rights, 1000 Friends of Florida, 1000fof.org/citizens/bill/ (last visited July 11, 2021).

Also, the American Institute of Certified Planners requires planners to “provide timely, adequate, clear, and accurate information on planning issues to all affected persons” and to “give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them.” AICP Code of Ethics and Professional Conduct, American Institute of Certified Planners (April 1, 2016).

Policy 2.4 sets a threshold distance from the specific property that the applicant will use to identify the residents and property owners the applicant will invite to the public pre-application meeting. This threshold distance should vary depending on the needs of each community that adopts the property rights element. Policy 2.4 presents this threshold in brackets so a local government can easily identify it and change it to match local needs.

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Model Property Rights Element

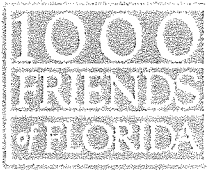
Adoption Guide *continued*

Objective 3

Objective 3 includes three policies that provide special procedural standards for certain local government decisions. State law does not require a local government to adopt objective 3 and a local government could adopt this property rights element with or without objective 3 and its comprehensive plan could still comply with state law. Adopting objective 3, however, establishes clear standards to make planning and development decisions more *predictable* and *reliable*. The 1000 Friends of Florida Citizen Planning Bill of Rights recommends the standards included in objective 3.

Here are summaries of and notes on each for the three policies in objective 3.

- **Policy 3.1** identifies those decisions a local government will make according to objective 3. The decisions are comprehensive plan amendments and rezonings.
- **Policy 3.2** requires a local government to make some decisions by a majority-plus-one vote. The 1000 Friends of Florida Citizen Planning Bill of Rights says, "In order to protect the integrity of the comprehensive plan, a 'super majority' vote should be required for proposed changes that directly affect the community's unique sense of place. ... Changes to such important policies should have the highest level of support and require the consent of more than a simple majority of elected officials." Citizen Planning Bill of Rights, 1000 Friends of Florida, 1000fof.org/citizens/bill/ (last visited July 11, 2021).
- **Policy 3.3** requires a local government to make some decisions only after the proposed decision, and information supporting it, have been available to the public for ten days. The 1000 Friends of Florida Citizen Planning Bill of Rights says publishing information regarding important decisions well before a hearing "allows citizens, commissioners, and others to fairly evaluate the document with data and analysis and not be subject to an endless 'shell game' of last-minute changes." *Id.*



Model Property Rights Element

Model Element

Ordinance No. < Ordinance Number >
 An Ordinance Of The <Local Government Name >
 Amending the Comprehensive Plan by Adding a
 New Property Rights Element.

WHEREAS, Section 163.3167, Florida Statutes, requires <local government name> to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, Section 163.3177(6)(i)1., Florida Statutes, requires the <local government name> comprehensive plan to include a property rights element; and

WHEREAS, <local government name> respects judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, <local government name> respects the rights of all people to participate in land use planning processes; and

WHEREAS, this ordinance will amend the comprehensive plan by adding a property rights element;

NOW, THEREFORE, BE IT ORDAINED BY THE <GOVERNING BODY NAME>:

SECTION 1. The <local government name> comprehensive plan is amended by adding the property rights element attached as EXHIBIT A and made a part of this ordinance as if set forth in full.

PASSED AND ADOPTED this _____ day of _____, _____.

 <Appropriate official name and title>

Attest:

 <Appropriate official name and title>

Approved as to form and legality:

 <Appropriate official name and title>

This ordinance passed on transmittal (first) reading this _____ day of _____, _____.

This ordinance passed on adoption (second) this _____ day of _____, _____.



Model Property Rights Element

Exhibit A

Goal <Local government name> will making planning and development decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1 < Local government name> will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1 < Local government name> will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.2 < Local government name> will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 1.3 < Local government name> will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

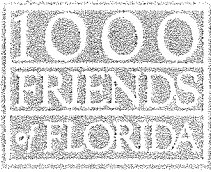
Policy 1.4 < Local government name> will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

Objective 2 People have the right to participate in planning and development decisions that affect their lives and property. <Local government name> decision-making will be transparent so that all people may participate in decisions that affect their lives and property. Policies 2.1 through 2.4 provide minimum standards for some planning and development decisions. Land development regulations may provide for additional processes and standards.

Policy 2.1 Decisions for which <local government name> must follow policies 2.2 through 2.4. <Local government name> must follow the procedures in policies 2.2 through 2.4 when <local government name>: amends this comprehensive plan; changes the zoning designation of property; or approves a development order for more than [9] residential dwelling units, for more than [9,999] square feet of non-residential development, governing more than [5] acres of land, requiring a variance, or requiring an exception.

Policy 2.2 Public hearing necessary. A decision policy 2.1 identifies must occur in a public hearing meeting the standards of this policy.

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Model Property Rights Element

Exhibit A *continued*

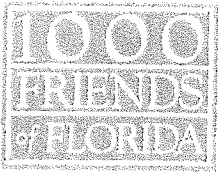
A. Any affected person may participate. <Local government name> recognizes that planning and development decisions affect complex systems and have impacts that occur beyond the site of development. Any affected person may participate in and be a party to a hearing on a decision this policy governs. An affected person is any person or local government that will suffer an adverse effect to an interest protected or furthered by this comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large. An owner, developer, or applicant for a development order is an affected person. An association representing the interest of one or more members when the interest is within the association's general scope of interest and activity is an affected person.

B. An affected person's right to be heard. <Local government name> recognizes that it should make planning and development decisions in response to true and accurate information. In all decisions this policy governs, <local government name> will provide every affected person an equal opportunity to be heard, to present and rebut evidence, and to be informed of all information on which <local government name> bases its decision. <Local government name> will not grant any affected person a greater opportunity to be heard than another affected person. For example, no affected person, including an applicant for a development order, may present in a hearing for more time than <local government name> makes available to any other affected person.

Policy 2.3 <Local government name> must mail notice. <Local government name> recognizes that a person cannot participate in decisions about which they are unaware. In addition to providing notice as other laws require, when <local government name> makes a decision policy 2.1 identifies that relates to a piece or to pieces of real property that <local government name> can specifically identify, <local government name> will, at least 30 days before the hearing, mail notice of the hearing to the owners of real property and to residents within [1,320] feet of the real property to which the decision relates.

Policy 2.4 Public pre-application meeting. <Local government name> recognizes that planning and development decisions raise issues which <local government name> may not be capable of adequately addressing in a single hearing and that <local government name> will make the best decisions when every affected person has the opportunity to participate early and throughout the decision-making process. The applicant for a decision policy 2.1 identifies (or <local government name> if <local government name> initiates the decision-making process) must hold a public

continued on next page



Model Property Rights Element

Exhibit A *continued*

pre-application meeting prior to applying for or initiating the decision-making process. The party holding the meeting must request, at least 30 days before the meeting, that <local government name> provide notice of the meeting in the normal manner that <local government name> provides notice of public meetings and <local government name> will comply with this request. In addition, if a proposal relates to a piece or to pieces of real property that the party holding the meeting can specifically identify, then the party holding the meeting must, at least 30 days before the meeting, mail notice of the meeting to residents and to owners of real property within [1,320] feet of the real property to which the proposal relates. In the meeting, the party holding the meeting must: present its proposal, provide time for all people attending to ask questions and share their perspectives, and record notes which it will provide to <local government name> and which <local government name> will make a part of the record related to its decision on the proposal.

Objective 3 People rely on this comprehensive plan and on the zoning designations of properties when deciding how to use property. <Local government name> decision-making will be reliable and predictable to promote sound, long-term investments in the community. Policies 3.1 through 3.3 provide minimum standards for some planning and development decisions. Land development regulations may provide for additional processes and standards.

Policy 3.1 Decisions for which <local government name> must follow policies 3.2 and 3.3. <Local government name> must follow the procedures in policies 3.2 and 3.3 when <local government name> amends this comprehensive plan or changes the zoning designation of property.

Policy 3.2 Majority-plus-one vote required. <Local government name> may only make a decision policy 3.1 identifies by the affirmative vote of a majority plus one of the <local government governing body name (e.g. city commission or county commission)>.

Policy 3.3 Right to evaluate proposed decisions. <Local government name> respects the right of people, including elected officials, to fairly evaluate proposed decisions this objective governs. The <local government governing body name> may only make a decision policy 3.1 identifies ten or more days after <local government name> has made available to the public the specific decision the <local government governing body name> will consider and the written record which will support the <local government governing body name> decision. If <local government name (e.g. city commission or county commission)> adds information to the written record, or if the <local government governing body name> revises a proposed decision within ten days of a planned public hearing, the <local government governing body name> must postpone its decision until enough time has passed to satisfy this policy.

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Walton County
Board of County Commissioners
AGENDA ITEM REPORT

21-1082

Meeting: Board of County Commissioners - Jul 13 2021
Department: Planning Department
Submitted by: Karen Owens
Staff Contact: Kristen Shell, Asst. Director

☐ Consent Agenda ☒ Regular Agenda ☐ Public Hearing

TITLE/REQUESTED ACTION:

Request approval for staff to bring forward legislation creating a Private Property Rights Element within the Walton County Comprehensive Plan in compliance with a recent mandate imposed by the Florida Legislature

PURPOSE / SUMMARY EXPLANATION OR HISTORY:

House Bill 59, which became law on June 29, 2021, adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021, each local government is now required to adopt a property rights element into its comprehensive plan. This new element must be adopted by the earlier of the date of its adoption of its next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes. For Walton County this must be the adoption of the next proposed Plan amendment which is scheduled for August 26, 2021 transmittal hearing.

Any proposed comprehensive plan amendment package submitted after July 1, 2021, will be returned to the local government if the package does not include a property rights element or if the comprehensive plan does not already include the required property rights element.

The proposed amendment will tentatively be heard by the Planning Commission on August 12, 2021 and a tentative Board of County Commissioners transmittal hearing date has been set for August 26, 2021.

ATTACHMENTS:

h0059e.SAC
Property Rights Element 2021

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 59 Growth Management

SPONSOR(S): State Affairs Committee, Civil Justice & Property Rights Subcommittee, Local Administration & Veterans Affairs Subcommittee, McClain and others

TIED BILLS: IDEN./SIM. BILLS: CS/SB 496

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	12 Y, 6 N, As CS	Darden	Miller
2) Civil Justice & Property Rights Subcommittee	12 Y, 6 N, As CS	Mawn	Jones
3) State Affairs Committee	20 Y, 3 N, As CS	Darden	Williamson

SUMMARY ANALYSIS

To manage growth in Florida, certain statutory procedures and requirements have been put in place for state agencies and local governments to follow and enforce.

The bill makes the following changes to growth management regulations:

- Requires the comprehensive plan for a newly incorporated municipality that becomes effective after January 1, 2016, to incorporate all development orders existing before the plan's effective date, not to impair the completion of development in accordance with existing development orders, and to vest the density and intensity approved by the development orders existing before the plan's effective date without limitation or modification;
- Requires local governments to include a private property rights element in their comprehensive plans by specified dates and provides a model statement of rights that local governments may adopt;
- Allows the parties to a development agreement to amend or cancel the agreement without the consent of other property owners whose property was originally subject to the agreement, unless the amendment or cancellation would directly modify the allowable uses or entitlements of such owners' property;
- Specifies that development agreements for certain developments of regional impact may be amended using the processes adopted by local governments for amending development orders and specifies that such amendment may authorize the developer to exchange approved land uses under certain conditions; and
- Requires the Florida Department of Transportation, when selling property, to provide a right of first refusal to the property's prior owner and provides a process for implementing this right of first refusal.

The bill provides a declaration that the act fulfills an important state interest.

The bill does not have a fiscal impact on state government but may have an insignificant negative fiscal impact on local governments.

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FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Local Comprehensive PlansBackground*Private Property Rights*

The "Bert Harris Jr., Private Property Rights Protection Act" (Harris Act) entitles private property owners to relief when a specific action of a governmental entity inordinately burdens the owner's existing use, or a vested right to a specific use, of real property.¹ The Harris Act recognizes that the inordinate burden, restriction, or limitation on private property rights as applied may fall short of a taking under the Florida Constitution or the United States Constitution and establishes a separate and distinct cause of action for relief, or payment of compensation, when a new law, rule, or ordinance of the state or a political entity in the state unfairly affects real property.² The Harris Act applies generally to state and local governments but not to the U.S. government, federal agencies, or state or local government entities exercising formally delegated federal powers.³

An owner may also seek relief when a state or local governmental entity imposes a condition on the proposed use of the real property that amounts to a prohibited exaction.⁴ A prohibited exaction occurs when an imposed condition lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use that the governmental entity seeks to avoid, minimize, or mitigate.⁵

The "Florida Land Use and Environmental Dispute Resolution Act" provides a non-judicial alternative dispute resolution process for a property owner to request relief from a government entity's development order or enforcement action when the order or action is unreasonable or unfairly burdens the use of the owner's real property.⁶ Parties in pending judicial proceedings may agree to use this process, if the court approves.⁷

State and Local Comprehensive Plans

Laws protecting private property rights are balanced against the state's need to effectively and efficiently plan, coordinate, and deliver government services amid the state's continued growth and development.⁸ The State Comprehensive Plan provides long-range policy guidance for the orderly management of state growth,⁹ which must be consistent with the protection of private property rights.¹⁰ Local governments are required to adopt local comprehensive plans to manage the future growth of their communities.¹¹

First adopted in 1975¹² and extensively expanded in 1985,¹³ Florida's comprehensive land planning laws were significantly revised in 2011, becoming the Community Planning Act (CPA).¹⁴ The CPA

¹ S. 70.001(2), F.S.

² S. 70.001(1), F.S.

³ S. 70.001(3)(c), F.S.

⁴ S. 70.45(2), F.S.

⁵ S. 70.45(1)(c), F.S.

⁶ S. 70.51, F.S.

⁷ S. 70.51(29), F.S.

⁸ See s. 186.002(1)(b), F.S.

⁹ S. 187.101(1), F.S.

¹⁰ S. 187.101(3), F.S. The plan's goals and policies must also be reasonably applied where they are economically and environmentally feasible and not contrary to the public interest.

¹¹ S. 163.3167(2), F.S.

¹² See ch. 75-257, Laws of Fla.

¹³ See ch. 85-55, Laws of Fla.

¹⁴ See ch. 2011-139, s. 17, Laws of Fla.

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directs how local governments create and adopt their local comprehensive plans. The CPA requires that all governmental entities in the state recognize and respect judicially acknowledged or constitutionally protected private property rights and exercise their authority without unduly restricting private property rights, leaving property owners free from actions by others that would harm their property or constitute an inordinate burden on property rights under the Harris Act.¹⁵

Local Comprehensive Plan Elements

Local comprehensive plans must include principles, guidelines, standards, and strategies for orderly and balanced future land development. A plan must reflect community commitments to implement the plan¹⁶ and identify procedures for monitoring, evaluating, and appraising its implementation.¹⁷ A plan may include optional elements,¹⁸ but must include the following elements:

- Capital improvements;¹⁹
- Future land use plan;²⁰
- Intergovernmental coordination;²¹
- Conservation;²²
- Transportation;²³
- Sanitary sewer, solid waste, drainage, potable water, and aquifer recharge;²⁴
- Recreation and open space;²⁵
- Housing;²⁶ and
- Coastal management (for coastal local governments).²⁷

Counties and municipalities may employ individual comprehensive plans or joint plans (if both entities agree such a plan would align with their common interests).²⁸ A county plan controls in a municipality until a municipal comprehensive plan is adopted.²⁹ New municipalities must adopt a comprehensive plan within three years after the date of incorporation.³⁰

Amendments to a Local Comprehensive Plan

Local governments must review and amend their comprehensive plans at least once every seven years to reflect any changes in state requirements.³¹ Conforming amendments to the comprehensive plan must be made within one year of the determination that an amendment is necessary.³² A local government is not required to review its comprehensive plan before its regular review period unless the law specifically requires otherwise.³³

Generally, a local government amending its comprehensive plan must follow an expedited state review process.³⁴ Certain plan amendments, including amendments required to reflect a change in state requirements, must follow the state coordinated review process for the adoption of comprehensive

¹⁵ S. 163.3161(10), F.S.

¹⁶ S. 163.3177(1), F.S.

¹⁷ S. 163.3177(1)(d), F.S.

¹⁸ S. 163.3177(1)(a), F.S.

¹⁹ S. 163.3177(3)(a), F.S. The local government must annually review the capital improvements element.

²⁰ S. 163.3177(6)(a), F.S.

²¹ S. 163.3177(6)(h), F.S.

²² S. 163.3177(6)(d), F.S.

²³ S. 163.3177(6)(b), F.S.

²⁴ S. 163.3177(6)(c), F.S.

²⁵ S. 163.3177(6)(e), F.S.

²⁶ S. 163.3177(6)(f), F.S.

²⁷ S. 163.3177(6)(g), F.S.

²⁸ S. 163.3167(1), F.S.

²⁹ S. 163.3167(3), F.S.

³⁰ *Id.*

³¹ S. 163.3191(1), F.S.

³² S. 163.3191(2), F.S.

³³ S. 163.3161(12), F.S.

³⁴ S. 163.3184(3)(a), F.S.

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plans.³⁵ Under this review process, the state land planning agency is responsible for plan review, coordination, and preparing and transmitting comments to the local government.³⁶ The Department of Economic Opportunity (DEO) is designated as the state land planning agency.³⁷

Under the state coordinated review process, a local government must hold a properly noticed public hearing about the proposed amendment before sending it for comment from several reviewing agencies, including DEO, the Department of Environmental Protection, the appropriate regional planning council, and the Department of State.³⁸ Local governments and government agencies within the state filing a written request with the governing body are also entitled to copies of the amendment.³⁹ Comments on the proposed plan amendment must be received within 30 days after its receipt by DEO.⁴⁰

DEO must provide a written report within 60 days of receiving the proposed plan amendment if it elects to review the amendment.⁴¹ The report must state the agency's objections, recommendations, and comments with certain specificity and must be based on written, not oral, comments.⁴² Within 180 days of receiving the report from DEO, the local government must review the report and any written comments and hold a second properly noticed public hearing on the adoption of the amendment.⁴³ Adopted plan amendments must be sent to DEO and any agency or government that provided timely comments within 10 working days after the hearing.⁴⁴

After receiving the adopted plan amendment and finding it complete, DEO has 45 days to determine if the amendment complies with the law and to issue on its website a notice of intent stating its determination.⁴⁵ A compliance review is limited to the findings identified in DEO's original report unless the adopted amendment is substantially different from the reviewed amendment.⁴⁶ Unless challenged, a local comprehensive plan amendment takes effect pursuant to the notice of intent.⁴⁷ If there is a timely filed challenge, the plan amendment will not take effect until DEO or the Administration Commission enters a final order determining the adopted amendment complies with the law.⁴⁸

Requirements for Local Land Development Regulations and Comprehensive Plans

Section 163.3202(2), F.S., outlines the minimum provisions that counties and municipalities must include in their local government land development regulations, including provisions:

- Regulating the subdivision of land;
- Regulating the use of land and water;
- Providing for protection of potable water wellfields;
- Regulating areas subject to seasonal and periodic flooding and providing for drainage and stormwater management;
- Ensuring the protection of environmentally sensitive lands designated in the comprehensive plan;
- Regulating signage;
- Addressing concurrency;
- Ensuring safe and convenient onsite traffic flow; and
- Maintaining the existing density of residential properties or recreational vehicle parks.

³⁵ S. 163.3184(2)(c), F.S.

³⁶ S. 163.3184(4)(a), F.S.

³⁷ S. 163.3164(44), F.S.

³⁸ S. 163.3184(4)(b), (c), and (11)(b)1., F.S.

³⁹ S. 163.3184(4)(b), F.S.

⁴⁰ S. 163.3184(4)(c), F.S.

⁴¹ S. 163.3184(4)(d)1., F.S.

⁴² S. 163.3184(4)(d)1., F.S. All written communication the agency received or generated regarding a proposed amendment must be identified with enough information to allow for copies of documents to be requested. S. 163.3184(4)(d)2., F.S.

⁴³ S. 163.3184(4)(e)1. and (11)(b)2., F.S. If the hearing is not held within 180 days of receipt of the report, the amendment is deemed withdrawn absent an agreement and notice to DEO and all affected persons that provided comments. S. 163.3184(4)(e)1., F.S.

⁴⁴ S. 163.3184(4)(e)2., F.S.

⁴⁵ S. 163.3184(4)(e)4., F.S.

⁴⁶ *Id.*

⁴⁷ S. 163.3184(4)(e)5., F.S.

⁴⁸ *Id.* The Administration Commission consists of the Governor and Cabinet. S. 14.202, F.S.

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Further, local comprehensive plans adopted after January 1, 2019, and all land development regulations adopted to implement the plan, must incorporate development orders existing before the plan's effective date.⁴⁹ The plan may not impair a party's ability to complete development in accordance with an existing development order and must vest the density⁵⁰ and intensity⁵¹ approved by the development order without any limitations or modifications.⁵²

Effect of the Bill

Comprehensive Plans for Newly-Created Municipalities

The bill provides that a comprehensive plan for a newly incorporated municipality that becomes effective after January 1, 2016, as well as all land development regulations adopted to implement such plan, must:

- Incorporate all development orders existing before the plan's effective date;
- Not impair the completion of development in accordance with existing development orders; and
- Vest the density and intensity approved by the development orders existing on the plan's effective date without limitation or modification.

Property Rights Element

The bill requires each local government to include a property rights element in its comprehensive plan by the earlier of the date of adoption of its next proposed plan amendment initiated after July 1, 2021, or the date of its next scheduled comprehensive plan evaluation and appraisal.

The bill also provides a model statement of rights a local government may adopt. However, the bill allows a local government to develop its own property rights language if such language does not conflict with the model statement of rights, which requires local governments to consider the property owner's right to:

- Physically possess the property and control his or her interests in the property, including easements, leases, or mineral rights;
- Use, maintain, develop, and improve the property for personal use or the use of another, subject to state law and local ordinances;
- Privacy and exclusion of others from the property to protect his or her possessions and property; and
- Dispose of the property through sale or gift.

Local Government Development Agreements

Background

Local governments may enter into development agreements with developers.⁵³ A development agreement is a "contract between a local government and a property owner/developer, which provides the developer with vested rights by freezing the existing zoning regulations applicable to a property in exchange for public benefits."⁵⁴

A local government may establish, by ordinance, procedures and requirements for considering and entering into a development agreement with any person having a legal or equitable interest in real

⁴⁹ S. 163.3167(3), F.S.

⁵⁰ S. 163.3164(12), F.S., defines the term "density" as an objective measure of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

⁵¹ S. 163.3164(22), F.S., defines the term "intensity" as an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below the ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

⁵² S. 163.3167(3), F.S.

⁵³ S. 163.3220(4), F.S.; See ss. 163.3220-163.3143, F.S., known as the "Florida Local Government Development Agreement Act."

⁵⁴ *Morgan Co., Inc. v. Orange County*, 818 So. 2d 640 (Fla. 5th DCA 2002); 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).

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property located within its jurisdiction.⁵⁵ A development agreement may provide that the entire agreement, or any phase thereof, must be commenced or completed within a specific time and must include:⁵⁶

- A legal description of the land subject to the agreement and the names of its legal and equitable owners;
- The duration of the agreement;
- The development uses permitted on the land, including population densities, and building intensities and height;
- A description of public facilities that will service the development, including who will provide such facilities, the date any new facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development;
- A description of any reservation or dedication of land for public purposes;
- A description of all local development permits approved or needed to be approved for the development of the land;
- A finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations;
- A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens; and
- A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

Within 14 days after a local government enters into a development agreement, the local government must record the agreement with the clerk of the circuit court in the county where the local government is located, and such an agreement is not effective until it is properly recorded.⁵⁷ A development agreement binds any person who obtains ownership of a property already subject to an agreement (successor in interest).⁵⁸ A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.⁵⁹

Effect of the Bill

The bill allows a party or its designated successor in interest to a development agreement and the local government to amend or cancel a development agreement without securing the consent of the other parcel owners that were originally subject to the development agreement unless the amendment or cancellation directly modifies the allowable uses or entitlements of such owners' property. For example, under the bill, if a development agreement amendment will change the terms and conditions under which all property subject to the agreement may be developed, all owners of property subject to the agreement must consent to the amendment. However, if a development agreement amendment will change the terms and conditions under which only one property subject to the agreement may be developed, only the owner of the property affected by the amendment must consent to it; the consent of all other owners of property subject to the agreement is not required.

Department of Transportation Disposal of Real Property

Background

The Florida Department of Transportation (DOT) is authorized to convey any land, building, or other real or personal property it acquired if it determines the property is not needed for a transportation facility.⁶⁰ In such cases, DOT may dispose of the property through negotiations, sealed competitive

⁵⁵ S. 163.3223, F.S.; 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).

⁵⁶ S. 163.3227(1) and (2), F.S.; 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).

⁵⁷ S. 163.3239, F.S.; 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).

⁵⁸ A successor in interest is one who follows another in ownership or control of property. A successor in interest retains the same rights as the original owner, with no change in substance. Black's Law Dictionary 1473 (8th ed. 2004); s. 163.3239, F.S.

⁵⁹ S. 163.3237, F.S.

⁶⁰ S. 337.25(4), F.S.

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bids, auctions, or any other means it deems to be in its best interest and must advertise the disposal of any property valued over \$10,000.⁶¹

DOT may not sell unneeded property for a price less than DOT's current estimate of value, except that:

- If the property was donated for transportation purposes and a transportation facility has not been constructed for at least five years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, a governmental entity in whose jurisdiction the property lies may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.⁶²
- If the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.⁶³
- If the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, DOT may negotiate for the sale of such property as replacement housing.⁶⁴
- If DOT determines the property requires significant costs to be incurred or that continued ownership of the property exposes DOT to significant liability risks, DOT may use the projected maintenance costs over the next 10 years to offset the property's value in establishing a value for disposal of the property, even if that value is zero.⁶⁵

If, in DOT's discretion, a sale to a person other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for DOT's current estimate of value.⁶⁶ Further, in cases of property to be used for a public purpose, and in cases of property requiring significant costs to be incurred or exposing DOT to significant liability risks, DOT may first offer the property ("right of first refusal") to the local government or other political subdivision in whose jurisdiction the property is situated.⁶⁷

Effect of the Bill

Notwithstanding any provision of s. 337.25, F.S., to the contrary, the bill requires DOT to provide a right of first refusal to the previous property owner from whom DOT originally acquired the property for DOT's current estimate of value if the property is to be used for public purpose, requires significant costs to be incurred, or exposes DOT to significant liability risks, or if DOT determines that a sale to any person other than an abutting property owner would be inequitable. The offer must be made in writing, by certified mail or hand delivery, is effective upon receipt by the previous property owner, and must provide the previous property owner with at least 30 days to exercise the right of first refusal. If the previous property owner wants to purchase the property, he or she must send notice to DOT by certified mail or hand delivery, and such acceptance is effective upon dispatch. Once the right is exercised, the previous property owner has at least 90 days to close on the property.

Developments of Regional Impact

Background

A Development of Regional Impact (DRI) is "any development which, because of its character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of citizens of more than one county."⁶⁸ The DRI statutes were created in 1972 as an interim program intended to be

⁶¹ *Id.*

⁶² S. 337.25(4), F.S.

⁶³ S. 337.25(4)(b), F.S.

⁶⁴ S. 337.25(4)(c), F.S.

⁶⁵ S. 337.25(4)(d), F.S.

⁶⁶ S. 337.25(4)(e), F.S.

⁶⁷ S. 337.25(4), F.S.

⁶⁸ S. 380.06(1), F.S.

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replaced by comprehensive planning and permitting laws.⁶⁹ The program provided a process to identify regional impacts stemming from large developments and appropriate provisions to mitigate impacts on state and regional resources.⁷⁰

The process to review or amend a DRI agreement and its implementing development orders went through several revisions⁷¹ until repeal of the requirements for state and regional reviews in 2018.⁷² Affected local governments are responsible for the implementation and amendment of existing DRI agreements and development orders.⁷³ Currently, an amendment to a development order for an approved DRI may not amend to an earlier date the date to which the local government had agreed not to impose downzoning, unit density reduction, or intensity reduction, unless:⁷⁴

- The local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred;
- The development order was based on substantially inaccurate information provided by the developer; or
- The change is clearly established by local government to be essential to the public health, safety, or welfare.

Any proposed change to a previously approved DRI must be reviewed by the local government based on the standards and procedures in its adopted local comprehensive plan and local land development regulations.⁷⁵ However, a proposed change reducing the originally approved height, density, or intensity of the development must be reviewed by the local government based on the standards in the local comprehensive plan at the time the development was originally approved.⁷⁶ If the proposed change would have been consistent with the comprehensive plan in effect when the development was originally approved, the local government may approve the change.⁷⁷

In the 2018 revisions, DRI agreements classified as essentially built out and valid on or before April 6, 2018, were preserved, but the provisions allowing such agreements to be amended to exchange approved land uses were eliminated.⁷⁸ For such agreements, a DRI is essentially built out if:⁷⁹

- All the mitigation requirements in the development order were satisfied, all developers were in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remained to be built was less than 40 percent of any applicable development-of-regional-impact threshold; or
- The project was determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government.

Effect of the Bill

The bill authorizes the amendment of any DRI agreement entered into on or before April 6, 2018, and previously classified as, or officially determined to be, essentially built out. Such amendments may authorize the developer to exchange approved land uses, subject to the developer demonstrating that the exchange will not increase impacts to public facilities. The bill also specifies that DRI agreement

⁶⁹ The Florida Senate, Committee on Community Affairs, Interim Report 2012-114, September 2011, citing: Thomas G. Pelham, *A Historical Perspective for Evaluating Florida's Evolving Growth Management Process*, in *Growth Management in Florida: Planning for Paradise*, 8 (Timothy S. Chapin, Charles E. Connerly, and Harrison T. Higgins eds. 2005).

⁷⁰ Ch. 72-317, s. 6, Laws of Fla.

⁷¹ See ch. 2015-30, Laws of Fla. (requiring that new DRI-sized developments proposed after July 1, 2015, must be approved by a comprehensive plan amendment in lieu of the state review process provided for in s. 380.06, F.S.) and ch. 2016-148, Laws of Fla. (requiring DRI reviews to follow the state coordinated review process if the development, or an amendment to the development, required an amendment to the comprehensive plan).

⁷² Ch. 2018-158, Laws of Fla.

⁷³ S. 380.06(4)(a) and (7), F.S.

⁷⁴ S. 380.06(4)(a), F.S.

⁷⁵ S. 380.06(7)(a), F.S. These procedures must include notice to the applicant and public about the issuance of development orders.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ S. 380.06(4), F.S.; see also ch. 2018-158, s. 1, Laws of Fla.

⁷⁹ S. 380.06(15)(g)3. and 4., F.S. (2017).

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amendments must be made pursuant to the processes adopted by local governments for amending development orders.

B. SECTION DIRECTORY:

- Section 1.** Amends s. 163.3167, F.S., requiring a comprehensive plan for a newly incorporated municipality that becomes effective after January 1, 2016, to incorporate existing development orders.
- Section 2.** Amends s. 163.3177, F.S., requiring a comprehensive plan to include a private property rights element.
- Section 3.** Amends s. 163.3237, F.S., authorizing amendment or cancelation of certain development agreements without the consent of certain parties.
- Section 4.** Amends s. 337.25, F.S., requiring DOT provide a right of first refusal to the previous property owner from whom DOT acquired property that it proposes to sell.
- Section 5.** Amends s. 380.06, F.S., allowing certain agreements relating to an approved DRI to be amended under certain circumstances.
- Section 6.** Provides a declaration that the act fulfills an important state interest.
- Section 7.** Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.
- 2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues:
None.
- 2. Expenditures:

The bill may have an insignificant negative fiscal impact on local governments with a population over 10,000 not scheduled to review their comprehensive plans before 2025 as it requires such local governments to amend their plans by July 1, 2024, to include a property rights element.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

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1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because this bill requires counties and municipalities with populations over 10,000 to include a property rights element in their comprehensive plans by July 1, 2024. However, an exemption may apply, as laws having an insignificant fiscal impact are exempt from the requirements of Art. VII, s. 18 of the Florida Constitution.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2021, the Local Administration & Veterans Affairs Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment requires municipalities established after January 1, 2016, to incorporate into their comprehensive plans all existing development orders as of the effective date of the plan and removes the provisions of the bill concerning municipal annexation.

On February 17, 2021, the Civil Justice & Property Rights Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment authorized a local government with a population of:

- 10,000 or more to include a property rights element in its comprehensive plan by the earlier of the adoption of its next proposed plan amendment or July 1, 2024.
- Less than 10,000 to include a property rights element in its comprehensive plan in conjunction with its next scheduled comprehensive plan evaluation and appraisal.

On March 10, 2021, the State Affairs Committee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment required the comprehensive plan of a newly incorporated municipality that becomes effective after January 1, 2016, to incorporate all existing development orders as of the effective date of the plan. The amendment also required each local government to include a property rights element in its comprehensive plan by the earlier of the date of adoption of its next proposed plan amendment initiated after July 1, 2021, or the date of its next scheduled comprehensive plan evaluation and appraisal.

This analysis is drafted to the committee substitute as passed by the State Affairs Committee.

PROPERTY RIGHTS ELEMENT
GOALS, OBJECTIVES, & POLICIES

GOAL PR-1: TO ESTABLISH A PRIVATE PROPERTY RIGHTS STATEMENT OF RIGHTS.

Objective PR-1.1: To ensure that private property rights are considered in local decision making, complying with Florida Statute.

Policy PR-1.1.1: The County will consider the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy PR-1.1.2: The County will consider the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances including but not limited to the Walton County Comprehensive Plan and Land Development Code.

Policy PR-1.1.3: The County will consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property in accordance with Florida law.

Policy PR-1.1.4: The County will consider the right of a property owner to dispose of his or her property through sale or gift.