CITRUS COUNTY
PLANNING AND DEVELOPMENT COMMISSION

Thursday July 7, 2022 at 9:00 AM
Lecanto Government Building
3600 W. Sovereign Path
Room 166
Lecanto, Florida 34461

Robert Bass, Chair
Stacey Worthington, 1st Vice Chair
James Roys, 2nd Vice Chair
Richard Barmes, Member
Kurt Stone, Member
Michael Facemyer, Member
David Bramblett, Member
Carole Scragg, Alternate Member
William Burda, Alternate Member

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. July 7, 2022 Agenda, Directions, & Map

July 7, 2022 Agenda, Directions, & Map

H. STAFF ANNOUNCEMENTS

I. EX PARTE COMMUNICATION - COUNTY ATTORNEY

J. APPLICATIONS

1. V-22-10 Keith Cook for Glen and Gwendolyn Cook

Conduct a public hearing on July 7, 2022, to review and consider V-22-10, Keith Cook for Glen and Gwendolyn Cook

2. AA-22-03 McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan

Conduct a public hearing on July 7, 2022 to review and consider for recommendation to the Board of County Commissioners for AA-22-03 - McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan

3. CU-22-08 Palmetto Capital Group, LLC

Conduct a public hearing on July 7, 2022, to review and consider CU-22-08, Palmetto Capital Group, LLC

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:	Joanna Coutu, Director, Land Dev. Division
SUBJECT:	July 7, 2022 Agenda, Directions, & Map
AGENDA DATE:	**July 07, 2022**

BRIEF OVERVIEW:

July 7, 2022 Agenda, Directions, & Map

BUDGET IMPACT/FUNDING SOURCE:

Account No.	Account Title	Current Budget	YTD Expenditures	Encumbrances	Available Balance
					$0

N/A

RECOMMENDED ACTION:

July 7, 2022 Agenda, Directions, & Map

CITRUS COUNTY

PLANNING AND DEVELOPMENT COMMISSION

Thursday, July 7, 2022 at 9:00 AM

Lecanto Government Building

3600 West Sovereign Path, Room 166

Lecanto, Florida 34461

ROBERT BASS, CHAIR	MICHAEL FACEMYER
STACEY WORTHINGTON, 1ST VICE CHAIR	KURT STONE
JAMES ROYS, 2ND VICE CHAIR	WILLIAM BURDA (Alternate)
RICHARD BARMES	CAROLE SCRAGG (Alternate)
DAVID BRAMBLETT	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-22-10 Keith Cook for Glen and Gwendolyn Cook

REQUEST: This request is for a variance from the Citrus County Land Development Code (LDC) for the placement of a single-family dwelling having less than the required 50-foot minimum building setback from the centerline of the right-of-way, pursuant to Section 2300, Building Setback Requirements and Height Requirements for All Land Use Districts, as specified in the LDC.

Attachment: 7-7-22 PDC AGENDA (20486 : July 7, 2022 Agenda, Directions, & Map)

LOCATION: Section 2, Township 19 South, Range 19 East; specifically, Lots 38-41, Block 50, of Inverness Highlands Unit 2, Plat Book 2, Page 97, (AK 1640245), which address is 374 N. Payne Ter., Inverness, FL. A complete legal description of the property is on file with the Land Development Division.

STAFF CONTACT: Jennifer Perkins, Planner, Land Development Division

2. ATLAS AMENDMENT

a. AA-22-03 Brenda McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan

REQUEST: This request is to amend the Land Use Atlas Map from CLR (Coastal and Lakes Residential District) to CL (Low Intensity Coastal and Lakes District).

LOCATION: Section 23, Township 19 South, Range 20 East; specifically, a portion of Tracts A and B, of Baymeadows at 7 Lakes unrecorded subdivision, (AK 3524761, 3524762, 3524249), which addresses are known as 9541 and 9639 E. Moccasin Slough Rd., Inverness, FL. A complete legal description is on file with the Land Development Division.

STAFF CONTACT: Jennifer Perkins, Planner, Land Development Division

3. LAND USE APPLICATION

a. CU-22-08 Palmetto Capital Group, LLC

REQUEST: This request is for a Conditional Use to allow for a discount/grocery retail store in excess of 7,000 square feet in the General Commercial District/Rural Activity Center District, pursuant to Section 2412, General Commercial District, and Section 2500, Types of Uses, as specified in the LDC.

LOCATION: Sections 15, Township 17 South, Range 17 East, Parcel 1, Costa & Son Inc. addition, PB 17, PG 80 (AK 3257150) which address is known as 9976 N. Citrus Ave., Crystal River FL. A complete legal description is on file with the Land Development Division.

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

K. ADDITIONAL ITEMS

L. PLANNING AND DEVELOPMENT COMMISSION MEMBER COMMENTS

Attachment: 7-7-22 PDC AGENDA (20486 : July 7, 2022 Agenda, Directions, & Map)

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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Attachment: 7-7-22 PDC AGENDA (20486 : July 7, 2022 Agenda, Directions, & Map)

Planning and Development Commission

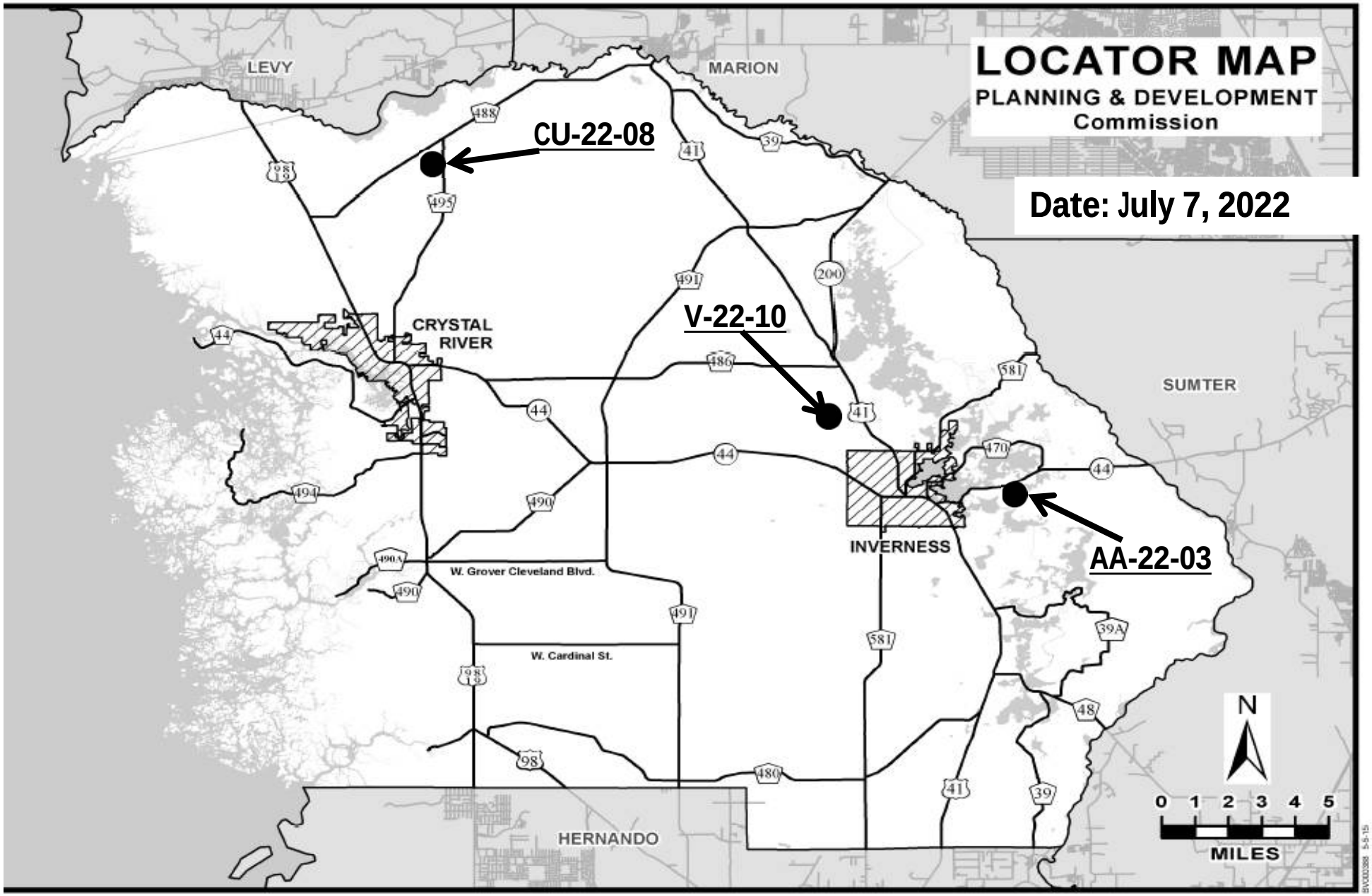
Directions for meeting on July 7th, 2022

V-22-10 From the intersection of Saunders Way and CR-491, turn **left** onto CR-49. Go **2.0 miles** and turn **right** onto W Gulf To Lake Hwy/FL-44. Go **6.24 miles** and turn **left** onto S Croft Ave. Go **1.04 miles** and turn **right** onto E Bradley St. Go **0.22 miles** and turn **right** onto N Payne Terrace. 374 N Payne Ter, Inverness is on the **right**.

AA-22-03 From the intersection of Saunders Way and CR-491 and turn **left** onto CR-491. Go **1.5 miles** and turn **Right** on Hwy 44. Go **11 miles** and turn **left** on Eden Drive. Go 0**.78 miles** and turn right on Carnegie Dr, and quickly turn **left** on Moccasin Slough Rd. Go **2.0**8 miles and 9639 E Moccasin Slough Rd, Inverness is on the **left**.

CU-22-08 From the intersection of Saunders Way and CR-491, turn **left** onto CR-49. Go **2.00 miles** and turn **left** onto W Gulf to Lake Hwy/SR 44. Go **7.31 miles** and turn **right** onto NE US Highway 19. Go **0.43 miles** and turn **right** onto N. Citrus Ave/SR 495. Go **7.69 miles** and 9976 N. Citrus Ave., Crystal River is on the **left**.

Attachment: 7-7-22 PDC Directions (20486 : July 7, 2022 Agenda, Directions, & Map)



Attachment: 7-7-22 PDC Application Location Map (20486 : July 7, 2022 Agenda, Directions, & Map)

AGENDA MEMORANDUM

FROM:	Joanna Coutu, Director, Land Dev. Division
SUBJECT:	V-22-10 Keith Cook for Glen and Gwendolyn Cook
AGENDA DATE:	**July 07, 2022**

BRIEF OVERVIEW:

This request is for a Variance from the Citrus County Land Development Code (LDC) for the placement of a single-family dwelling having less than the required 50-foot minimum building setback from the centerline of the right-of-way, pursuant to Section 2300, Building Setback Requirements and Height Requirements for All Land Use Districts, as specified in the LDC.

The applicant is requesting a 48-foot setback from the centerline (23 feet to the edge of the right-of-way) of E. Bradley St.

BUDGET IMPACT/FUNDING SOURCE:

Account No.	Account Title	Current Budget	YTD Expenditures	Encumbrances	Available Balance
					$0

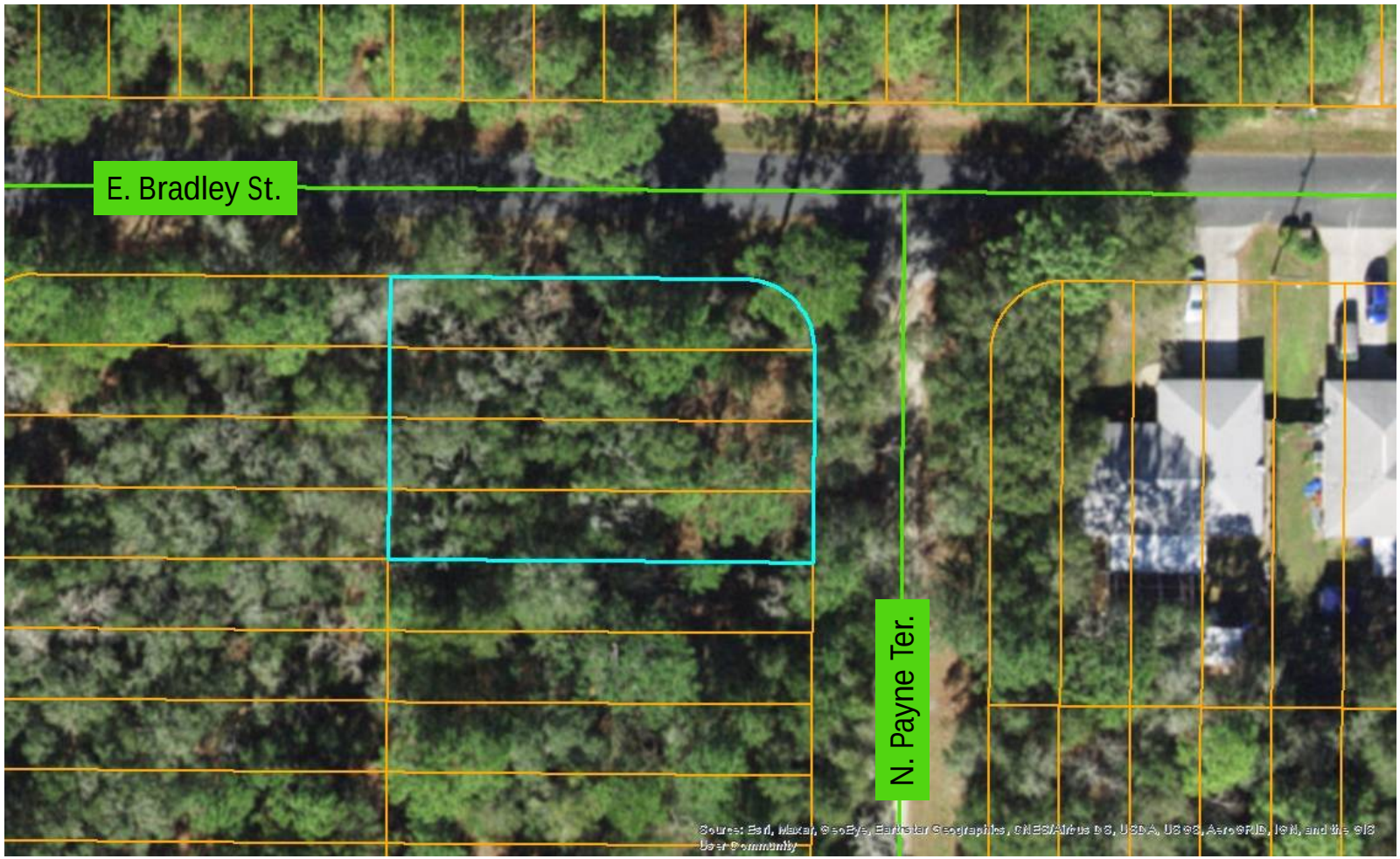
RECOMMENDED ACTION:

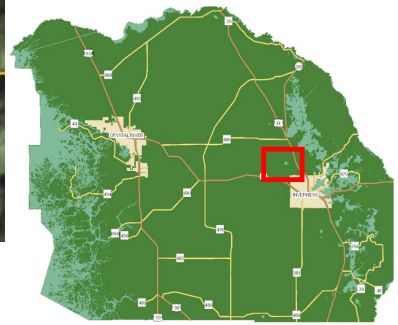
Conduct a public hearing on July 7, 2022, to review and consider V-22-10, Keith Cook for Glen and Gwendolyn Cook

V-22-10

Keith Cook for Glen and Gwendolyn Cook

Attachment: V-22-10 Coordinator (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)





Attachment: V-22-10 Coordinator (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)

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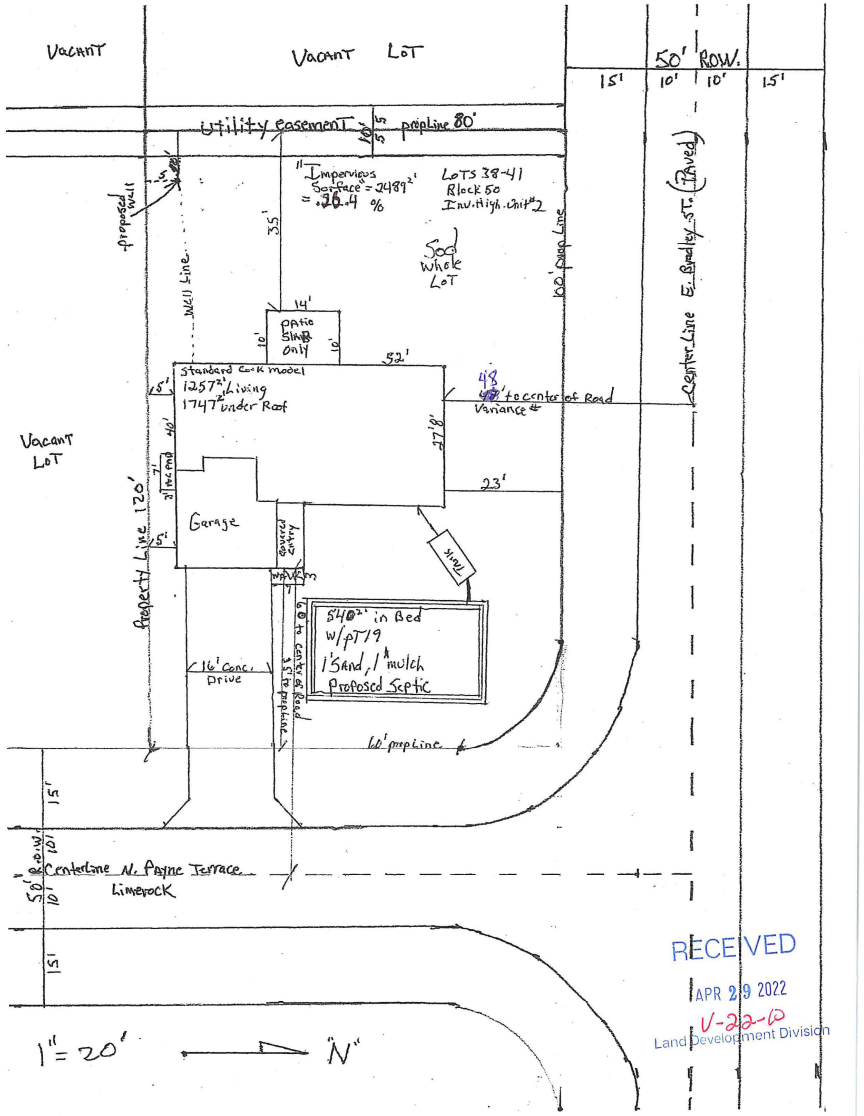


Attachment: V-22-10 Coordinator (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)

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.: V-22-10 Date: 3/25/22 4/29/22

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

Applicant*
Name: Keith Cook
Address: 3132 E. Bradley St
City: Inverness
State: FL. Zip: 34453
Home No.: — Cell No.: 634-1391
Work No.: Same Fax No.: NA.
Email: KanddCook@hotmail.com

Property Owner
Name: Glen Cook, Gwendolyn Cook
Address: 1051 N. Appalachian Terrace
City: Crystal River
State: FL. Zip: 34429
Home No.: NA Cell No.: 634-4866
Work No.: NA Fax No.: NA
Email: ggcook@tampabay.rr.com

Property Description: Section: 02 Township: 19S South Range: 19 East
Legal Description: Inverness Highlands Unit #2 Block 50 Lots 38-41
Subdivision: Inverness Highlands Lot(s): 38-41 Block/Parcel: 50
Alternate Key #: 1640245 Parcel ID: 19E/19S 020020 00500 0340

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 place Home on Lot with only 18' to Center of Road on Side.

State hardship that justifies the granting of the variance: Corner Lot, 2 Road Setbacks

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: Keith Cook

RECEIVED
APR 29 2022
V-22-10
Land Development Division

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 April 29, 2022, 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 29th day of April, 2022

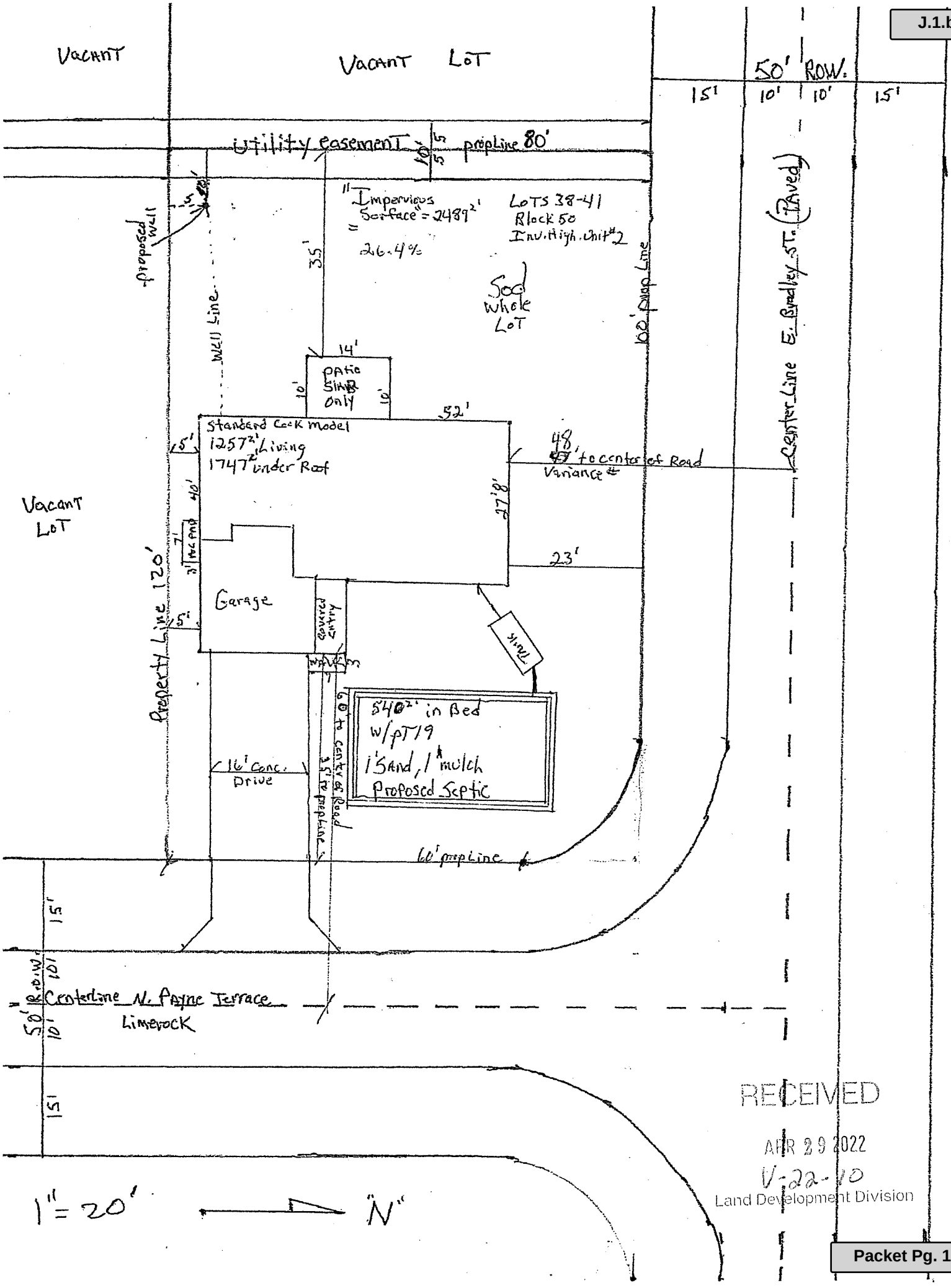
Carmen Forbus
Printed Name
Carmen Forbus
Notary Public - State of Florida

Seal

CARMON FORBUS
MY COMMISSION # GG 907882
EXPIRES: October 28, 2023
Bonded Thru Notary Public Underwriters

For Staff Use Only
Date: _____ ATF: _____
Time: _____ QTR: _____
Initials: _____ LUD: _____ FZ: _____

Attachment: Application (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)



RECEIVED
APR 29 2022
V-22-10
Land Development Division

Attachment: Application (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)

PM2-22-72

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

VARIANCE APPLICATION NO. V-22-10 Keith Cook for Glen and Gwendolyn Cook
DATE: June 7, 2022
PREPARED BY: Jennifer Perkins, Planner, Land Development Division JP

VARIANCE REQUESTED	This request is for a Variance from the Citrus County Land Development Code (LDC) for the placement of a single-family dwelling having less than the required 50-foot minimum building setback from the centerline of the right-of-way, pursuant to Section 2300, Building Setback Requirements and Height Requirements for All Land Use Districts, as specified in the LDC. The applicant is requesting a 48-foot setback from the centerline (23 feet to the edge of the right-of-way) of E. Bradley St.
SUBJECT PROPERTY	Section 2, Township 19 South, Range 19 East; specifically, Lots 38-41, Block 50, of Inverness Highlands Unit 2, Plat Book 2, Page 97, (AK 1640245), which address is 374 N. Payne Ter., Inverness, FL. A complete legal description of the property is on file with the Land Development Division.
ACREAGE	Approximately 10,019 square feet (0.23 acres).
LAND USE	MDR, Medium Density Residential District, on the LDC Atlas; MDR, Medium Density Residential District, on the Future Land Use Map
FLOOD ZONE	According to the Flood Insurance Rate Map (FIRM), subject property is located in Zone X as found on Community Panel Number 12017C0 332D.
SURROUNDING AREA	North – E. Bradley St., Vacant Residential South – Vacant Residential East – N. Payne Ter., Single-family dwellings West – Vacant Residential The site is located within the Inverness Highlands Unit 2 subdivision, where there are a few single-family dwellings and many vacant lots.
SOIL INFORMATION	According to the *Soil Survey of Citrus County* (1988), the soil types in the area are Candler fine sand, 0 to 5 percent slopes and Arredondo fine sand, 0 to 5 percent slopes. Limitations to development are slight.

Attachment: PDC Staff Report & Locator Map (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)

BACKGROUND

The subject property consists of four vacant lots in Inverness Highlands Unit 2 subdivision, which was platted in 1954. It abuts vacant residential lots to the west and south, E. Bradley St. and vacant residential lots to the north, and N. Payne Ter. and single-family dwellings to the east. It gains access from N. Payne Ter., a 50-foot wide, limerock, public right-of-way, which has a setback of 50 feet from the centerline of the right-of-way. Lot 41 also abuts E. Bradley St., a 50-foot wide, paved, public right-of-way, which has a setback of 50 feet from the centerline of the right-of-way. There is a 5-foot-wide utility easement at the rear of the lots. The site is in Flood Zone X.

The individual lots are approximately 20 feet wide by 120 feet deep, which is similar in size to other surrounding lots in the subdivision. The total area of the four lots is approximately 10,019 square feet (0.23 acres). The surrounding area contains some single-family dwellings and many vacant lots.

ANALYSIS

The applicant is proposing to construct a 1,747 square-foot single-family dwelling, with a patio slab that totals 140 square feet and an A/C pad that totals 21 square feet, for a total building footprint of 1,908 square feet. The applicant is requesting a reduced right-of-way setback of 48 feet from the centerline of E. Bradley St. (23 feet from the edge of the right-of-way) for this single-family dwelling. One of the surrounding developed properties was granted a right-of-way variance. In 2005, 3132 E. Bradley St. was approved for a setback of 45 feet from the centerline of N. Payne Ter.

The proposed site plan indicates an Impervious Surface Ratio (ISR) of 26.4 percent. This ISR complies with the maximum 50 percent ISR for the Medium Density Residential District.

The available building envelope without the need for a variance is approximately 4,500 square feet, outside of two 50-foot right-of-way setbacks and 5-foot side and rear yard setbacks. The average front setback of the six closest developed lots that front E. Bradley St. is 51 feet from the centerline of the right-of-way.

The average building footprint of the six closest developed properties is 2,071 square feet. The size of the proposed single-family dwelling is similar in size to the average building footprint; however, the dwelling could be redesigned to fit within the available building envelope. Therefore, the request is not a minimal request.

SUMMARY OF PUBLIC COMMENTS:

At this time, no public input has been received.

SUMMARY OF AGENCY COMMENTS:

The Engineering Division has reviewed the application and has no objections.

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

Attachment: PDC Staff Report & Locator Map (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)

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.

2300.A A minimum setback from an abutting right-of-way shall be required for all buildings. The required minimum setback shall be measured from the centerline of the right-of-way. The distance is determined by the functional classification of the roadway, as specified on the Functional Classification Map in this LDC. Minimum distance is shown in the following table:

BUILDING SETBACK REQUIREMENTS	
Local Street (public or private)	50 feet
Minor Collector	65 feet
Major Collector	75 feet
Minor Arterial	100 feet
Principal Arterial	125 feet

Staff comment: *The proposed right-of-way setback for the single-family dwelling is less than the required 50-foot setback from the centerline of the right-of-way. The average front setback of the six closest developed lots that front E. Bradley St. is 51 feet from the centerline of the right-of-way. The subject property has an available building envelope of approximately 4,500 square feet that could accommodate the proposed 1,908 square-foot building footprint. The single-family dwelling could be redesigned to fit within the building envelope which would alleviate the need for a variance. Thus, the request is not a minimal request.*

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 not exist which are peculiar to the land, structure, or building involved and which are applicable to land, structures, or buildings in the same land use district.*** One right-of-way variance was granted for a nearby property; however, the subject property appears to be similarly sized in comparison with other lots that have been developed with single-family dwellings that have maintained the 50-foot setback from the centerline of the right-of-way.

2. ***The special conditions and circumstances do result from the actions of the applicants.*** The encroachment into the required setback is the result of the applicant/property owner. By proposing a single-family dwelling with the configuration indicated on the site plan, the applicant is creating a hardship and the request for a variance is based on convenience and not necessity.

Attachment: PDC Staff Report & Locator Map (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)

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.*** Most single-family dwellings in the area adhere to the 50-foot setback from the centerline of the right-of-way.

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 single-family dwelling that encroaches the 50-foot setback from the centerline of the right-of-way. Single-family dwellings in the area use multiple lots as one homesite and meet code requirements. Based on the size of the applicant's/owner's multiple lots, a single-family dwelling can be placed within the available building envelope.

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.*** The dwelling could be redesigned to fit within the available building envelope of 4,500 square feet which would eliminate the need for a variance.

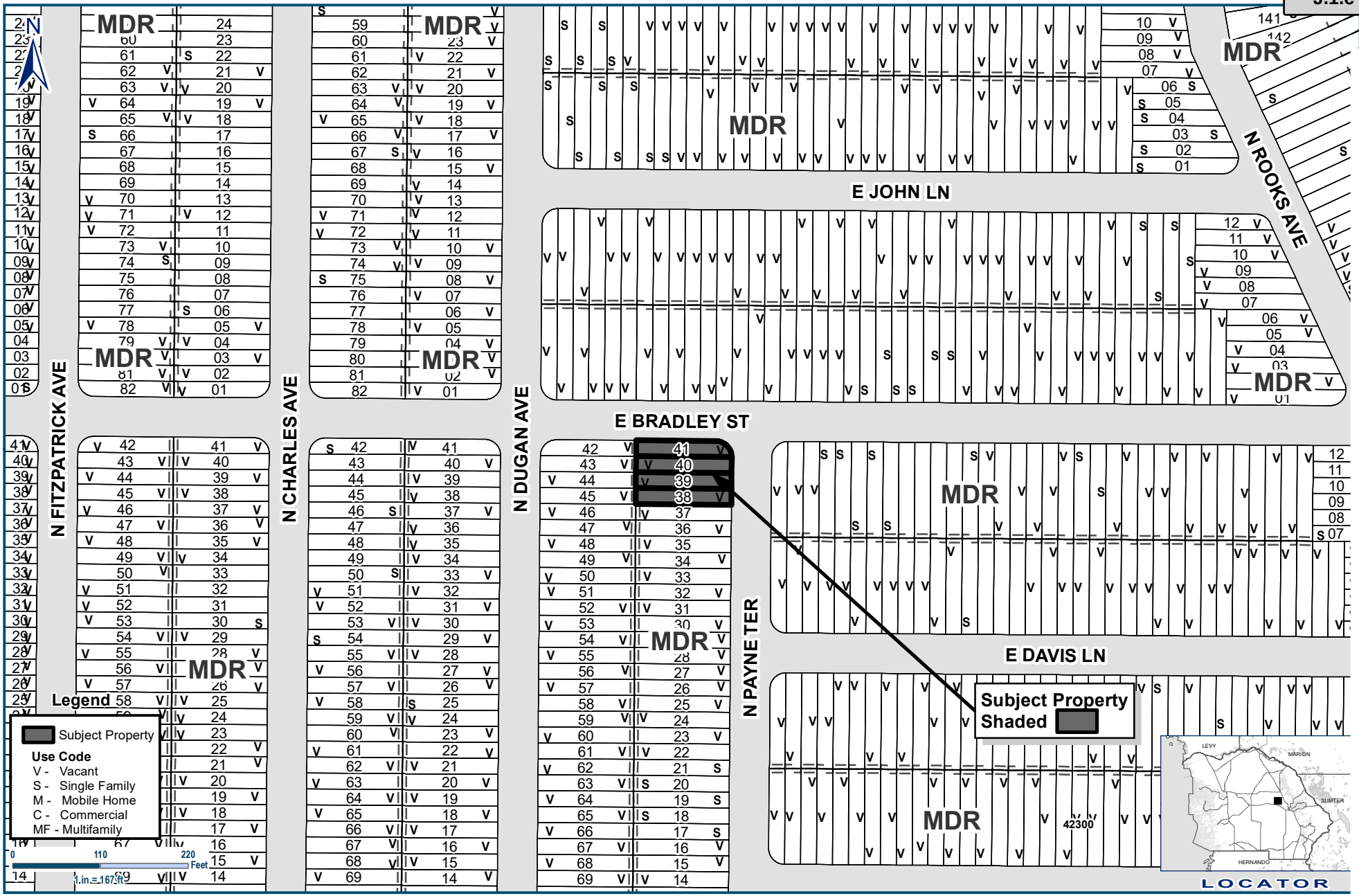
6. ***The granting of the variance will not be in harmony with the general intent and purpose of this code and will be injurious to the area involved or otherwise detrimental to the public welfare.*** The proposed right-of-way setback does not meet the standards for Building Setback Requirements and 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 the Comprehensive Plan, as discussed in this staff report.

JP/cb

Attachment: PDC Staff Report & Locator Map (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)



Application #: V-22-10

Applicant: Keith Cook for Glen and Gwendolyn Cook

Proposal: 48-foot setback from the centerline (23 feet to the edge of the right-of-way) of E. Bradley St.

Location: 374 N. Payne Ter., Inverness, FL

S-T-R - 2-19-19 NW

Land Use Atlas: MDR

Planner Initials: _____ **Date:** _____

Geographic Information Systems

Cynthia P. Skelhorn
Director

Prepared By : William Braunsch
Date: May 16, 2022
Source: Enterprise Geodatabase
Map Number: WB0000791

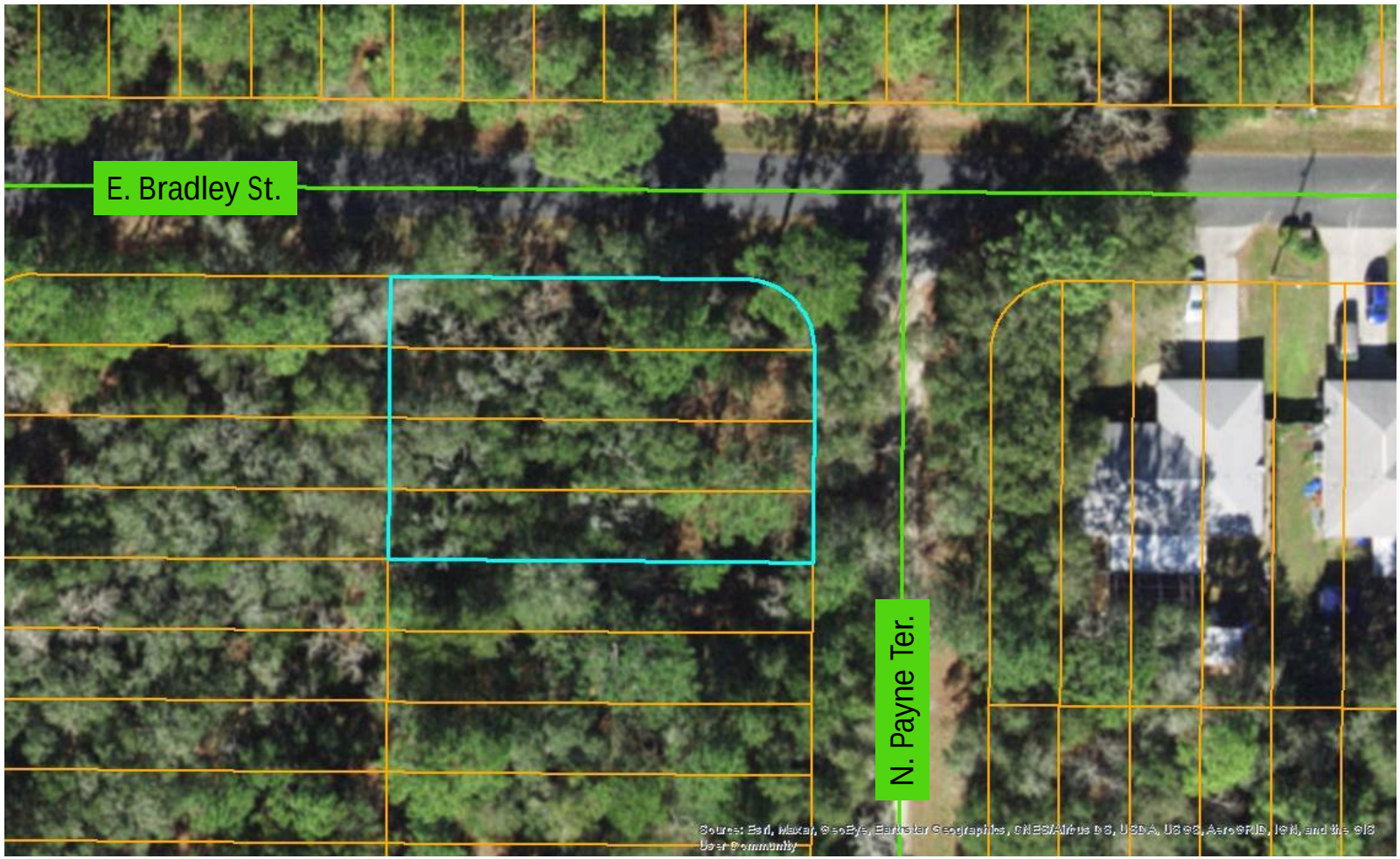
This information is to be used for general purposes only. The Citrus County Geographic Information Systems Division makes every effort to provide content that is accurate and complete as of the date it is printed. However, all information provided must be independently verified by the user.

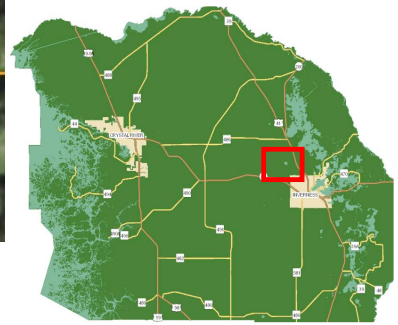
Citrus County shall not be liable for any claims, demands, or losses of any kind in connection with the use of this information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of this information and the viewing, copying, or distributing of these materials.

V-22-10

Keith Cook for Glen and Gwendolyn Cook

Attachment: V-22-10 Planner (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)





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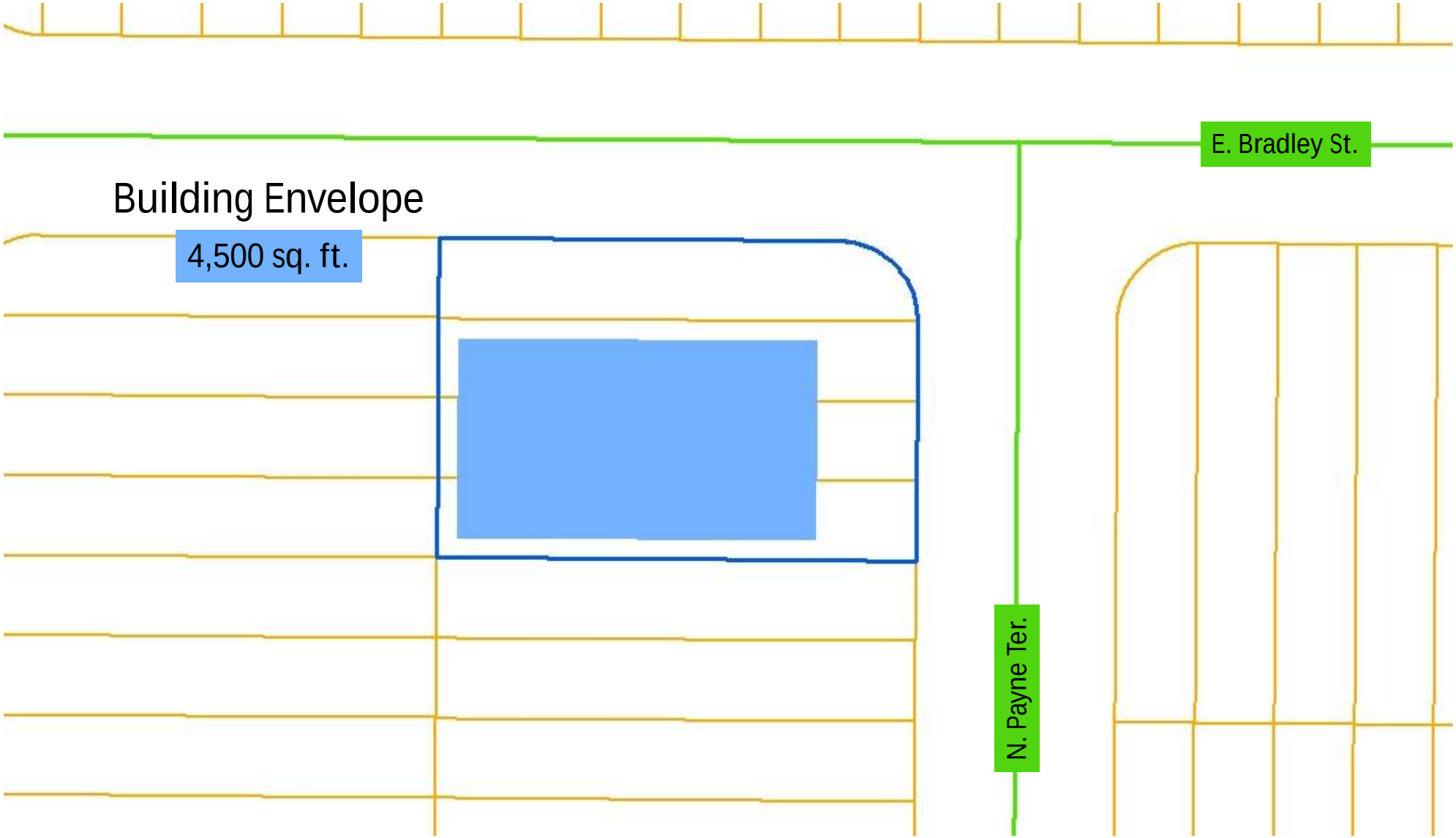

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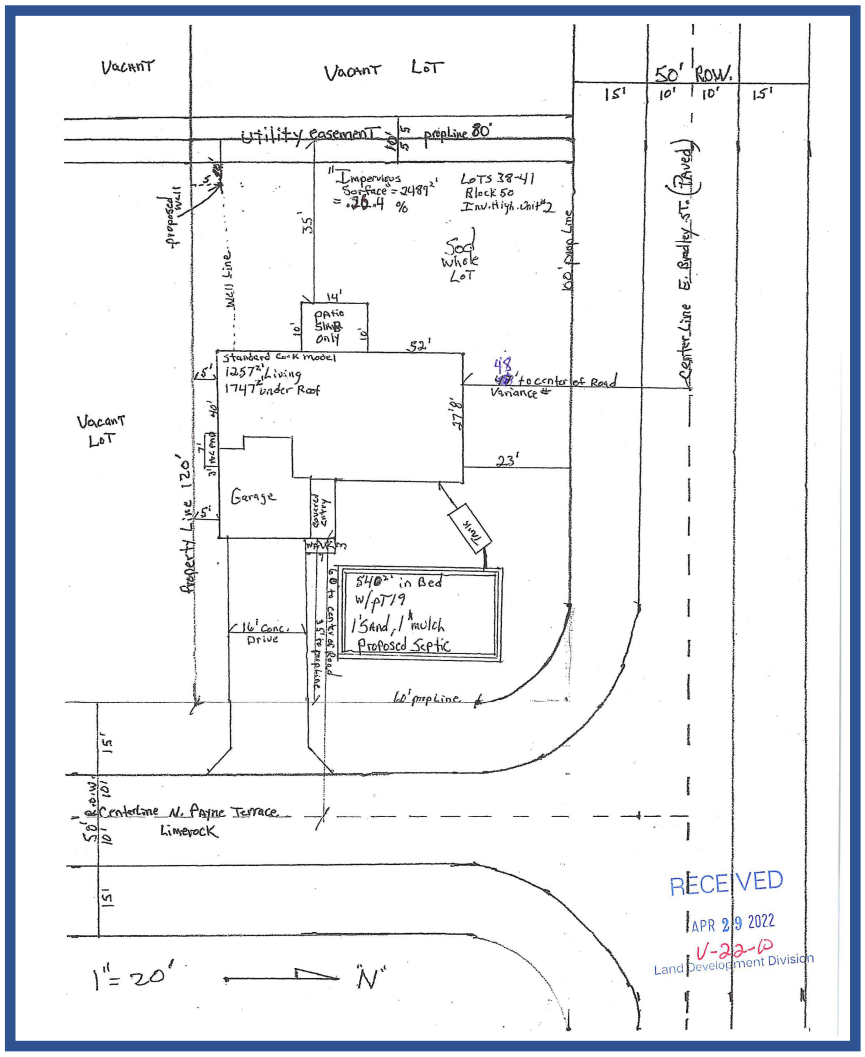

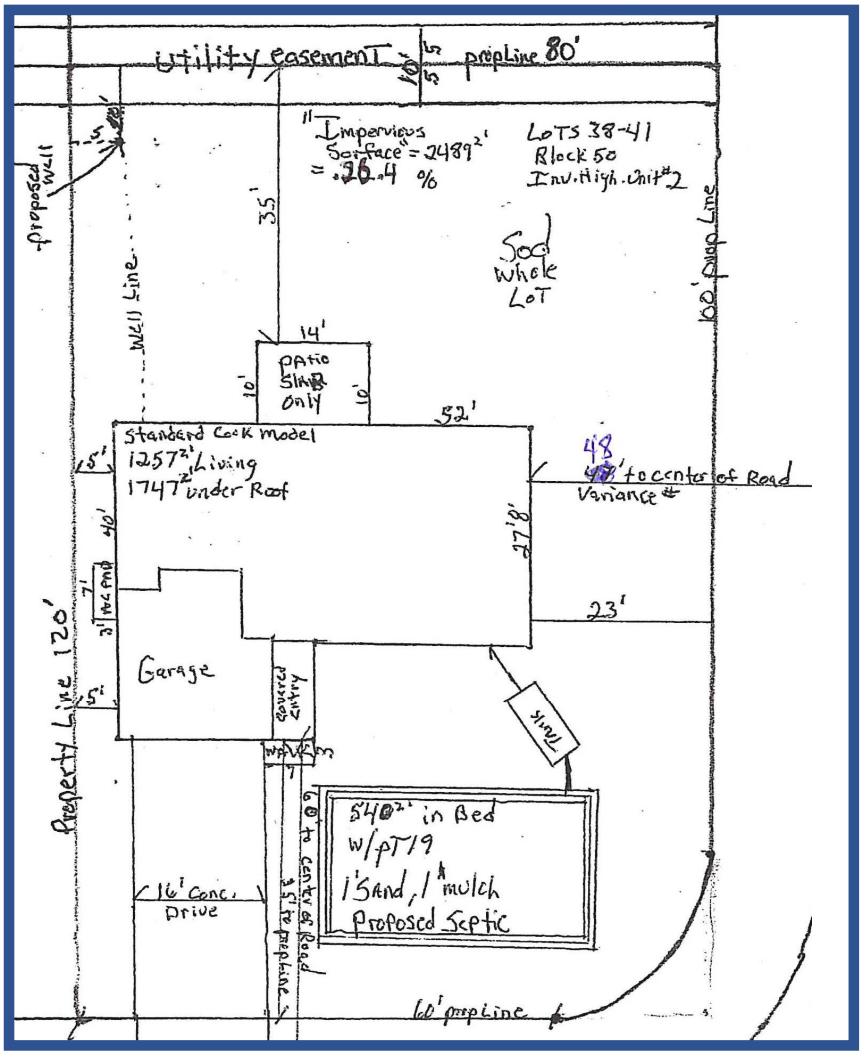

Attachment: V-22-10 Planner (20482 : V-22-10 Keith Cook for Glen and Gwendolyn Cook)

AGENDA MEMORANDUM

FROM:	Joanna Coutu, Director, Land Dev. Division
SUBJECT:	AA-22-03 McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan
AGENDA DATE:	**July 07, 2022**

BRIEF OVERVIEW:

Request to amend the Land Development Code (LDC) Atlas Map from Coastal and Lakes Residential District (CLR) to Low Intensity Coastal and Lakes District (CL)

BUDGET IMPACT/FUNDING SOURCE:

Account No.	Account Title	Current Budget	YTD Expenditures	Encumbrances	Available Balance
					$0

RECOMMENDED ACTION:

Conduct a public hearing on July 7, 2022 to review and consider for recommendation to the Board of County Commissioners for AA-22-03 - McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan

AA-22-03

Brenda McKenzie for Hollynn Properties, Inc.,
Pospiech, and Flanagan

Attachment: Coordinator's PowerPoint (20485 : AA-22-03 McKenzie for Hollynn Properties, Inc.,

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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
ATLAS AMENDMENT APPLICATION

Application No.: AA-22-03 Date: April 25, 2022

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

Applicant*
Name: Brenda McKenzie
Address: 7232 E. Gospel Island Road
City: Inverness
State: Florida Zip: 34450
Home No.: 352-726-0889 Cell No.: 352-601-0942
Work No.: 352-726-0889 Fax No.: N/A
Email: mckenziepermitting@gmail.com

Property Owner
Name: Hollyn Properties- Pospiech-Flanagan
Address: 201 S. Apopka Avenue
City: Inverness
State: Florida Zip: 34450
Home No.: Cell No.:
Work No.: 352-302-6450 Fax No.:
Email: rlpospiech@gmail.com

Property Description: Section: 14 Township: 19 South Range: 20 East
Legal Description: SEE ATTACHED
Subdivision: ACREAGE Lot(s): Block/Parcel:
Alternate Key #: 3524761-3524762-3524249 Parcel ID: 20E19S1421000-20E19S142400-20E19S1423000
Acreage:

X Amendment to the Land Development code Atlas From: CLR To: CL
___ Amendment to a Previously Approved Planned Development Previous Application No.:

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.

Applicant Request(s): TO HAVE THESE PARCELS DIVIDED INTO NEW 4 PARCELS AND REZONE ALL TO CL

Directions to Property: 491 NORTH TO 44 TR -TO INVERNESS TL ON EDEN - EDEN BECOMES MOCCASIN SLOUGH - SITES ARE ON THE LEFT

The Applicant is: ___ Owner of Tract X 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: Brenda McKenzie

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 Brenda McKenzie, who is personally known to me or provided personally known to me as identification and who did not take an oath.

WITNESS my hand and official seal this 26th day of April, 2022

Brandy A Howard
Printed Name
Brandy A Howard
Notary Public - State of Florida

Seal

BRANDY A. HOWARD
MY COMMISSION # HH 000046
EXPIRES: September 14, 2024
Bonded Thru Notary Public Underwriters

For Staff Use Only
Date: 4-26-22
Time: 3:30
Initials: EH

ATF:
QTR:
LUD:

GFLUM Des:
FZ:

RECEIVED
APR 26 2022
AA-22-03
Land Development Divis

Revised July, 2017

Attachment: Applicant submittal (20485 : AA-22-03 McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan)

LEGAL DESCRIPTION OF COASTAL LAKES RESIDENTIAL ZONE:

BEGIN AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 19 SOUTH, RANGE 20 EAST, CITRUS COUNTY, FLORIDA; THENCE N 89°42'11" W ALONG THE NORTH BOUNDARY LINE OF SECTION 23 A DISTANCE OF 2240.79 FEET, THENCE DEPARTING AFFORMENTIONED NORTH BOUNDARY LINE S 0°05'49" E A DISTANCE OF 285.10 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST MOCCASIN SLOUGH ROAD (50' RIGHT OF WAY); THENCE S 89°55'07" E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 2240.49 FEET TO A POINT ON THE EAST BOUNDARY LINE OF SECTION 23, TOWNSHIP 19 S, RANGE 20 E; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE N 0°02'40" W ALONG SAID EAST BOUNDARY LINE A DISTANCE OF 276.67 FEET TO THE POINT OF BEGINNING.

SAID LANDS BEING SITUATE IN CITRUS COUNTY, FLORIDA AND CONTAIN 14.4 ACRES MORE OR LESS.

LEGAL DESCRIPTION (OFFICIAL RECORDS BOOK 1468, PAGES 1119 AND 1120):

THE NE 1/4 OF THE SE 1/4 AND THE SOUTH 1/2 OF SE 1/4 OF SECTION 14, TOWNSHIP 19 SOUTH RANGE 20 EAST;

AND

BEGIN AT THE NE CORNER OF SECTION 23, TOWNSHIP 19 SOUTH, RANGE 20 EAST; THENCE WEST 2640 FEET; THENCE SOUTH 276 FEET TO THE NORTH SIDE OF A COUNTY ROAD; THENCE EAST ALONG SAID COUNTY ROAD 2640 FEET; THENCE NORTH 290 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE WEST 400 FEET THEREOF.
ALL IN CITRUS COUNTY, FLORIDA

NOTES:

1. DATE OF SKETCH: MARCH 30, 2022.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. BEARINGS ARE ASSUMED BASED ON THE NORTH RIGHT OF WAY LINE OF EAST MOCCASIN SLOUGH ROAD AS BEING S 89°55'07" E.

LEGEND UNLESS OTHERWISE NOTED

- ℄ = CENTERLINE OF RIGHT OF WAY
- C.B. = CHORD BEARING
- ● = FOUND 1/2" IRON ROD & CAP
- ■ = FOUND 4"X4" CONCRETE MONUMENT
- Δ = CALCULATED POINT
- ⊙ = FOUND NAIL & DISC
- ○ = SET 1/2" IRON ROD & CAP NO. 5552
- (D) = DEED DIMENSION
- (C) = CALCULATED DIMENSION
- (P) = PLAT DIMENSION
- (F/M) = FIELD MEASUREMENT
- ▣ = WATER METER
- ◫ = TELEPHONE BOX
- = POWER POLE
- = GUY ANCHOR
- = WATER VALVE
- = FIRE HYDRANT
- A/E = AERIAL ELECTRIC
- = BROKEN LINE; NOT DRAWN TO SCALE

SCALE: 1" = 150'
0 75 150 300

CERTIFIED TO:

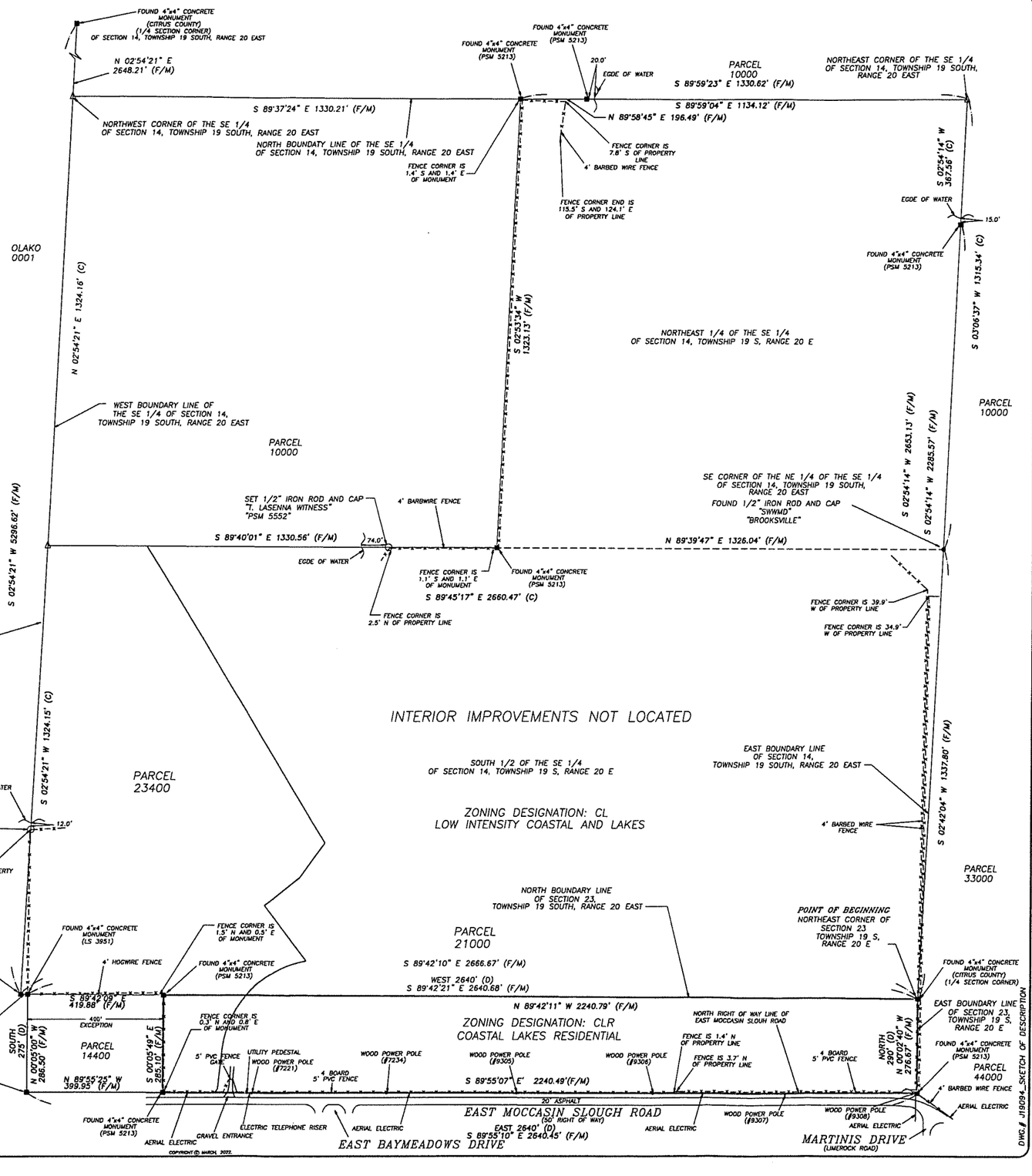
1. RICHARD POSPIECH

CERTIFICATION:

I HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON, WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THOMAS LASENNA, P.S.M.
FLORIDA CERTIFICATE NO. 5552

SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



COPYRIGHT © MARCH, 2022.

NO.	REVISIONS	BY	DATE

DRAWN: K.L.
CHECKED: T.L.
APPROVED BY: T.L.
SCALE: 1" = 150'

THOMAS LA SENNA LAND SURVEYING INC.
6740 SE 110TH STREET, SUITE 507 BELLEVIEW FLORIDA 34420
(352) 307-0160

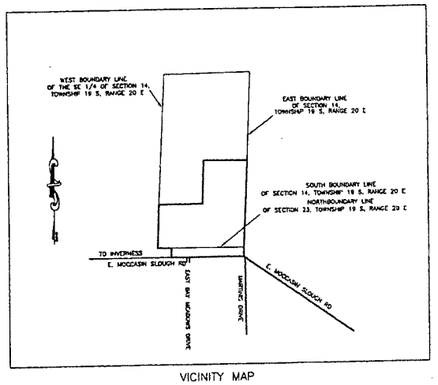
SKETCH OF DESCRIPTION OF COASTAL LAKES RESIDENTIAL ZONE

BEEREFENCES: FIELD BOOK 187 PAGES 72-76

J.O.# 19094

SHT 1 OF

Attachment: Applicant submittal (20485 : AA-22-03 McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan)



VICINITY MAP

SCALE: 1"= 2000'

0 2000 4000

LEGAL DESCRIPTION (PARENT TRACT)(OFFICIAL RECORDS BOOK 1468, PAGES 1118 AND 1120):

THE NE 1/4 OF THE SE 1/4 AND THE SOUTH 1/2 OF SE 1/4 OF SECTION 14, TOWNSHIP 19 SOUTH RANGE 20 EAST;

AND

BEGIN AT THE NE CORNER OF SECTION 23, TOWNSHIP 19 SOUTH, RANGE 20 EAST; THENCE WEST 2640 FEET; THENCE SOUTH 276 FEET TO THE NORTH SIDE OF A COUNTY ROAD; THENCE EAST ALONG SAID COUNTY ROAD 2640 FEET; THENCE NORTH 290 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE WEST 400 FEET THEREOF.
ALL IN CITRUS COUNTY, FLORIDA

NOTES:

1. DATE OF FIELD WORK: DECEMBER 2, 2019
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. BEARINGS ARE ASSUMED BASED ON THE NORTH RIGHT OF WAY LINE OF EAST MOCCASIN SLOUGH ROAD AS BEING S 89°55'07" E.
4. SUBJECT TO RIGHTS OF WAY, EASEMENTS, RESTRICTIONS AND ESERVATIONS OF RECORD.
5. UNLESS OTHERWISE SHOWN, UNDERGROUND UTILITIES NOT LOCATED.
6. PUBLIC RECORDS NOT SEARCHED BY THOMAS LA SENNA LAND SURVEYING,INC.

LEGEND UNLESS OTHERWISE NOTED

- ℄ = CENTERLINE OF RIGHT OF WAY
- C.B. = CHORD BEARING
- ● = FOUND 1/2" IRON ROD & CAP
- ■ = FOUND 4"X4" CONCRETE MONUMENT
- ▲ = CALCULATED POINT
- ⊙ = FOUND NAIL & DISC
- ○ = SET 1/2" IRON ROD & CAP PSM 5552
- (D) = DEED DIMENSION
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- ▣ = WATER METER
- ▤ = TELEPHONE BOX
- ○ = POWER POLE
- ✦ = GUY ANCHOR
- ⋈ = WATER VALVE
- ⋈ = FIRE HYDRANT
- A/E = AERIAL ELECTRIC
- ⚡ = BROKEN LINE; NOT DRAWN TO SCALE
- = CONCRETE

OWNER:

HOLLAND PROPERTIES
201 SOUTH APOPKA
INVERNESS, FLORIDA 34452

LINE	BEARING	DISTANCE
L1	N 89°55'07" W (C)	120.00' (C)
	N 89°55'07" W (F/M)	120.00' (F/M)
L2	S 00°02'39" E (C)	126.89' (C)
	S 00°02'39" E (F/M)	126.89' (F/M)
L3	S 21°46'28" W (C)	161.43' (C)
	S 21°46'28" W (F/M)	161.43' (F/M)

CERTIFICATION:

I HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON, WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THOMAS LASENNA, P.S.M.
FLORIDA CERTIFICATE NO. 5552

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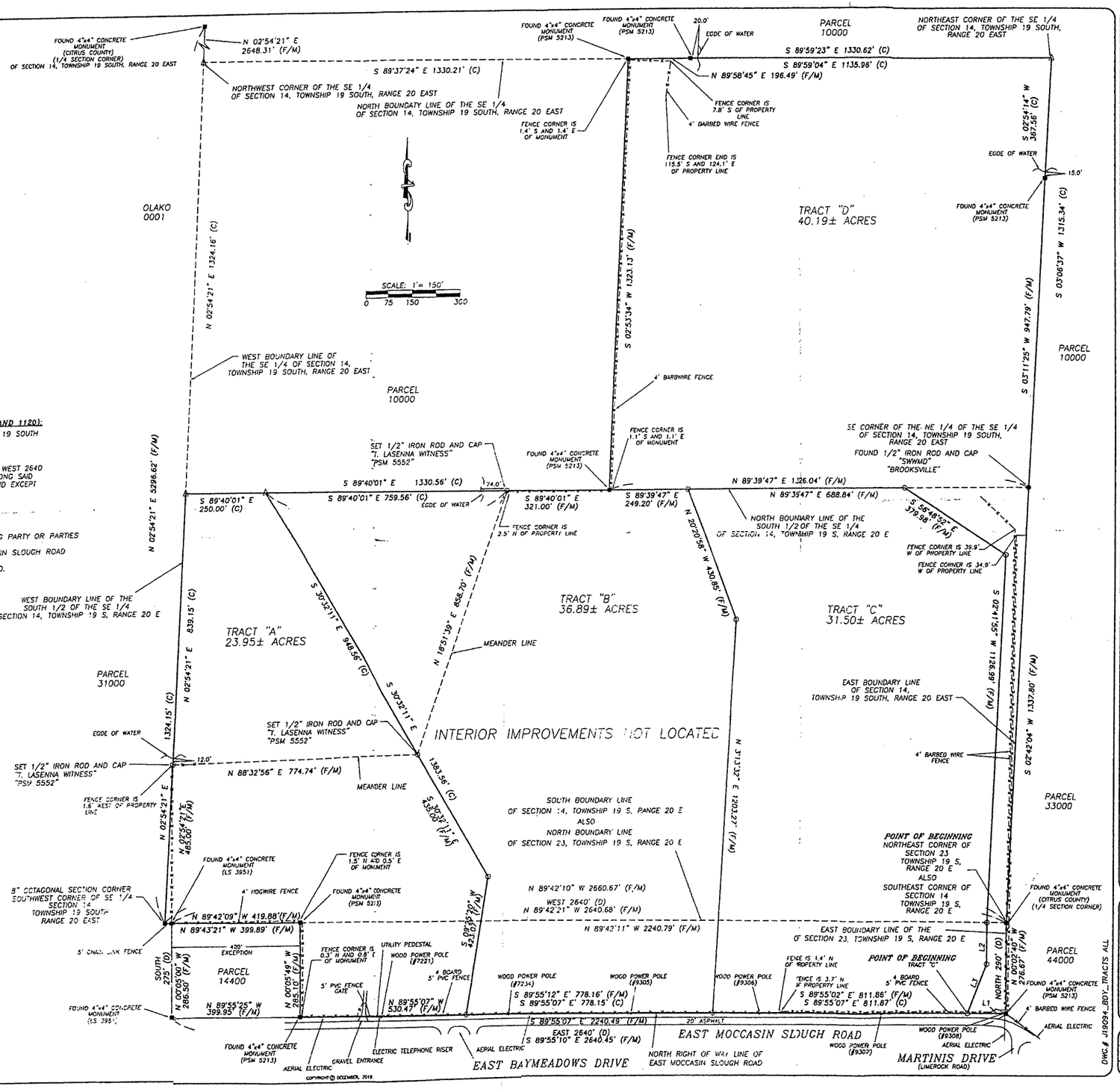


NO.	REVISIONS	BY	DATE
1.	FIX GRAMMATICAL ERROR	J.T.	4-27-20

DRAWN: K.L.
CHECKED: T.L.
APPROVED BY: T.L.
SCALE: 1" = 150'

THOMAS LA SENNA LAND SURVEYING INC.
6740 SE 110TH STREET, SUITE 507 BELLEVIEW FLORIDA 34420
(352) 307-0160

PRELIMINARY PLAT
RICHARDS PLACE
SECTION 14, TOWNSHIP 19 SOUTH, RANGE 20 EAST

RECEIVED
APR 21 2022
#A-22
Land Development Divis

REFERENCES: FIELD BOOKS 187 & 196

J.O.# 13094

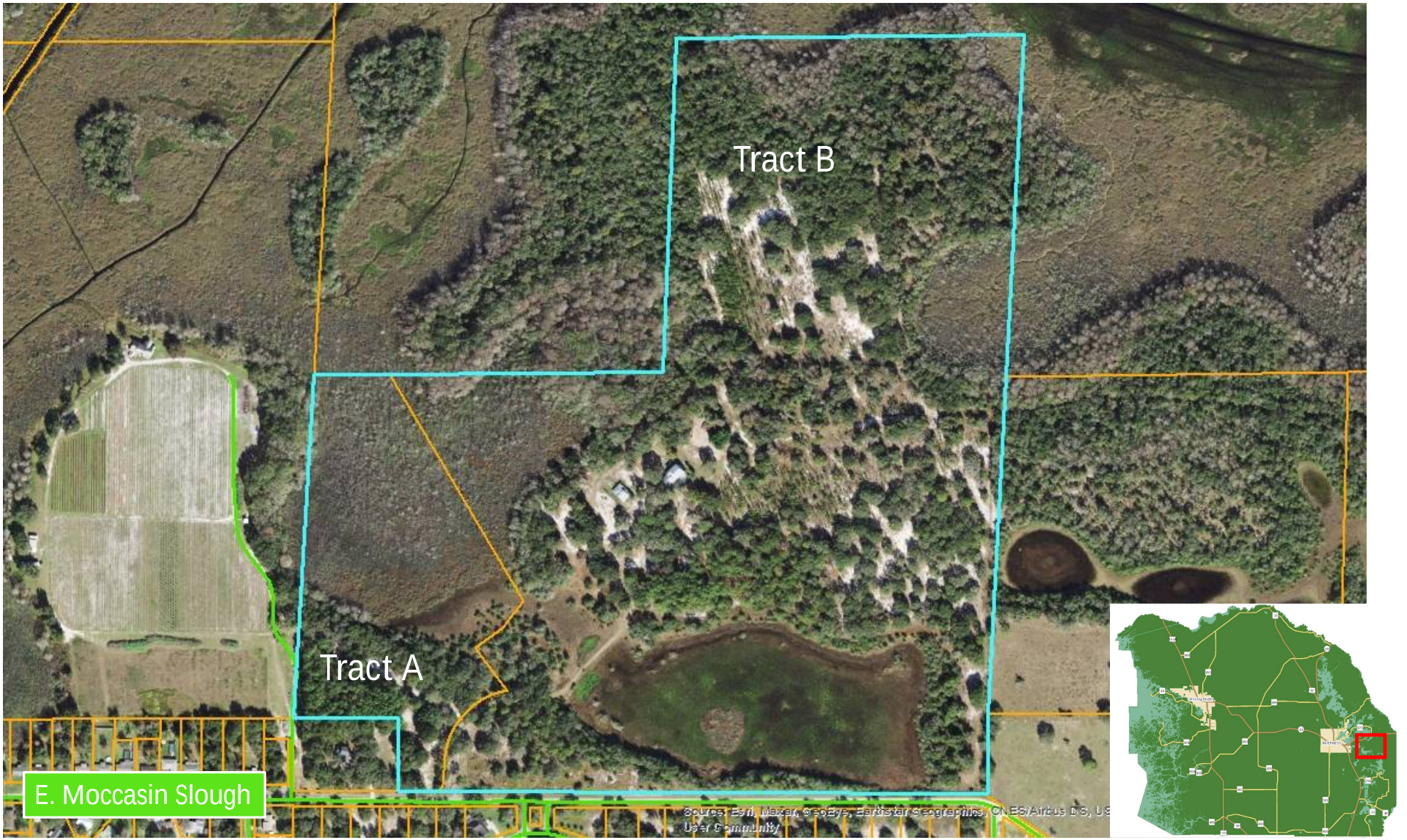
SHT 1 OF 1

Attachment: Applicant submittal (20485 : AA-22-03 McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan)

AA-22-03

Brenda McKenzie for Hollynn Properties, Inc.,
Pospiech, and Flanagan

Attachment: Planner's PowerPoint (20485 : AA-22-03 McKenzie for Hollynn Properties, Inc., Pospiech,



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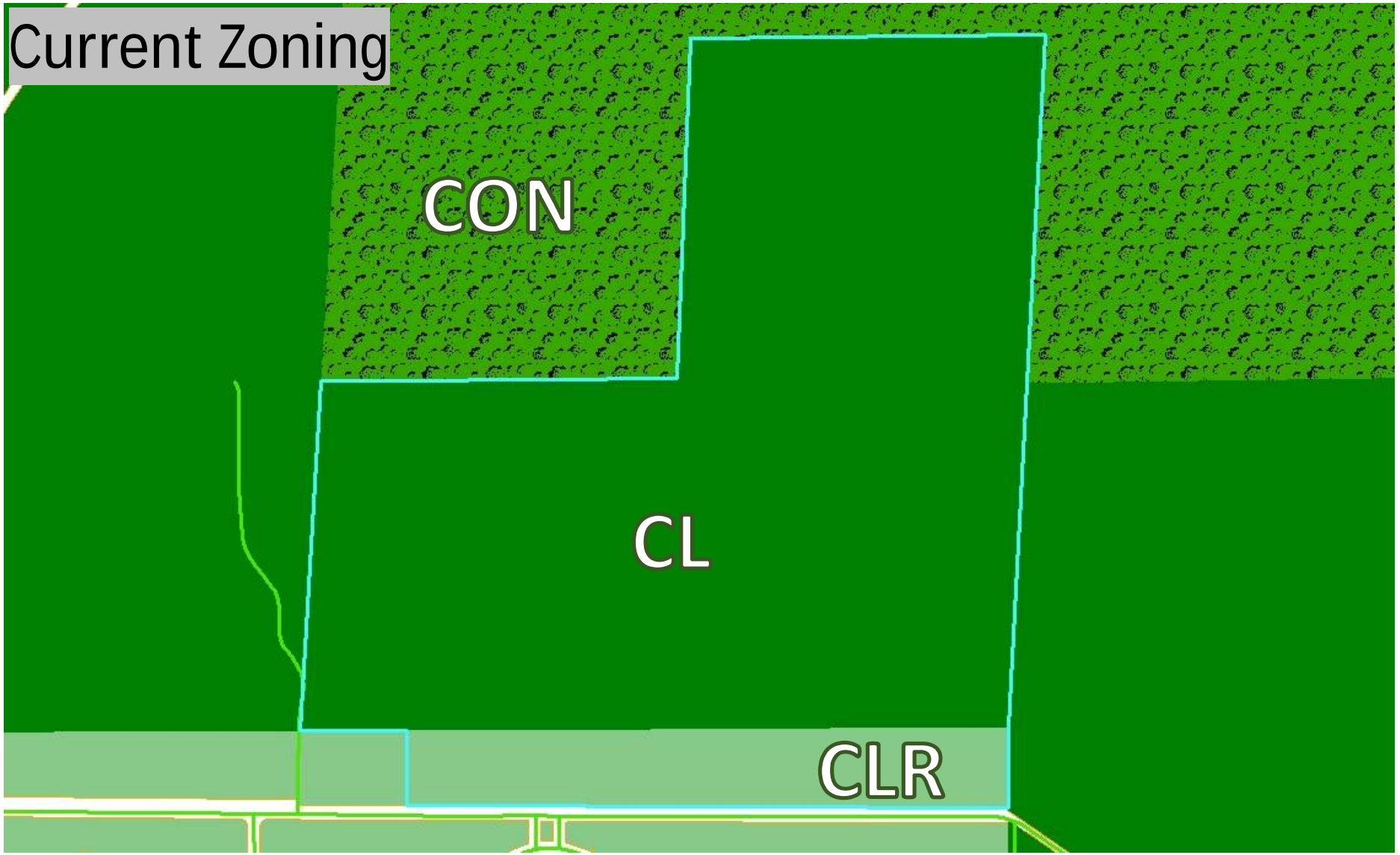

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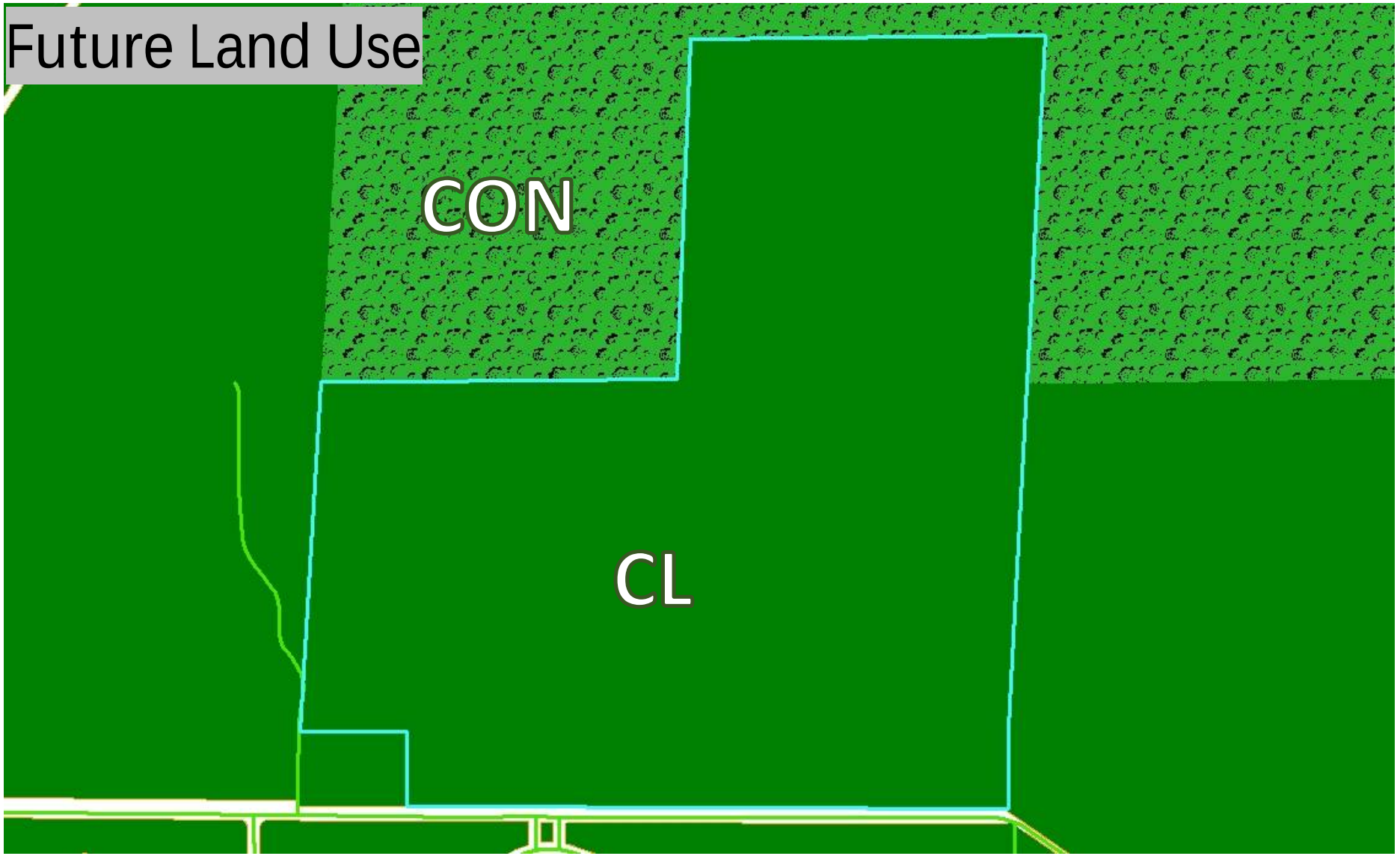

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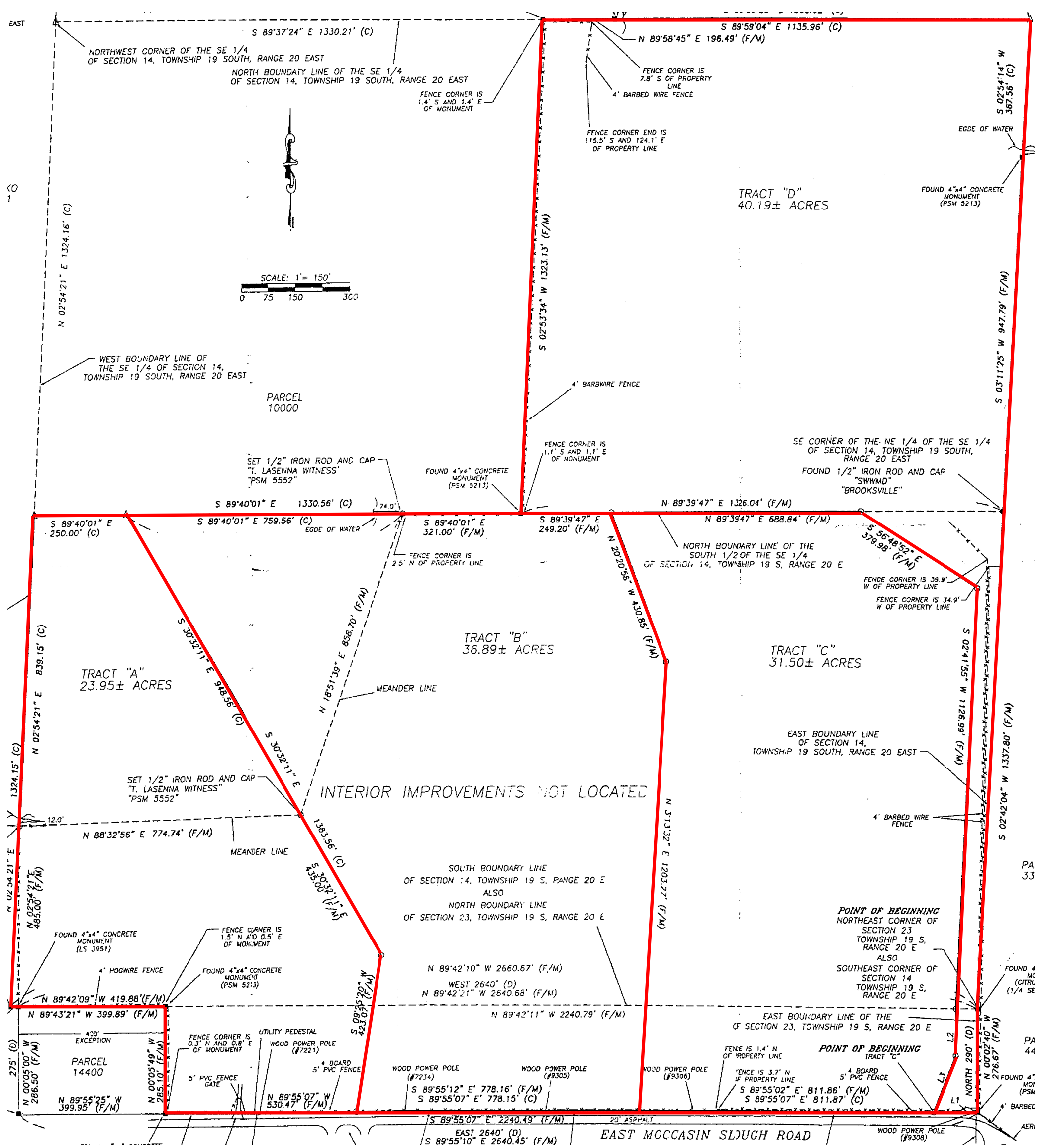

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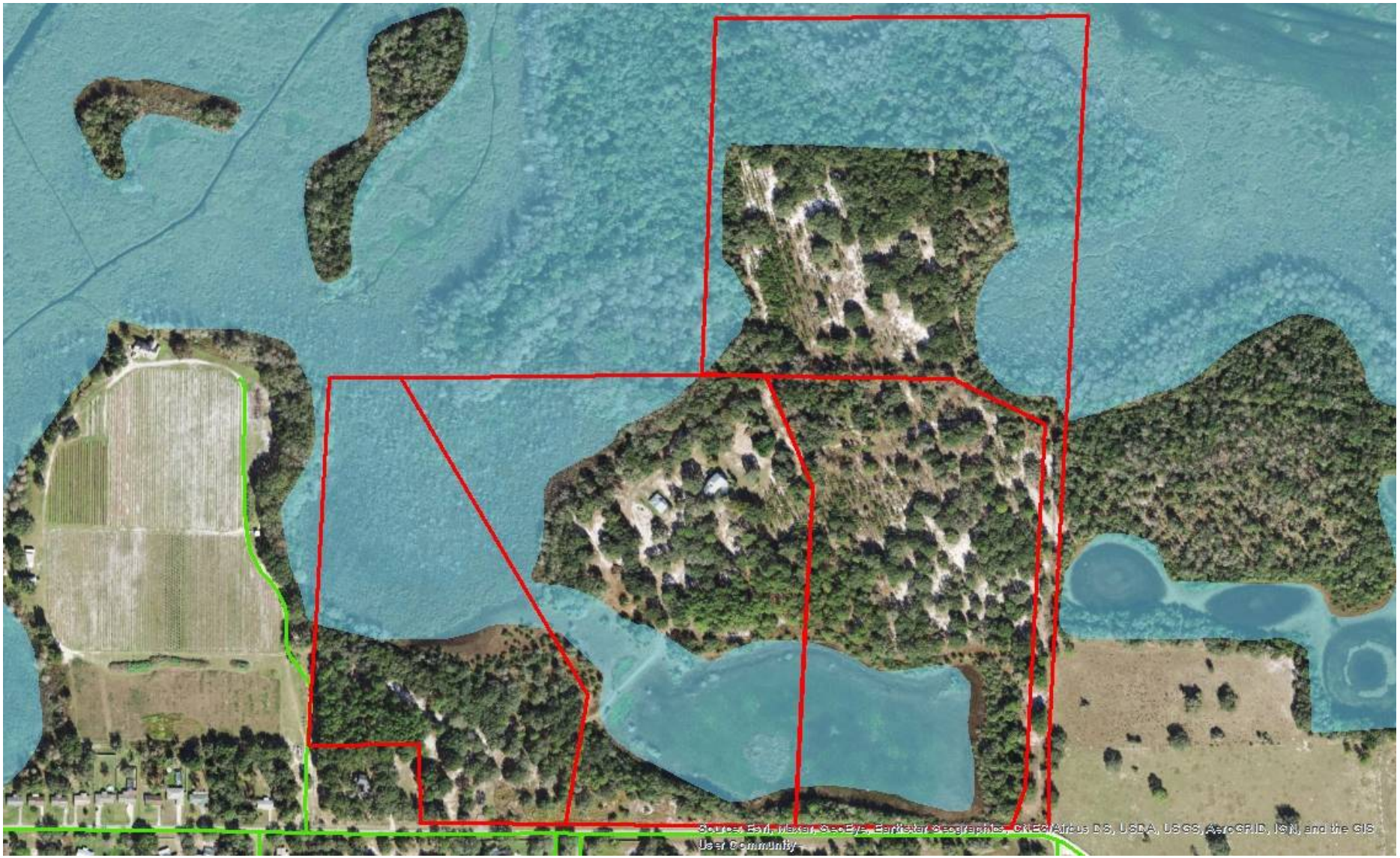


Attachment: Planner's PowerPoint (20485 : AA-22-03 McKenzie for Hollynn Properties, Inc., Pospiech,

PM2-22-71

DEPARTMENT OF GROWTH MANAGEMENT
ATLAS AMENDMENT
STAFF FINDINGS REPORT
TO THE
PLANNING AND DEVELOPMENT COMMISSION

APPLICATION NUMBER AA-22-03 Brenda McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan

DATE: June 7, 2022

PREPARED BY: Jennifer Perkins, Planner; Land Development Division JP

This application is a request to amend the Land Use Atlas Map (LUAM) of the Land Development Code.

LAND USE ATLAS MAP REQUEST:	From: CLR, Coastal and Lakes Residential District To: CL, Low Intensity Coastal and Lakes District
LOCATION:	Section 23, Township 19 South, Range 20 East; specifically, a portion of Tracts A and B, of Baymeadows at 7 Lakes unrecorded subdivision, (AK 3524761, 3524762, 3524249), which addresses are known as 9541 and 9639 E. Moccasin Slough Rd., Inverness, FL. A complete legal description is on file with the Land Development Division.
ACREAGE:	Approximately 661,073 square feet (15.18 acres)
FUTURE LAND USE DESIGNATION:	CL, Low Intensity Coastal and Lakes District
SURROUNDING FUTURE LAND DESIGNATION:	North – CON, Conservation District South – CL, Low Intensity Coastal and Lakes District East – CON, Conservation District, and CL, Low Intensity Coastal and Lakes District West – CON, Conservation District, and CL, Low Intensity Coastal and Lakes District
SURROUNDING LAND DEVELOPMENT CODE ATLAS DESIGNATION:	North – CON, Conservation District South – CLR, Coastal and Lakes Residential District East – CON, Conservation District, and CL, Low Intensity Coastal and Lakes District West – CON, Conservation District, CL, Low Intensity Coastal and Lakes District, and CLR, Coastal and Lakes Residential District
SURROUNDING EXISTING LAND USES:	North – Flying Eagle Preserve South – Single-family dwellings, Vacant Residential East – Flying Eagle Preserve, Single-family dwelling, Vacant Residential West – Flying Eagle Preserve, Single-family dwelling

Attachment: PDC Staff Report and Locator Map (20485 : AA-22-03 McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan)

CHARACTERISTICS OF THE SUBJECT PROPERTY

According to the *Soil Survey of Citrus County* (1988), the soil types in the area are Adamsville fine sand, 0 to 2 percent slopes; Basinger fine sand, depressional, 0 to 1 percent slopes; and Tavares fine sand, 0 to 5 percent slopes. Limitations to development range widely from slight to moderate due to wetness, to severe due to ponding. The subject properties are located in Flood Zones AE and X, as found on the Flood Insurance Rate Map 12017C0359D.

BACKGROUND AND ANALYSIS

The subject property consists of two lots in the Baymeadows at 7 Lakes unrecorded subdivision. The lots take access from E. Moccasin Slough Rd., a minor collector roadway. The request is to change the portion of the lots having the Land Use designation Coastal and Lakes Residential District (CLR) to Low Intensity Coastal and Lakes District (CL) for Tracts A and B. Tract A is vacant and used for grazing. Tract B is developed with two residences that were placed in the 1980's. Both have a Future Land Use designation of CL. The applicant has indicated she would like to change the CLR portion to CL for the purpose of subdividing.

The lots in total are approximately 134.62 acres in size. The CLR portion is approximately 15.18 acres. The lots abut Southwest Florida Water Management District's Flying Eagle Preserve to the north, east, and west. The lots also abut a single-family dwelling and vacant residential to the east and a single-family dwelling to the west. The lots front E. Moccasin Slough Rd. and have single-family dwellings and vacant residential to the south.

There appear to be wetlands on the site that total approximately 56.86 acres, including a 13.92-acre freshwater pond along the southern edge of Tract B, according to the National Wetlands Inventory. The lots are outside of the Planned Service Area and are on well and septic. The lots are located in the Coastal, Lakes, and Rivers Region. If the lots are subdivided, the applicant/owner must demonstrate that access requirements can be met.

Consistency with the Land Development Code (LDC) - The applicant has proposed that the portions of the existing lots that are zoned Coastal and Lakes Residential District (CLR) be amended to Low Intensity Coastal and Lakes District (CL) in order to subdivide.

Per Section 2403, Coastal and Lakes Residential District (CLR), as specified in the LDC, density shall be limited to the maximum provided by the final development order approved for the underlying subdivision plat. Parcels in the CLR District cannot be further subdivided. If this application is approved, the applicant/owner must meet the requirements of the Low Intensity Coastal and Lakes District.

Consistency with the Comprehensive Plan - All development applications shall demonstrate complete compliance with the Comprehensive Plan. The application appears to be consistent with the following policies of the Comprehensive Plan:

Policy 17.2.10 Land uses adjacent to conservation areas shall, where possible, only allow for low density residential development or agricultural use.

Attachment: PDC Staff Report and Locator Map (20485 : AA-22-03 McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan)

Staff comment – The lots are adjacent to Southwest Florida Water Management District's Flying Eagle Preserve. Changing the Land Use Atlas Map from CLR to CL maintains low density residential development.

Summary of Agency Comments: At this time, no agency input has been received.

Summary of Public Comments: At this time, no public input has been received.

PROPOSED FINDINGS OF FACT

1. This request is to re-designate approximately 15.18 acres from CLR to CL on the Land Use Atlas Map.

2. The lots take access from a minor collector roadway.

3. The Future Land Use designation of the lots is CL.

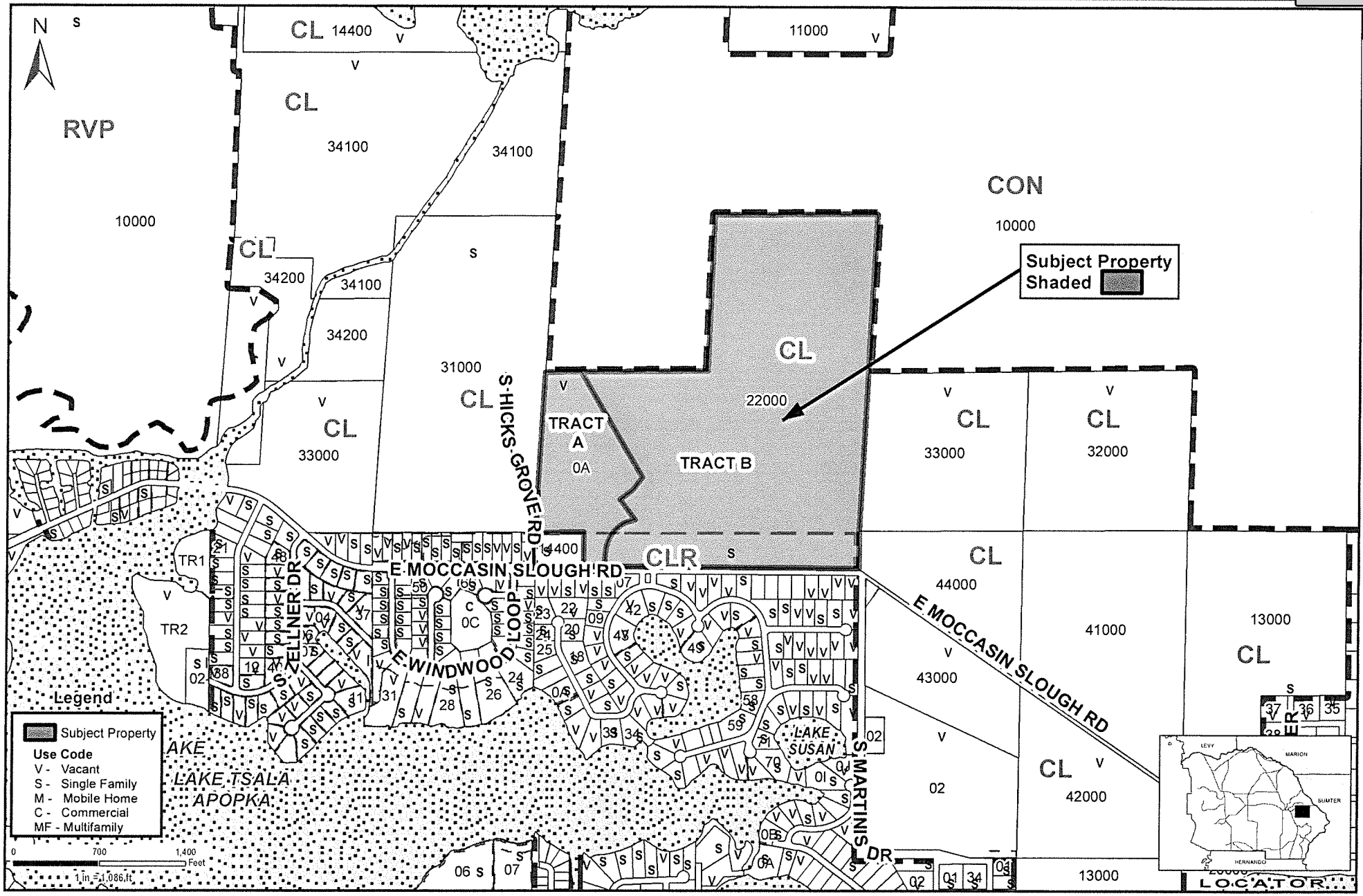
4. The site does not have central water or sewer.

SUMMARY OF FINDINGS

The application proposes to redesignate approximately 15.18 acres from CLR to CL on the LDC Atlas. The amendment is consistent with the policies of the Comprehensive Plan as identified in this report. Granting this request will not adversely affect the public interest and would be generally compatible with adjacent properties and other properties in the district.

JP/cb

Attachment: PDC Staff Report and Locator Map (20485 : AA-22-03 McKenzie for Hollynn Properties, Inc., Pospiech, and Flanagan)



Application #:AA-22-03	Applicant: McKenzie for Hollynn Properties Inc., Pospiech, and Flanagan
Proposal: Rezone CLR portion to CL	
Land Use Atlas: CLR	Location: 9639 & 9541 E Moccasin Slough Rd, Inverness FL
S-T-R - 23-19-20 SE	Planner Initials: JP Date: 6/6/22

Geographic Information Systems

Cynthia P. Skelhorn
Director

Prepared By : William Braunsch
Date: May 16, 2022
Source: Enterprise Geodatabase
Map Number: WB0000790

The information is to be used for general purposes only. The Citrus County Geographic Information Systems Division makes every effort to provide content that is accurate and complete as of the date it is posted. However, all information provided must be independently verified by the user.

Citrus County shall not be liable for any claims, demands, or losses of any kind in connection with the use of this information, including but not limited to, damages of lesser caused by reliance upon the accuracy or timeliness of this information and the viewing, copying or distributing of these materials.

Attachment: PDC Staff Report and Locator Map (20485 : AA-22-03 McKenzie for Hollynn Properties, Inc.,

AGENDA MEMORANDUM

FROM:	Joanna Coutu, Director, Land Dev. Division
SUBJECT:	CU-22-08 Palmetto Capital Group, LLC
AGENDA DATE:	**July 07, 2022**

BRIEF OVERVIEW:

This request is for a Conditional Use to allow for neighborhood commercial use for a discount/grocery retail store in excess of 7,000 square feet in the Rural Activity Center Land Use District, pursuant to Section 2500, Types of Uses, as specified in the LDC.

Specifically, the applicant is requesting a 10,640 square-foot retail store.

BUDGET IMPACT/FUNDING SOURCE:

Account No.	Account Title	Current Budget	YTD Expenditures	Encumbrances	Available Balance
					$0

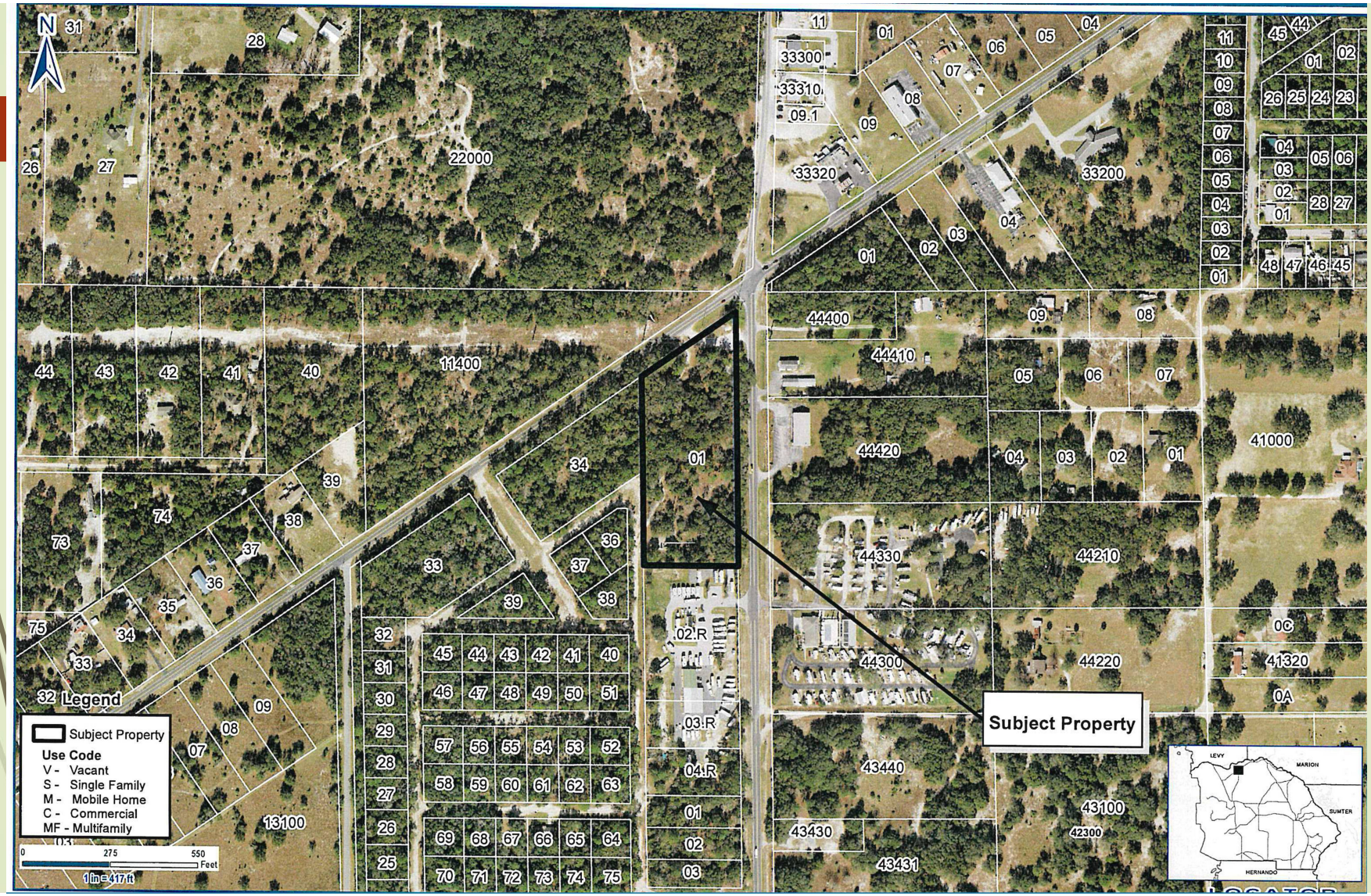
RECOMMENDED ACTION:

Conduct a public hearing on July 7, 2022, to review and consider CU-22-08, Palmetto Capital Group, LLC

CU-22-08 Palmetto Capital Group, LLC

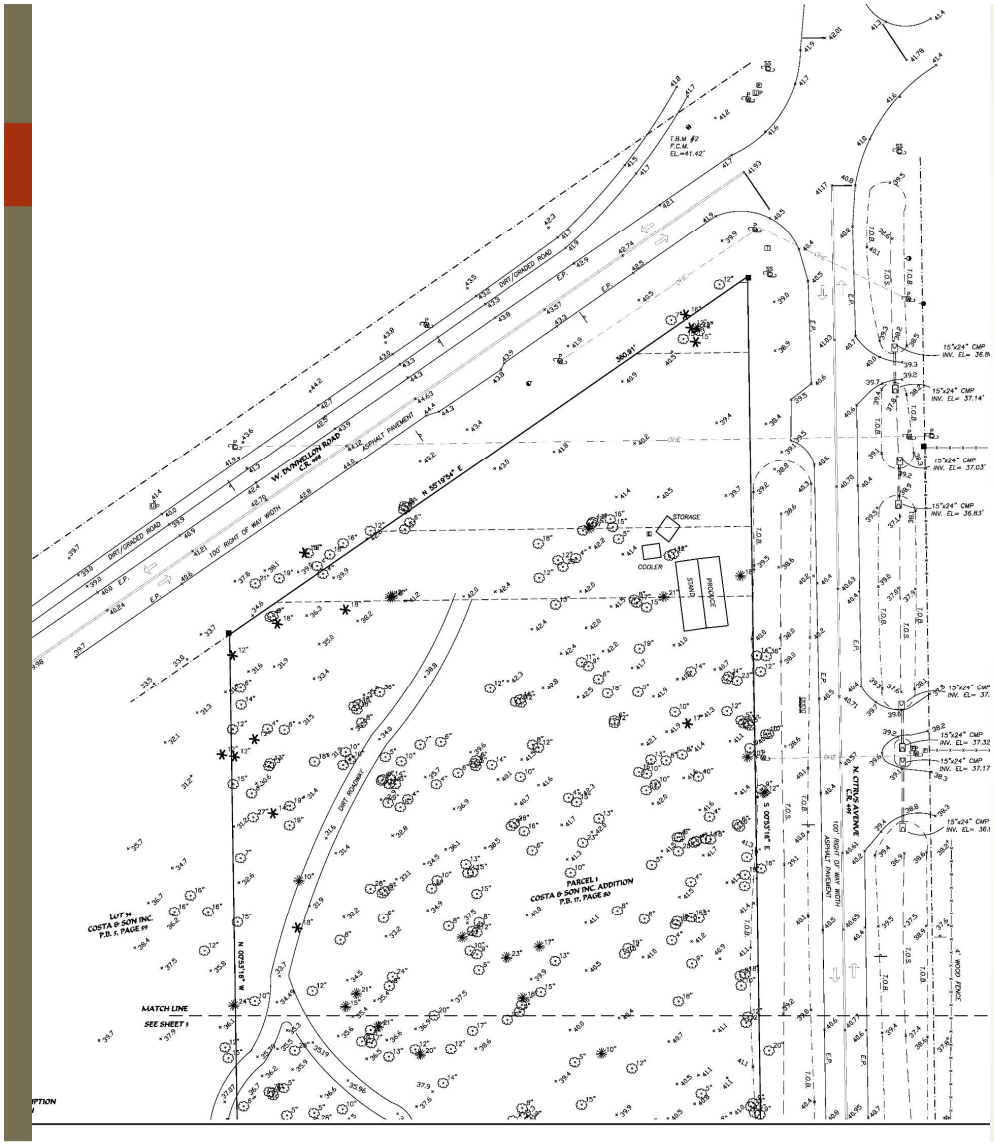
9976 N. Citrus Ave., Crystal River, Fl

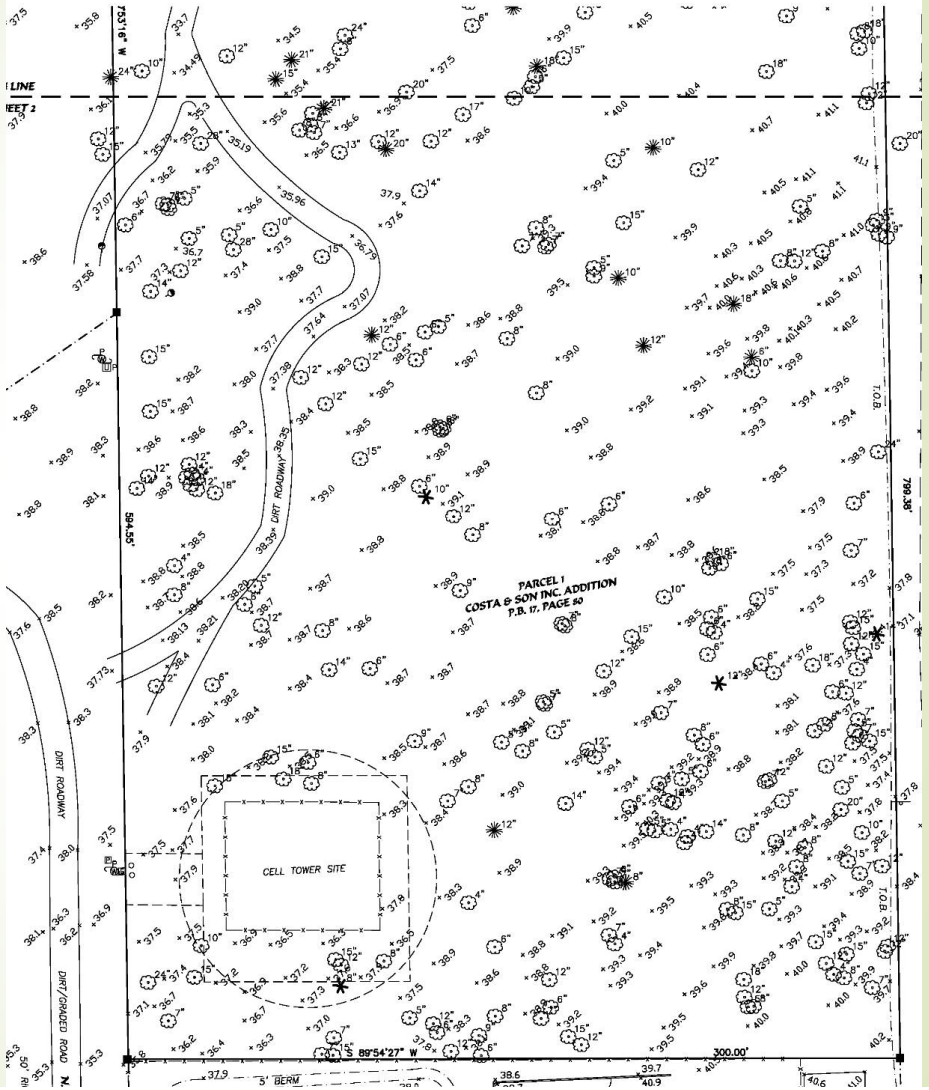
Attachment: Coordinator PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)



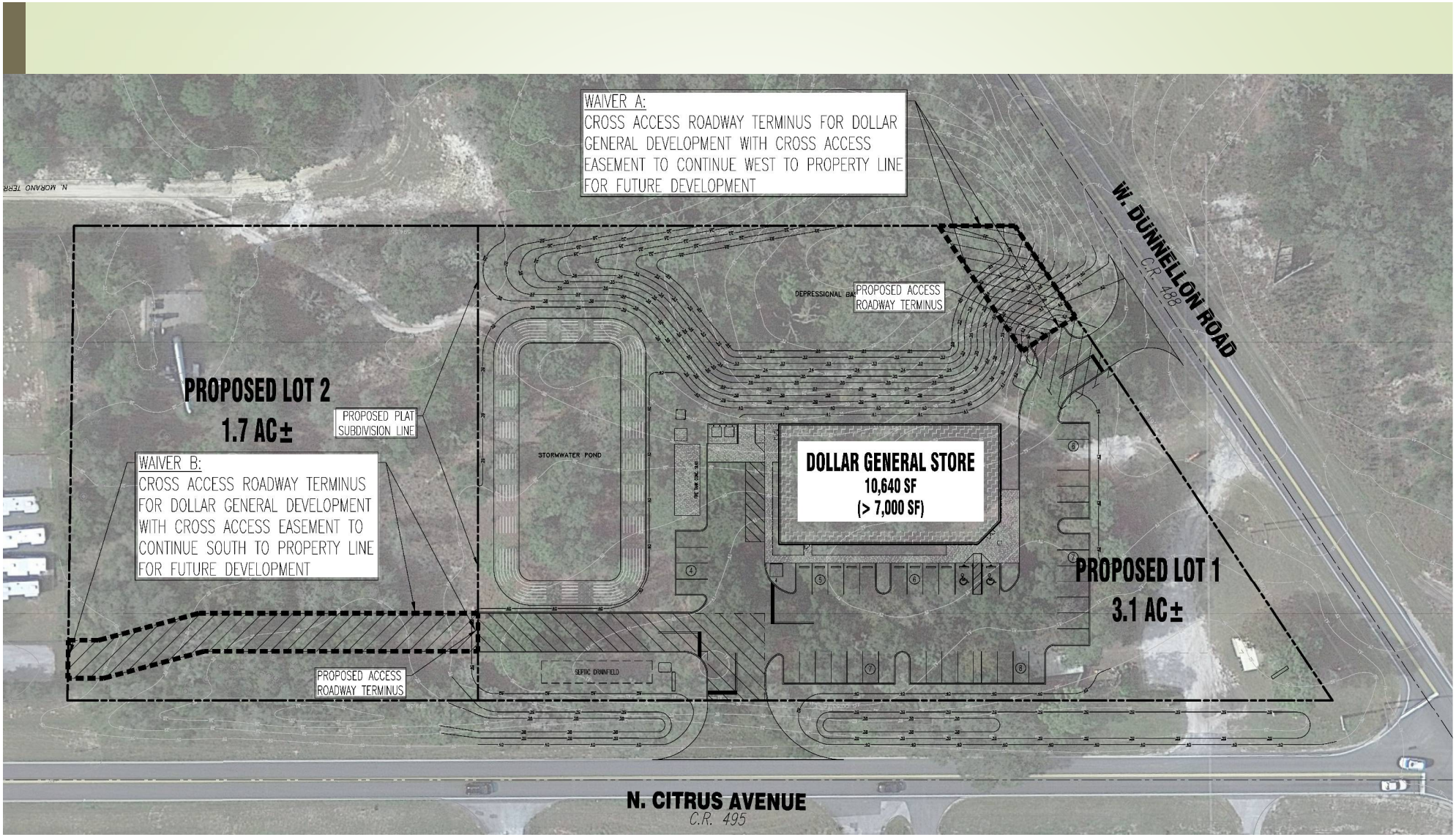
Attachment: Coordinator PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

DUNBAR AVE





Attachment: Coordinator PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)



Attachment: Coordinator PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

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April 28, 2022

Miranda Anaya
Senior Planner
Citrus County Land Development Division
3600 W. Sovereign Path, Suite 140
Lecanto, Florida 34461

RE: PL2-22-80 / Application CU 22-08 – Response to Letter of Sufficiency Determination

Dear Ms. Anaya:

I am in receipt of the Letter of Sufficiency Determination dated April 5, 2022 regarding the above referenced petition. Your letter identified three items, and here is our reply to each.

1. *Front application pages states application is for 2.1 acres.*
   A corrected page 1 of the application is enclosed to reflect the full parcel size of 4.8 =/- acres. The parcel size for which the conditional use is being sought is a total of 4.8 +/- acres. The primary development for which the conditional use is being sought is intended to be contained in what we are referring to as Lot 1 which is 3.1 +/- acres, with the remaining 1.7 +/- acres we are referring to as Lot 2 to be developed consistent with all current permitted approvals under the Land Development Code.

2. *Please clarify if this CU is for the entirety of the parcel. If it is only for the proposed northern lot, or any portion of subject property, we will need a legal description for that portion.*
   The CU is being sought for the entirety of the parcel. An amended CU narrative is enclosed with this correspondence to further clarify the requested action.

3. *Note. This application will not be reviewing subdivision regulations. Please note that without a certified fall zone letter, the tower may impact the proposed lot lines.*
   The applicant is aware of this issue. The parcel is not yet subdivided which is why the CU is being sought for the entire parcel. At some point in the future, the parcel is intended to be subdivided but there are current variables at play, including the fall radius of the tower, which will affect how final lot lines may be drawn; therefore, this CU is being sought for the entirety of the parcel.

Should you require any additional information or documentation, please feel free to contact me.

Sincerely,

/s/ Jennifer C. Rey

Jennifer C. Rey, Esq.
Fla. Bar No. 41997

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Enclosures

cc: Palmetto Capital Group

00973191Brooksville Office: 20 S. Broad Street ● Brooksville, Florida 34601 ● PH: (352) 799-8423 ● FX: (352) 799-8294
Email: jrey@hoganlawfirm.com ● Website: www.hoganlawfirm.com

Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

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-22-08 Date: March 17, 2022

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

Applicant*
Name: Palmetto Capital Group, LLC
Address: 221 S. Crawford Street
City: Thomasville
State: GA Zip: 31792
Home No.: Cell No.:
Work No.: 863-581-7152 Fax No.:
Email: patrick@palmettocg.com

Property Owner
Name: Edward B. Smith and Yvonne B. Smith, as Trustees of the Edward B. and Yvonne B. Smith Family Trust dated 11/11/98
Address:
City: 3919 West Ivy Lane, Dunnellon
State: FL Zip: 34433
Home No.: N/A Cell No.: N/A
Work No.: N/A Fax No.: N/A
Email: N/A

Property Description: Section: 15 Township: 17 South Range: 17 East
Legal Description: Parcel 1, of COSTA AND SON ADDITION, according to the map or plat thereof as recorded in Plat Book 17, Page 80
Subdivision: NA Lot(s): 1 Block/Parcel: NA
Alternate Key #: 3257150 Parcel ID: 17E17S150020-0010
Acreage: +/- 4.8 acres

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: Conditional Use Request, pursuant to Section 2412, to construct a grocery store in excess of 7000 square feet with waiver of certain cross access easement requirements. See enclosed Exhibit B for a detailed explanation of the request.

Describe how it will/will not affect surrounding development: This request will not have an affect on surrounding development.

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.

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REVISED AS TO PARCEL SIZE

Ex

Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

Amended Conditional Use Application Narrative

Requested Action: Consistent with Section 2412. GENERAL COMMERCIAL DISTRICT (GNC), and Section 2500.E.1, of the Citrus County Land Development Code, Petitioner seeks approval of:

(i) a conditional use to develop a grocery store in excess of 7000 square feet on the 4.8 +/- acres parcel with development contained to Lot 1; and

(ii) with a request for deviations, pursuant to Section 7110, from cross access roadway construction requirements on the northwest and southwest corners of Lot 1 and across Lot 2; and

(iii) future development of Lot 2 (1.7 +/- acres) consistent with current approvals and permitted development under Land Development Code.

Parcel ID: 17E17S150020

Property Address: 9976 N. Citrus Avenue, Crystal River, Florida 34433

General Location: Southwest corner of the intersection of W. Dunnellon Rd. CR 488 and CR 495 (N. Citrus Avenue) in Crystal River.

Legal Description: COSTA & SON ADDITION Plat Book 17 Page 80 Parcel 1

Parcel Size: 4.8 +/- acres (Northern portion of the Subject Parcel is 3.1 +/- acres ("Lot 1") / Southern portion of the Subject Parcel is 1.7 acres +/- ("Lot 2"))

Parcel Square Footage: 209,203 square feet

Existing Future Land Use Designation: RAC

Existing Zoning: GNC

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Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

Conditional Use Request and Criteria (Section 4500C):

Pursuant to Section 2500E, Neighborhood Commercial Uses may include a "wide variety of neighborhood commercial, service businesses, and related activities are included in this group of uses. Examples include the professional and office uses listed above as well as the following specific uses and all substantially similar types of uses." Grocery stores are specifically addressed in Section 2500E.1, which states, "grocery or discount retail stores having less than 7,000 square feet gross floor area. A grocery or discount retail store can exceed the gross floor area standard by securing a Conditional Use approval." The Requested Action is for approval of a Conditional Use for a grocery or discount retail store in excess of 7000 square feet.

1. ***The proposed uses and structures would not violate the land uses, densities, or other directives of the adopted Comprehensive Plan or of this code.***

   The Requested Action is consistent with the existing future land use designation of RAC and consistent with the existing zoning designation of GNC, and would not otherwise be in conflict with any other aspect of the Comprehensive Plan or Code.

2. ***The proposed uses and structures would not be incompatible with the uses, structures, and activities on adjacent and nearby lands.***

   The proposed use and Requested Action is compatible with surrounding uses, structures, and activities on adjacent and nearby lands. The immediately adjacent and neighboring properties have the following designations:

Direction	FLU	Zoning
North	RAC	GNC, CLMH
East	RAC, RVP	GNC, RVP
South	RAC	GNC
West	RAC, RUR	GNC, RUR

   See Exhibit B-1 and Exhibit B-2.

3. ***The proposed uses and structures would not violate the 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:***

   The proposed use and Requested Action would not violate the health, safety, welfare, and/or convenience of those residing, working or owning land in the vicinity. In fact, the proposed use and Requested Action would contribute to the health, safety, welfare, and convenience as it contributes to the convenience and availability of groceries and other household items in support of neighborhood living.

   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;

   The parcel size of 4.8 +/- acres and the Lot 1 size of 3.1 +/- acres, for which the Requested Action is being sought, is of sufficient size to accommodate the proposed use and site plan while providing for required setbacks, storm water management features, and parking. The development of the site as contemplated will not result in overcrowding of land or buildings.

   b. The use or structure would not impair pedestrian or vehicular movement in adjoining streets so as to violate adopted level of service standards;

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CU 22-08
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Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

The proposed use and Requested Action as contemplated in the site plan included with this application provide for sidewalks and parking to address pedestrian access, and vehicular movement. The site plan also outlines driveway access to both CR 488 and CR 495. The proposed density and amount of parking will not impair movement on CR 488 or CR 495.

c. ***The use or structure would not create a fire hazard;***

Granting the Requested Action would not create a fire hazard. All Fire Code requirements for structures will be met.

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;***

The proposed use and Requested Action will not result in noise, odor, glare, vibration, or other similar characteristics, which exceeds the level of permitted uses. The proposed use is consistent with other permitted uses for grocery stores within the GNC zoning designation. The Conditional Use is sought due to the size of the store being in excess of 7000 square feet. Site plan and subsequent development approvals will address lighting requirements and buffering consistent the Land Development Code.

e. ***The use or structure would not prevent an adjoining landowner from the legal use of his property pursuant to this code;***

The Requested Action does not prevent an adjoining landowner from the legal use of his property.

f. ***The use or structure would not violate a requirement or limitation of any applicable state or federal law or regulation; and***

The Requested Action does not violate a requirement or limitation of any applicable state or federal law or regulation.

g. ***The use or structure would not result in the inadequacy or inability of any public facility or service to meet adopted standards.***

The Requested Action would not result in the inadequacy or inability of any public facility or service to meet adopted standards.

Request for Deviations:

Pursuant to Section 7100 Access Management of the Citrus County Land Development Code, Petitioner seeks deviations from the cross access roadway construction requirements of Section 7400.D.1.c, which states that, "[e]ach development plan shall provide for appropriate stub-outs to

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Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

support cross access between adjacent parcels;" and Section 7100 Access Management, Subsection 7110 General Standards, which provides as follows:

"D. Projects proposed on principal and minor arterials and major collectors (see Functional Classification Map) shall include frontage or service roads, and shall take access from the frontage road rather than the arterial or major collector where frontage or service roads do not exist. *This requirement can be met through cross access. Where natural features cause this requirement to be physically infeasible, alternate designs may be approved.*"

The Requested Deviations are to waive the cross access roadway requirements to the west and south parcels. The rationale for the requested deviation is that based on the intended site plan, and existing natural features of the site, the cross access roadway requirements create an cause the requirement to be physically problematic and infeasible.

a. Deviation from Cross Access Roadway Requirement to the West Parcel

The current site plan, enclosed as Exhibit D, provides for a cross access easement to the adjacent parcel to the west; however, Petitioner seeks a deviation from the requirement to provide for and construct an improved cross access roadway to the adjacent parcel to the west. The general vicinity in which the cross access easement and roadway would be constructed is occupied by an onsite natural depressional area/basin where stormwater runoff collects from the subject site, CR 488, and the offsite western parcel. While the site plan contemplates an engineered post-development storm water retention pond to accommodate storm water requirements, construction of a cross access roadway will cause unnecessary blockage of existing drainage patterns and impacts to existing storage capacity. Disruption of this important depressional basin should be avoided until a development design to the west is clearly identified.

The proposed Alternate Design is to provide a cross access easement to the west property line and forgo construction of any improved western cross access connection parallel to CR 488 until future development to the west is clearly identified.

b. Deviation from Cross Access Roadway Requirement to the South Parcel

The current site plan, enclosed as Exhibit D, provides for a cross access easement to the adjacent parcel to the south; however, Petitioner seeks a waiver of the requirement to provide for and construct a cross access roadway to the adjacent parcel to the south. Rather, the Petitioner intends to in the future subdivide the property into (2) legal lots of record. The northern lot ("Lot 1") will be developed as a Dollar General Store and the southern lot ("Lot 2") will be reserved for future development. The south portion of the parcel currently contains a cellular communications tower subject to a long-term lease. Given lease requirements, buffering requirements and fall radius for the tower all of which need to be accounted for in any development plan of Lot 2, mandating a cross access roadway at this time, would unduly burden the property owner as it limits the type and nature of development on that parcel, and imposes additional unnecessary costs. In addition, construction of a cross access roadway all the way through Lot 2 to the adjacent RV Facility property to the south will block drainage

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Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

from CR 495, cause specimen tree removal, and will cause alignment of the roadway to be incompatible with future development decisions.

Therefore, similar to the above Deviation Request in a., the proposed Alternate Design is to provide a cross access easement to the south property line and forgo construction of any improved southern cross access connection parallel to CR 495 until future development to Lot 2 of the Parcel is clearly identified. Only that portion of the cross access roadway on Lot 1 will be constructed.

Based on the information outlined herein, and the criteria established within the Citrus County Land Development Code, Petitioner has demonstrated that it's Requested Action and Requested Deviations with proposed Alternative Designs is consistent with the requirements of the Land Development Code, and meets the criteria for granting such requests. Petitioner respectfully requests approval of the Requested Action including the approval of the Conditional Use, the Requested Deviations, and Alternative Designs.

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March 17, 2022

Joanna Coutu, AICP
Land Development Director
Citrus County Land Development Division
3600 W. Sovereign Path, Suite 140
Lecanto, Florida 34461

RE: Conditional Use Application for Palmetto Capital Group, LLC

Dear Ms. Coutu:

Enclosed is a Conditional use Application for Palmetto Capital Group, LLC (the "Petitioner"). Pursuant to Section 4500A.1 of the Citrus County Land Development Code, Petitioner seeks approval of a conditional use application to develop a commercial/retail grocery store in excess of 7000 square feet, with a waiver of certain cross access roadway requirements.

In support of the above request, enclosed with this application are the following:

A. Conditional Use Application
B. Application Narrative
C. Proof of ownership and legal description of property
D. Site Plan
E. Letter of Authorization
F. Written Directions to the Property from the Department of Development Services Office.
G. Signed Appeal Notice
H. Flood Zone Designation
I. Survey
J. Completed Filing Requirements for Conditional Use Application
K. Application Filing Fee – Will be paid by phone with cashier's offic.

Petitioner respectfully requests timely consideration and approval of the conditional use request with waivers. Should you require any additional information or documentation, please feel free to contact me.

Sincerely,

Jennifer C. Rey, Esq.

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Enclosures
cc: Palmetto Capital Group

00966376Brooksville Office: 20 S. Broad Street • Brooksville, Florida 34601 • PH: (352) 799-8423 • FX: (352) 799-8294
Email: jrey@hoganlawfirm.com • Website: www.hoganlawfirm.com

Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

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.: _____ Date: _____

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

Applicant*
Name: Palmetto Capital Group, LLC
Address: 221 S. Crawford Street
City: Thomasville
State: GA Zip: 31792
Home No.: _____ Cell No.: _____
Work No.: 863-581-7152 Fax No.: _____
Email: patrick@palmettocg.com

Property Owner
Name: Edward B. Smith and Yvonne B. Smith, as Trustees of the Edward B. S
Address: and Yvonne B. Smith Family Trust dated 11/11/98
City: 3919 West Ivy Lane, Dunnellon
State: FL Zip: 34433
Home No.: N/A Cell No.: N/A
Work No.: N/A Fax No.: N/A
Email: N/A

Property Description: Section: 15 Township: 17 South Range: 17 East
Legal Description: Parcel 1, of COSTA AND SON ADDITION, according to the map or plat thereof as recorded in Plat Book 17, Page 80
Subdivision: NA Lot(s): 1 Block/Parcel: NA
Alternate Key #: 3257150 Parcel ID: 17E17S150020-0010
Acreage: +/- 2.10 acres

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: Conditional Use Request, pursuant to Section 2412, to construct a grocery store in excess of 7000 square feet with waiver of certain cross access easement requirements. See enclosed Exhibit B for a detailed explanation of the request.

Describe how it will/will not affect surrounding development: This request will not have an affect on surrounding development.

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.

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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~~ Polk

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

WITNESS my hand and official seal this 16 day of March, 2022

Krystin Olejniczak
Printed Name

Krystin Olejniczak
Notary Public - State of Florida

Seal

KRYSTIN OLEJNICZAK
Notary Public - State of Florida
Commission # GG 283427
My Comm. Expires Dec 11, 2022
Bonded through National Notary Assn.

For Staff Use Only
Date: _____
Time: _____
Initials: _____

ATF: _____
QTR: _____
LUD: _____
FZ: _____

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Conditional Use Application Narrative

Requested Action: Consistent with Section 2412. GENERAL COMMERCIAL DISTRICT (GNC), and Section 2500.E.1, of the Citrus County Land Development Code, Petitioner seeks approval of (i) a conditional use to develop a grocery store in excess of 7000 square feet on Lot 1 (ii) with a request for deviations, pursuant to Section 7110, from cross access roadway construction requirements on the northwest and southwest corners of the parcel, and (iii) development of Lot 2 which is the remaining 1.7 +/- acres consistent with existing approvals and the Land Development Code.

Parcel ID: 17E17S150020

Property Address: 9976 N. Citrus Avenue, Crystal River, Florida 34433

General Location: Southwest corner of the intersection of W. Dunnellon Rd. CR 488 and CR 495 (N. Citrus Avenue) in Crystal River.

Legal Description: COSTA & SON ADDITION Plat Book 17 Page 80 Parcel 1

Parcel Size: 4.8 +/- acres (Northern portion of the Subject Parcel is 3.1 +/- acres ("Lot 1") / Southern portion of the Subject Parcel is 1.7 acres +/- ("Lot 2"))

Parcel Square Footage: 209,203 square feet

Existing Future Land Use Designation: RAC

Existing Zoning: GNC

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CU22-08
Land Development Division

Conditional Use Request and Criteria (Section 4500C):

Pursuant to Section 2500E, Neighborhood Commercial Uses may include a "wide variety of neighborhood commercial, service businesses, and related activities are included in this group of uses. Examples include the professional and office uses listed above as well as the following specific uses and all substantially similar types of uses." Grocery stores are specifically addressed in Section 2500E.1, which states, "grocery or discount retail stores having less than 7,000 square feet gross floor area. A grocery or discount retail store can exceed the gross floor area standard by securing a Conditional Use approval." The Requested Action is for approval of a Conditional Use for a grocery or discount retail store in excess of 7000 square feet.

1. ***The proposed uses and structures would not violate the land uses, densities, or other directives of the adopted Comprehensive Plan or of this code.***

Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

The Requested Action is consistent with the existing future land use designation of RAC and consistent with the existing zoning designation of GNC, and would not otherwise be in conflict with any other aspect of the Comprehensive Plan or Code.

2. ***The proposed uses and structures would not be incompatible with the uses, structures, and activities on adjacent and nearby lands.***

The proposed use and Requested Action is compatible with surrounding uses, structures, and activities on adjacent and nearby lands. The immediately adjacent and neighboring properties have the following designations:

Direction	FLU	Zoning
North	RAC	GNC, CLMH
East	RAC, RVP	GNC, RVP
South	RAC	GNC
West	RAC, RUR	GNC, RUR

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CU 22-08
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See Exhibit B-1 and Exhibit B-2.

3. ***The proposed uses and structures would not violate the 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:***

The proposed use and Requested Action would not violate the health, safety, welfare, and/or convenience of those residing, working or owning land in the vicinity. In fact, the proposed use and Requested Action would contribute to the health, safety, welfare, and convenience as it contributes to the convenience and availability of groceries and other household items in support of neighborhood living.

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;***

The parcel size of 4.8 +/- acres and the Lot 1 size of 3.1 +/- acres, for which the Requested Action is being sought, is of sufficient size to accommodate the proposed use and site plan while providing for required setbacks, storm water management features, and parking. The development of the site as contemplated will not result in overcrowding of land or buildings.

b. ***The use or structure would not impair pedestrian or vehicular movement in adjoining streets so as to violate adopted level of service standards;***

The proposed use and Requested Action as contemplated in the site plan included with this application provide for sidewalks and parking to address pedestrian access, and vehicular movement. The site plan also outlines driveway access to both CR 488 and

Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

CR 495. The proposed density and amount of parking will not impair movement on CR 488 or CR 495.

c. ***The use or structure would not create a fire hazard;***

Granting the Requested Action would not create a fire hazard. All Fire Code requirements for structures will be met.

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;***

The proposed use and Requested Action will not result in noise, odor, glare, vibration, or other similar characteristics, which exceeds the level of permitted uses. The proposed use is consistent with other permitted uses for grocery stores within the GNC zoning designation. The Conditional Use is sought due to the size of the store being in excess of 7000 square feet. Site plan and subsequent development approvals will address lighting requirements and buffering consistent the Land Development Code.

e. ***The use or structure would not prevent an adjoining landowner from the legal use of his property pursuant to this code;***

The Requested Action does not prevent an adjoining landowner from the legal use of his property.

f. ***The use or structure would not violate a requirement or limitation of any applicable state or federal law or regulation; and***

The Requested Action does not violate a requirement or limitation of any applicable state or federal law or regulation.

g. ***The use or structure would not result in the inadequacy or inability of any public facility or service to meet adopted standards.***

The Requested Action would not result in the inadequacy or inability of any public facility or service to meet adopted standards.

Request for Deviations:

Pursuant to Section 7100 Access Management of the Citrus County Land Development Code, Petitioner seeks deviations from the cross access roadway construction requirements of Section 7400.D.1.c, which states that, "[e]ach development plan shall provide for appropriate stub-outs to support cross access between adjacent parcels;" and Section 7100 Access Management, Subsection 7110 General Standards, which provides as follows:

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Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

"D. Projects proposed on principal and minor arterials and major collectors (see Functional Classification Map) shall include frontage or service roads, and shall take access from the frontage road rather than the arterial or major collector where frontage or service roads do not exist. *This requirement can be met through cross access. Where natural features cause this requirement to be physically infeasible, alternate designs may be approved*."

The Requested Deviations are to waive the cross access roadway requirements to the west and south parcels. The rationale for the requested deviation is that based on the intended site plan, and existing natural features of the site, the cross access roadway requirements create an cause the requirement to be physically problematic and infeasible.

a. Deviation from Cross Access Roadway Requirement to the West Parcel

The current site plan, enclosed as Exhibit D, provides for a cross access easement to the adjacent parcel to the west; however, Petitioner seeks a deviation from the requirement to provide for and construct an improved cross access roadway to the adjacent parcel to the west. The general vicinity in which the cross access easement and roadway would be constructed is occupied by an onsite natural depressional area/basin where stormwater runoff collects from the subject site, CR 488, and the offsite western parcel. While the site plan contemplates an engineered post-development storm water retention pond to accommodate storm water requirements, construction of a cross access roadway will cause unnecessary blockage of existing drainage patterns and impacts to existing storage capacity. Disruption of this important depressional basin should be avoided until a development design to the west is clearly identified.

The proposed Alternate Design is to provide a cross access easement to the west property line and forgo construction of any improved western cross access connection parallel to CR 488 until future development to the west is clearly identified.

b. Deviation from Cross Access Roadway Requirement to the South Parcel

The current site plan, enclosed as Exhibit D, provides for a cross access easement to the adjacent parcel to the south; however, Petitioner seeks a waiver of the requirement to provide for and construct a cross access roadway to the adjacent parcel to the south. Rather, the Petitioner intends to subdivide the property into (2) legal lots of record. The northern lot ("Lot 1") will be developed as a Dollar General Store and the southern lot ("Lot 2") will be sold for future development by others. The south portion of the parcel currently contains a cellular communications tower subject to a long-term lease. Given lease requirements, buffering requirements and fall radius for the tower all of which need to be accounted for in any development plan of Lot 2, mandating a cross access roadway at this time, would unduly burden the property owner as it limits the type and nature of development on that parcel, and imposes additional unnecessary costs. In addition, construction of a cross access roadway all the way through Lot 2 to the adjacent RV Facility property to the south will block drainage from CR 495, cause specimen tree removal, and will cause alignment of the roadway to be incompatible with future development decisions.

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Therefore, similar to the above Deviation Request in a., the proposed Alternate Design is to provide a cross access easement to the south property line and forgo construction of any improved southern cross access connection parallel to CR 495 until future development to Lot 2 of the Parcel is clearly identified. Only that portion of the cross access roadway on Lot 1 will be constructed.

Based on the information outlined herein, and the criteria established within the Citrus County Land Development Code, Petitioner has demonstrated that it's Requested Action and Requested Deviations with proposed Alternative Designs is consistent with the requirements of the Land Development Code, and meets the criteria for granting such requests. Petitioner respectfully requests approval of the Requested Action including the approval of the Conditional Use, the Requested Deviations, and Alternative Designs.

Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

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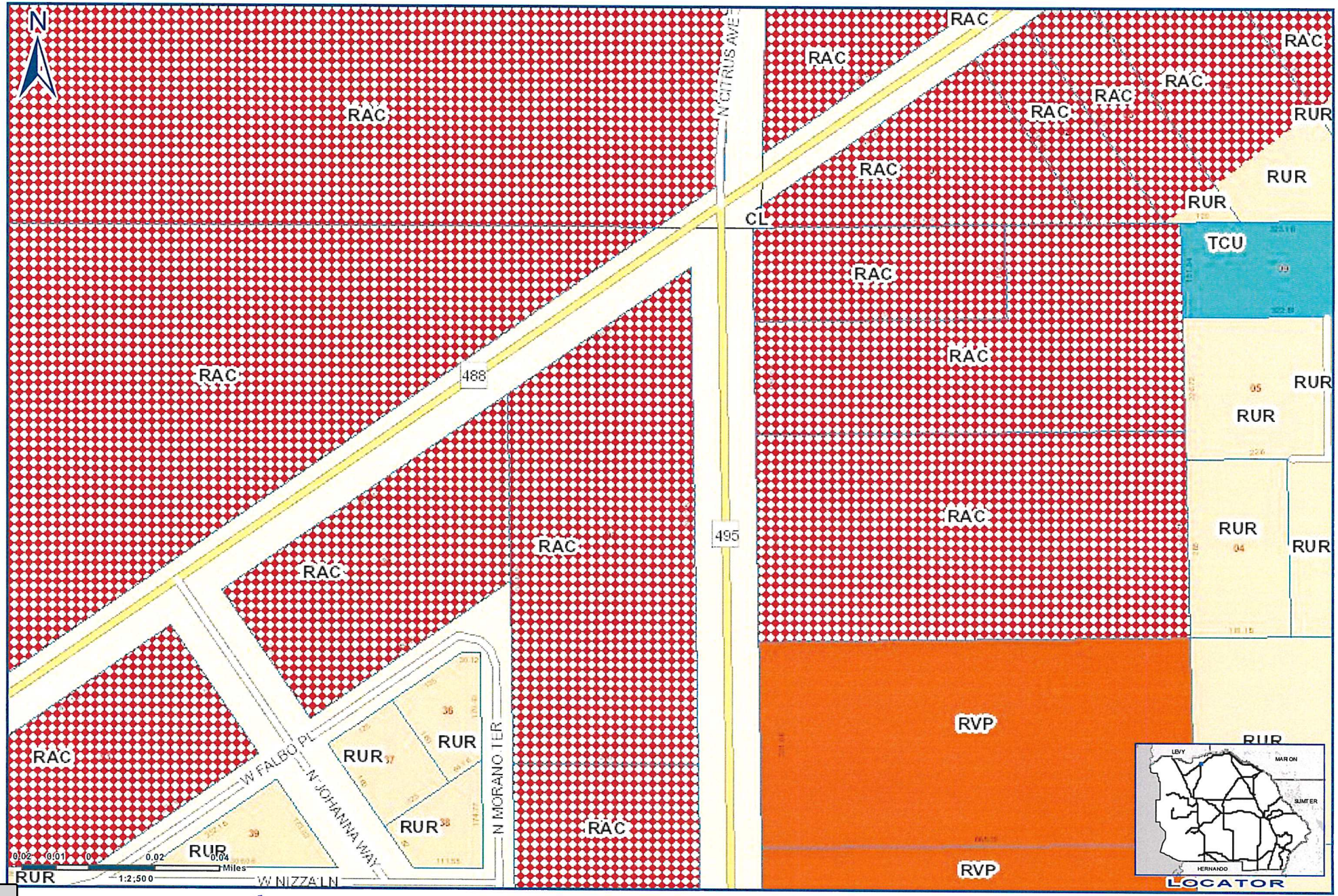

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FUTURE LAND USE MAP

Geographic Information Systems

Cynthia Skelhorn
Director

Prepared By : Web User
Date: 11/5/2021
Source: Enterprise Geodatabase

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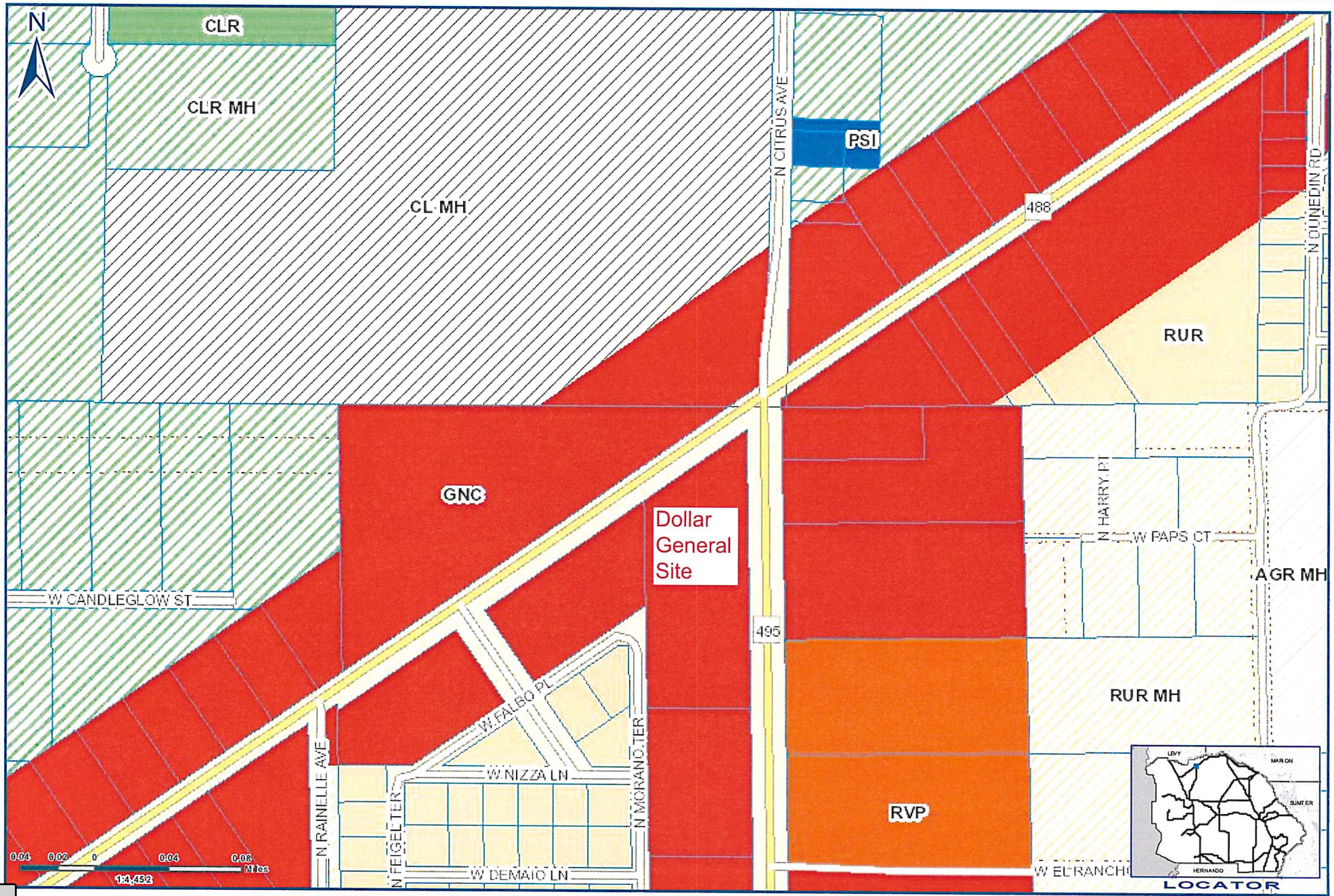
Citrus County shall not be liable for any claim, demands, or losses of any kind in connection with the use of this information, including but not limited to, damages or losses caused by reliance upon the accuracy of the data or information and the viewing, copying, or distributing of the data or information.

Exhibit B-1



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DOLLAR GENERAL - ZONING MAP

Geographic Information Systems

Cynthia Skelhorn
Director

Prepared By : Web User
Date: 11/5/2021
Source: Enterprise Geodatabase

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Citrus County shall not be liable for any claims, demands, or losses of any kind in connection with the user's interpretation, including but not limited to, damages of any nature resulting from the use of or reliance upon the information contained herein, and the user waives any claim or demand that he or she may have against Citrus County as a result of such use or reliance.

Exhibit B-2

2nd of 2 Index DOC: 1750.00

This Instrument Prepared by and Record and Return to

SCOTT G. LYONS, PRESIDENT
NATURE COAST TITLE COMPANY, INC
659 NE Hwy 19
CRYSTAL RIVER, FLORIDA, 34429

File #: 05C17353

Property Appraisers Parcel Identification (Folio) Numbers
15-17S-17E-0010-0350
Alternate Key # 1029244
Grantees SS #s
This Instrument is prepared in connection with the issuance of a Title Insurance Policy

2005047237 2 PGS

OFFICIAL RECORDS
CITRUS COUNTY
BETTY STRIFLER
CLERK OF THE CIRCUIT COURT
RECORDING FEE $20 50
DOCUMENTARY TAX $1,750 00
2005047237 BK:1861 PG:1937
05/31/2005 04:51 PM 2 PGS
CSMART,DC Receipt #027939

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

THIS WARRANTY DEED, made the 27 day of May, A.D. 2005, **between**

Vival Ingraham, Jr. and Helen D. Ingraham, husband and wife

herein called the grantors, and

Edward B. Smith and Yvonne B. Smith, as Trustees of the Edward B. Smith and Yvonne B. Smith Family Trust dated 11/11/98

whose post office address is 3919 West Ivy Lane, Dunnellon, FL 34433
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)

WITNESSETH: That the grantors, for and in consideration of the sum of TEN AND 00/100'S ($10 00) Dollars 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

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

Grantors hereby warrants and certifies that the herein described property is not their homestead property nor contiguous to their homestead property.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining

TO HAVE AND TO HOLD, the same in fee simple forever

AND, the grantors hereby covenant with said grantees that the grantors is/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, except taxes accruing subsequent to December 31, 2004, subject to easements, restrictions, and/or reservations of Records

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

Signed, sealed and delivered in the presence of

Witness Signature
Carol Dryden
Printed Signature

Witness Signature
Annie Adams
Printed Signature

Vival Ingraham, Jr. L.S.
Vival Ingraham, Jr.
9971 N Citrus Ave , Crystal River, FL 34428

Helen D. Ingraham L.S.
Helen D. Ingraham
9971 N Citrus Ave , Crystal River, FL 34428

STATE OF FLORIDA
COUNTY OF Citrus

The foregoing instrument was acknowledged before me this 27th day of May, 2005 by **Vival Ingraham, Jr. and Helen D. Ingraham, husband and wife** who is/are personally known to me or have produced DR. Lic as identification and did (did not) take an oath

SEAL

CAROL DRYDEN
MY COMMISSION # DD 264266
EXPIRES November 13, 2007
Bonded Thru Notary Public Underwriters

Notary Signature
Carol Dryden
Printed Notary Signature

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Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

EXHIBIT "A"

Parcel 1, of COSTA AND SON ADDITION, according to the map or plat thereof as recorded in Plat Book 17, Page 80, Public Records of Citrus County, Florida.

Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

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Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

February 15, 2022

Subject: Letter of Authorization/Letter of Proxy

Address: 9976 N Citrus Avenue, Crystal River, FL 334428

Tax ID #: 32571050

To Whom it May Concern:

I, Edward and Yvonne Smith, hereby designate and authorize **Palmetto-Crystal River-Citrus Ave LLC, Palmetto Capital Group LLC, The Hogan Law Firm, LA Civil, Inc., Extreme Surveying of Florida, Inc., Land Resource Consultants, LLC, and Norr Architects** to act on behalf of Owner, as the authorized agent, applicant, and representative in the processing and furnishing of supplemental information in support of the building, land use/zoning, and site development permit applications to the governing entities for the subject project. Authorization is also hereby granted to access the subject site. The building, land use/zoning, & site development permit applications include, but are not limited to, those to be from the Florida Department of Health, Southwest Florida Water Management District (SWFWMD), Florida Department of Environmental Protection (FDEP), Florida Department of Transportation (FDOT), United States Fish & Wildlife Service (USFWS), City of Lakeland & Polk County.

Owner: Edward and Yvonne Smith

Name/Title: Owners

Address: 3919 W. Fay ST. DUNNELLON, FL 34433

Phone: 727-638-0554

Email: SMITHPAR@AOL.COM

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Officer/Owner/Owner's Rep Signature & Date:

Edward B. Smith Yvonne Smith

STATE OF FL
COUNTY OF Marion

The foregoing instrument was acknowledged before me this 16th day of FEB., ~~2019,~~ 2022 by Edward + Yvonne Smith, on behalf of the corporation. They are personally known to me or have produced X as identification and (did/did not) take oath.

FLDLSS30222432890
FLDLSS30962746640

Charles Hisey
Notary Public
State of Florida
Comm# HH082527
Expires 1/24/2025

Charles Hisey
Notary Public
State of Florida
Comm# HH082527
Expires 1/24/2025

Ex

Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

Written Directions to the Property from the Department of Development Services Office

Property Address: 9976 N. Citrus Avenue, Crystal River, Florida 34428

Directions:

From Sovereign Path, turn right (east) on Saunders Way. At the stop sign, turn left (north) onto Lecanto Highway (CR 491). Take Lecanto Highway north to Gulf to Lake Highway (SR 44). Turn left (west) onto Gulf to Lake Highway. Take Gulf to Lake Highway (SR 44) to US Highway 19. Turn right (north) onto US Highway 19. Take US Highway 19 to N. Citrus Avenue. Turn right (north) onto N. Citrus Avenue (CR 495). The property is located on the left (west) at the intersection of CR 488 and Cr 495.

Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

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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

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 (**ORD NO. 2017-A22 Quasi-Judicial Proceedings**). 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: _____

Date: 3/16/22

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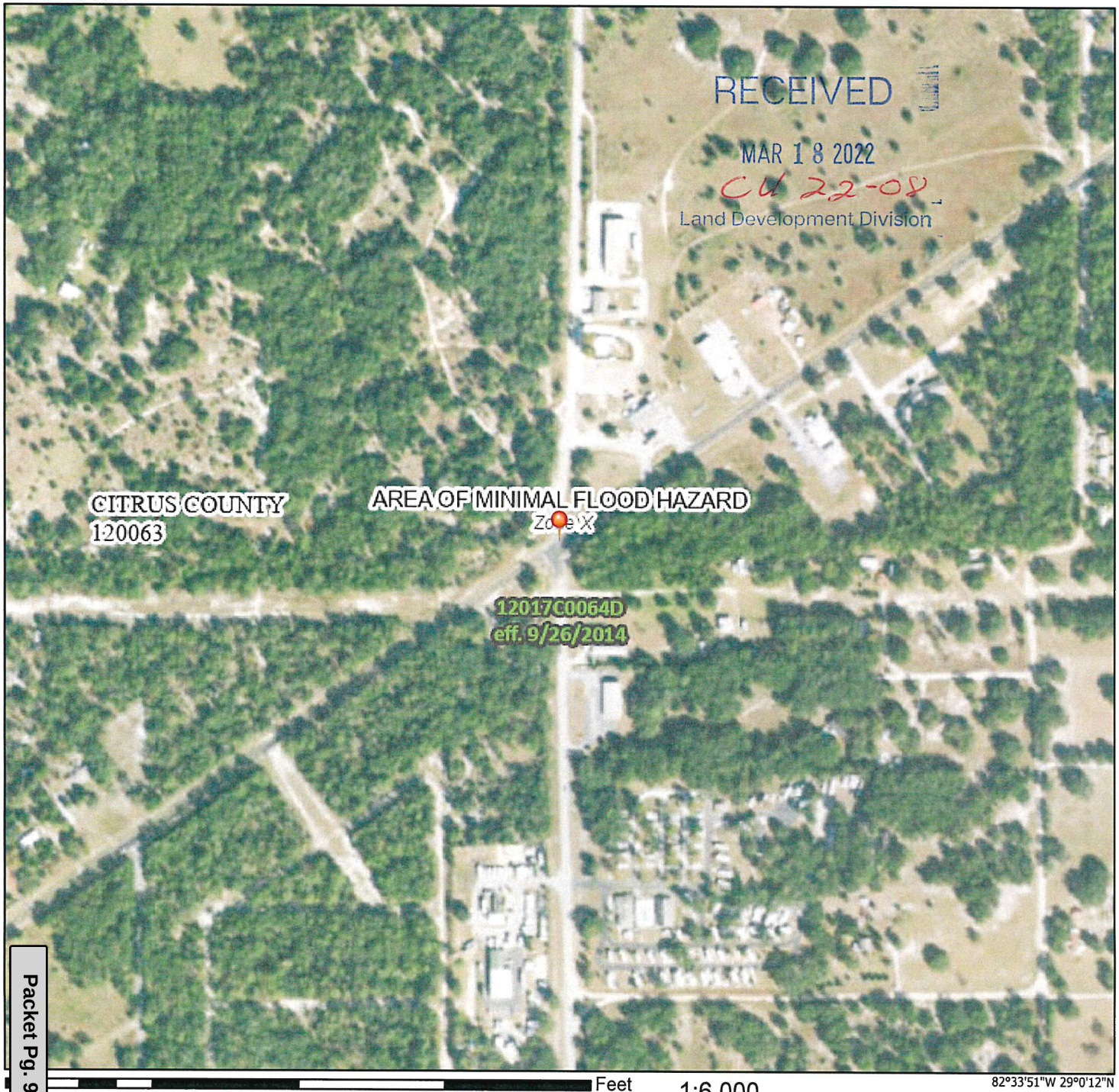
National Flood Hazard Layer FIRMette

FEMA

82°34'29"W 29°0'44"N



0 25 Feet 1:6,000

82°33'51"W 29°0'12"N

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, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainag areas of less than one square mile *Zone*
- 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 D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance / Water Surface Elevation
- Coastal Transect
- 513 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

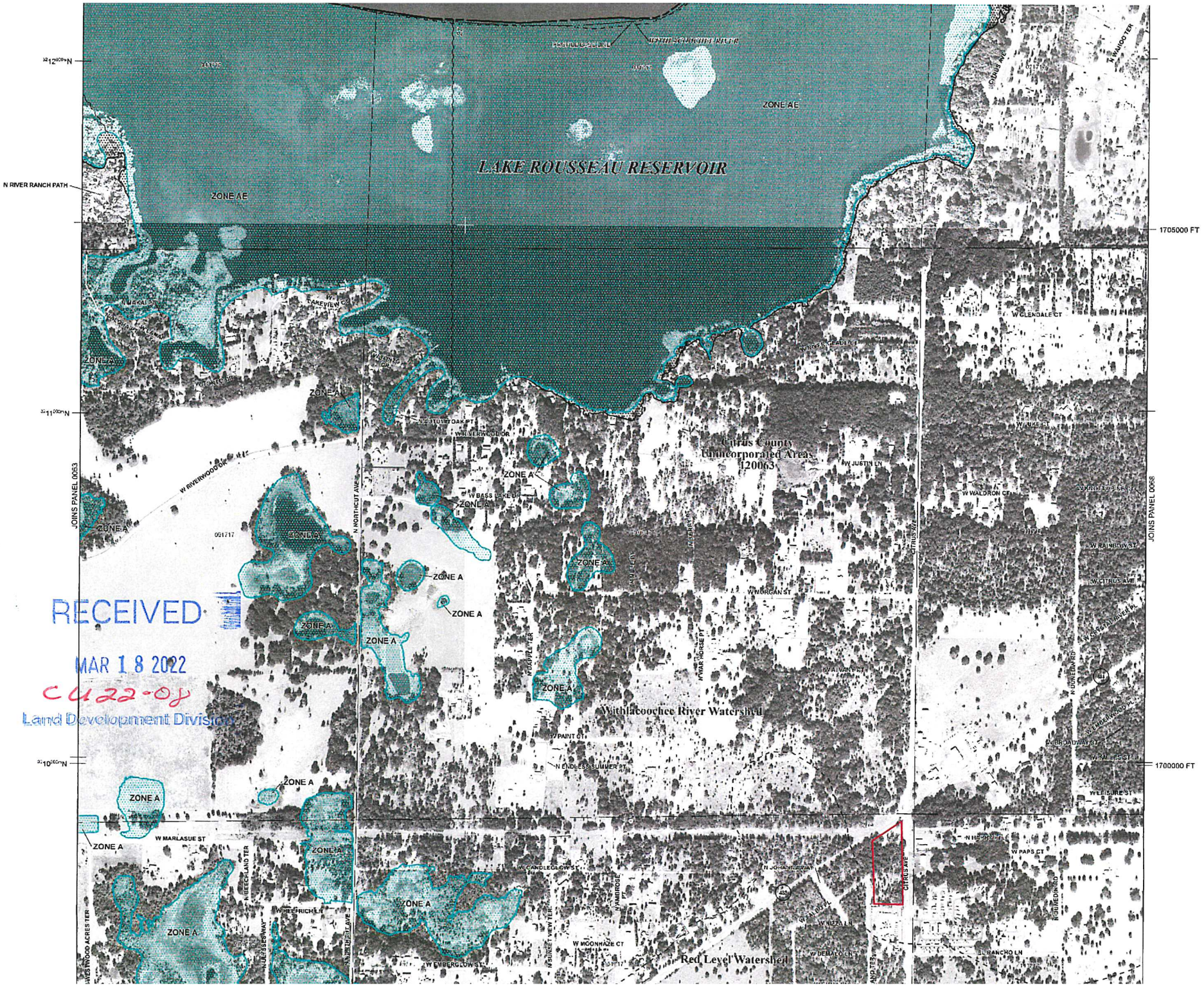
N

The pin displayed on the map is an approximate point selected by the user and does not represe 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 11/5/2021 at 1:52 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 ma 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 fo unmapped and unmodernized areas cannot be used for



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Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

100.0'

N. CITRUS AVENUE
C.R. 495
100' RIGHT OF WAY WIDTH(P)

S 00°53'16" E
S 01°05'40" E

799.38'(F)
799.38'(P)

30
0

ARCEL 1
N INC. ADDITION
17, PAGE 80
ACRES, M.O.L.

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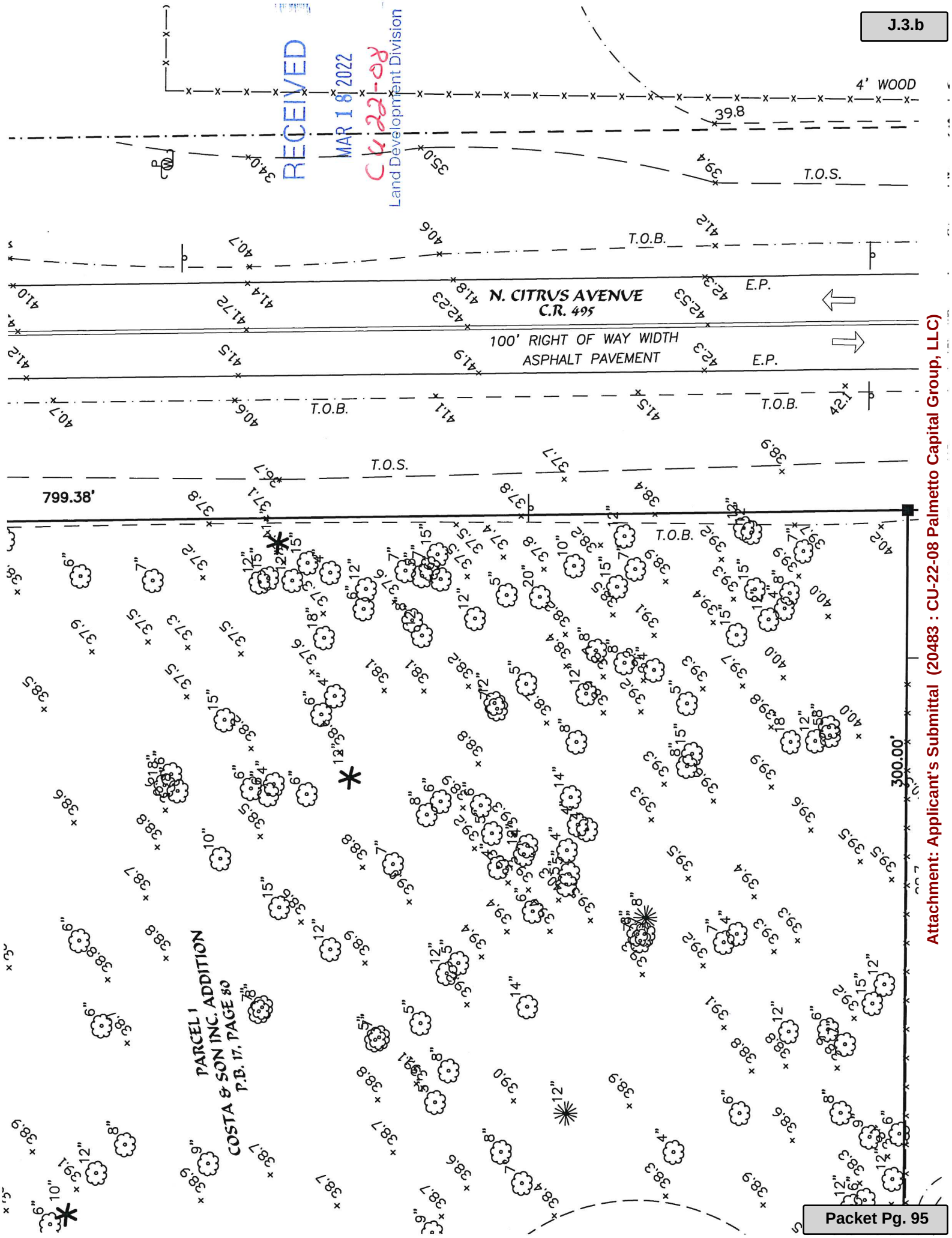
CU22-08



Attachment: Applicant's Submittal (20483 : CU-22-08 Palmetto Capital Group, LLC)

Conditional Use Application No. CU-22-08

Palmetto Capital Group, LLC

Dollar General Discount Retail / Grocery Store

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

PROJECT

- Palmetto Capital Group, LLC seeks to develop a Dollar General retail store.
- The site plan includes a 10,640 square foot building which is the latest standard floor plan for this type of store, and is necessary to:
  - accommodate COVID-19 protocols;
  - giving customers the amount of space needed for a safe and enjoyable shopping experience
  - without eliminating merchandise; and,
  - it provides for additional space for offices, breakrooms, meetings, and lunch breaks.

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

PROPERTY

- Address: 9976 N. Citrus Avenue
  Crystal River, Florida
- General Location: Intersection of Citrus Ave (CR 495) and W. Dunnellon Road (CR 488).
- Plat: Sections 15, Township 17 South, Range 17 East, Parcel 1, Costa & Son, Inc. addition, Plat Book 17, Page 80
- Alternate Key No: 3257150

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

PROPERTY

- Parcel Size: 4.79 +/- Acres
- Parcel S.F: 209,203 sf
- Land Use: Rural Activity Center (RAC)
- Zoning: General Commercial District (GNC)
- Flood Zone: X

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CONDITIONAL USE REQUEST WITH DEVIATIONS

- Consistent with Section 2412. GENERAL COMMERCIAL DISTRICT (GNC), and Section 2500.E.1, of the Citrus County Land Development Code, Petitioner seeks approval of:

(i) a conditional use to develop a grocery store in excess of 7000 square feet on the 4.8 +/- acres parcel with development contained to Lot 1; and

(ii) with a request for deviations, pursuant to Section 7110, from cross access roadway construction requirements on the northwest and southwest corners of Lot 1 and across Lot 2; and

(iii) future development of balance of the property identified as Lot 2 (1.7 +/- acres) consistent with current approvals and permitted development under Land Development Code.

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

NOTE:
THIS PLAN IS PART OF AN OVERALL SET OF PLANS. THIS SHEET IS CONSIDERED INVALID UNLESS ACCOMPANIED BY ALL OTHER DRAWINGS IN THE SET OF PLANS ON THE JOB SITE OR FOR BIDDING PURPOSES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING A COMPLETE SET OF PLANS TO ALL THOSE CONDUCTING WORK ON THIS PROJECT.

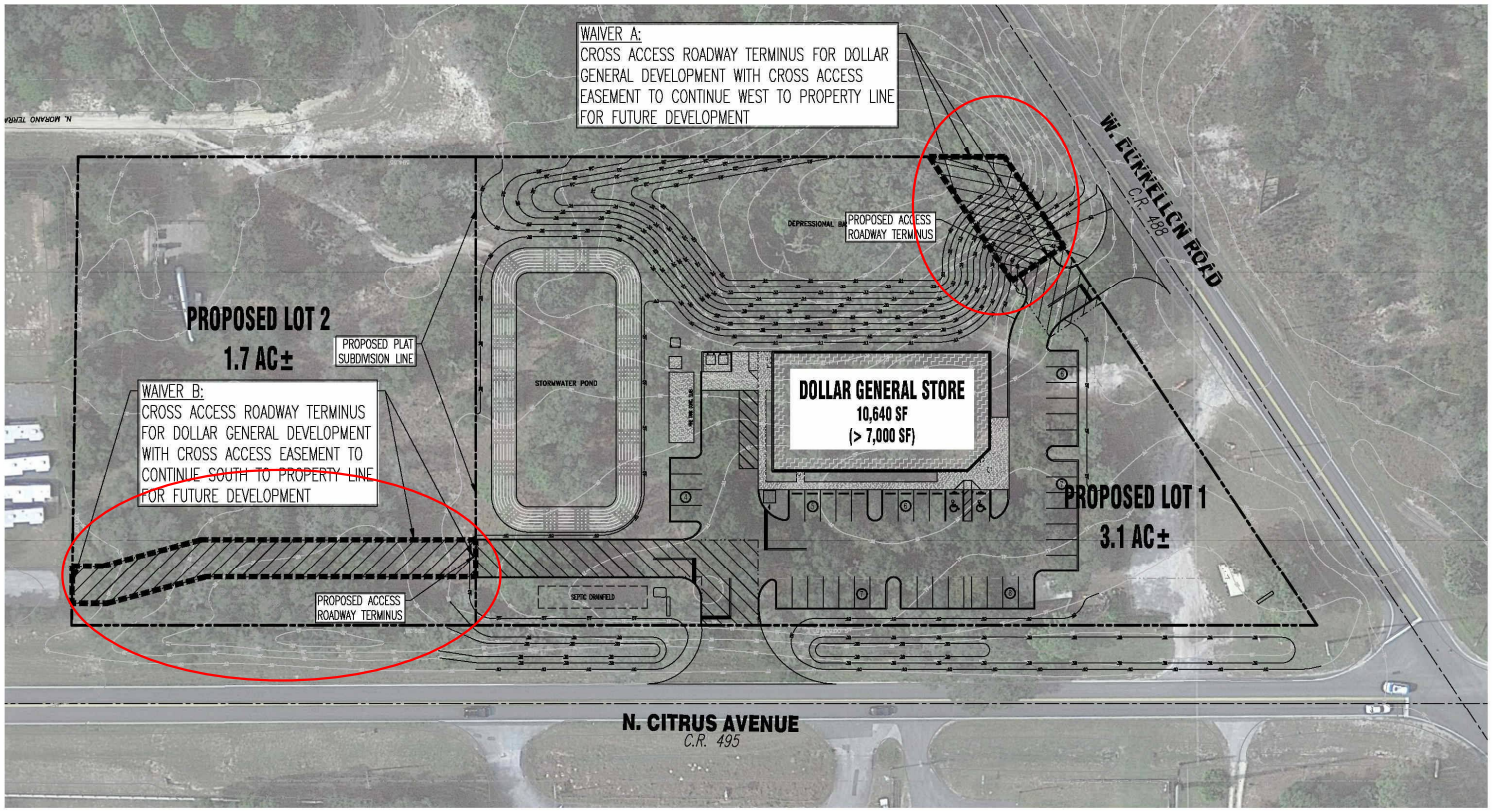


EXHIBIT D

PROJECT TITLE	DOLLAR GENERAL STORE #24360 SWC DUNNELLON ROAD AND CITRUS AVE. CITRUS COUNTY, FL
SHEET TITLE	CONDITIONAL USE SITE PLAN
SHEET No.	EX.D

PALMETTO CRYSTAL RIVER-CITRUS AVE, LLC

LA Civil, Inc.
Engineering Business License # 00029995
2107 Kelly Park Circle
Clearwater, Florida 33765-7649
Phone: 727-466-9080

CADD Tech	AVF
Designed	AVF
Reviewed	SAL
Project No.	-
Scale	AS SHOWN
Date	02/28/23

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CONDITIONAL USE REQUIREMENTS

- Request is Consistent with the Comprehensive Plan – Rural Activity Center
  - The Rural Activity Center provides for a nodal type development pattern of commercial uses at such locations. Nonresidential uses are permitted but shall be limited to an intensity and scale necessary to provide the immediate population with retail and personal services, uses which are generally classified as neighborhood commercial and professional services and offices, including medical offices, clinics, and pharmacies.
- Request is consistent with the Zoning Designation – General Neighborhood Commercial

  Section 2500E, Neighborhood Commercial Uses may include a wide variety of neighborhood commercial, service businesses, and related activities are included in this group of uses. Examples include the professional and office uses listed above as well as the following specific uses and all substantially similar types of uses.

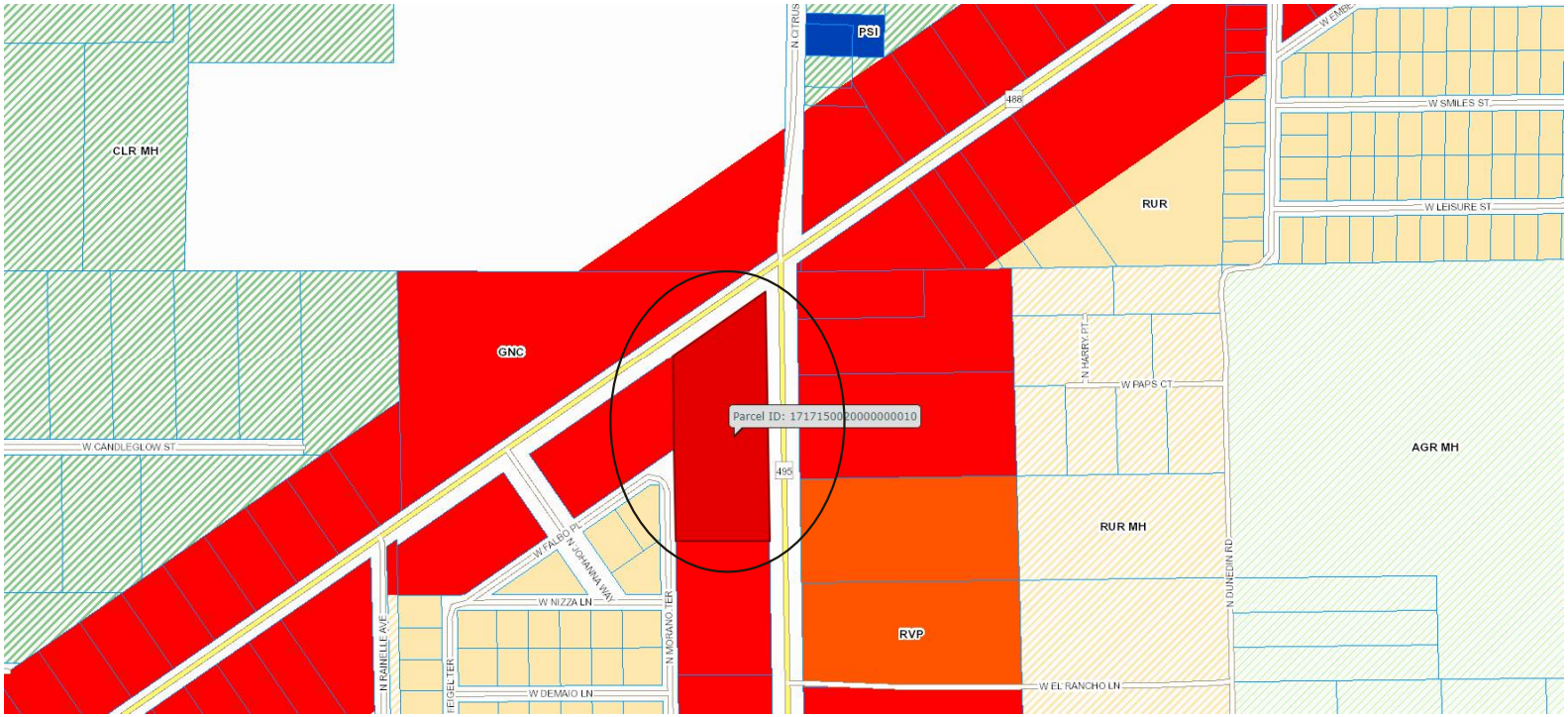
  Section 2500E.1 states, “grocery or discount retail stores having less than 7,000 square feet gross floor area. A grocery or discount retail store can exceed the gross floor area standard by securing a Conditional Use approval.”

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

SURROUNDING ZONING

North: CR-488, GNC, CLMH
South: GNC, RV Sales

East: CR-495, GNC, RVP
West: GNC, RUR



Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

REQUEST IS CONSISTENT WITH REQUIREMENTS

Rationale For Greater than 7000 s.f.

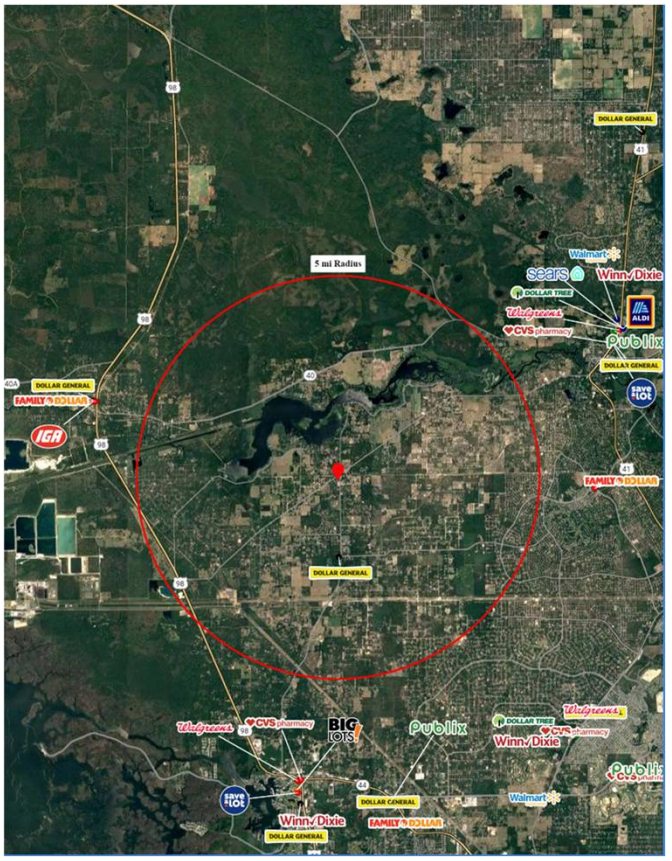
- Additional sf. is necessary to accommodate COVID-19 protocols;
- While giving customers the amount of space needed for a safe and enjoyable shopping experience;
- Without eliminating merchandise; and
- It provides for additional space for offices, breakrooms, meetings, and lunch breaks.

- The project is a discount retail/grocery store which is a permitted use with the established zoning.
  - The store will serve the needs of the local neighborhood.
  - Contributes to the convenience and availability of groceries and other household items in support of neighborhood living.
  - It is compatible with surrounding uses, structures and activities on adjacent and nearby lands.

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

REQUEST IS CONSISTENT WITH REQUIREMENTS

- The location is ideal for this type of project as it provides the immediate population with retail services.
- Within a 5 mile radius of this location:
  - 11,092 population
  - 4,831 households
  - There is only one other discount retail / grocery store.



Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

REQUEST FOR DEVIATIONS

- Petitioner seeks two deviations:
  - Northwest Cross Access
    - A deviation from cross access roadway construction requirements on the northwest of what is identified as Lot 1; and,
  - South Cross Access
    - A deviation from cross access roadway construction requirements on the south corner of the what is identified as Lot 1 across that section of the parcel identified as Lot 2.

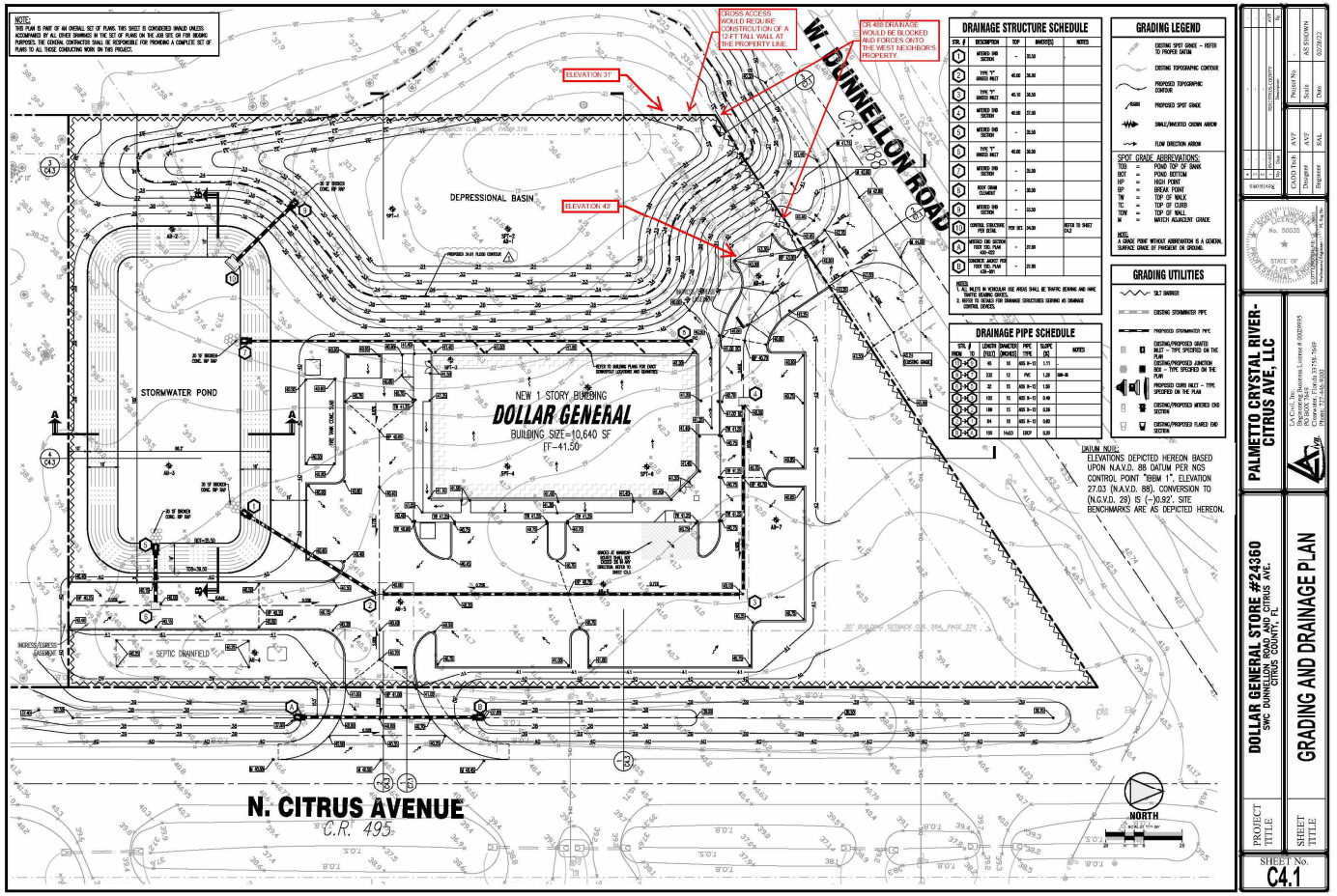
Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CODE PROVIDES FOR DEVIATIONS

- Section 7400.D.1.c) requires that, “[e]ach development plan shall provide for appropriate stub-outs to support cross access between adjacent parcels.”
- Section 7100. ACCESS MANAGEMENT, Subsection 7110. GENERAL STANDARDS states:
  - “D. Projects proposed on principal and minor arterials and major collectors (see Functional Classification Map) shall include frontage or service roads, and shall take access from the frontage road rather than the arterial or major collector where frontage or service roads do not exist. This requirement can be met through cross access. **Where natural features cause this requirement to be physically infeasible, alternate designs may be approved**.“

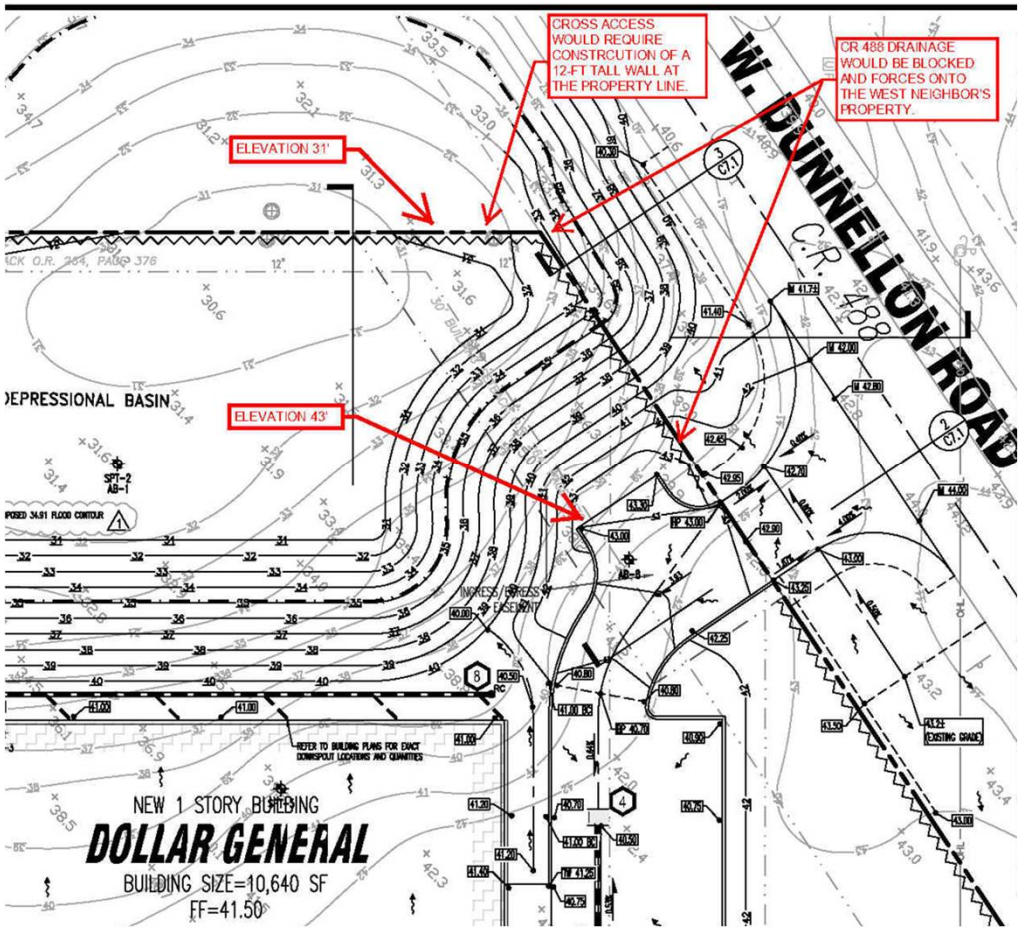
Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CROSS ACCESS - NORTHWEST



Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CROSS ACCESS – NORTHWEST



- A cross access easement will be provided.
- Petitioner only seeks a waiver of the roadway construction requirements due to **natural features of the property that make construction of the easement to the neighboring undeveloped parcel infeasible at this time.**

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CROSS ACCESS – NORTHWEST

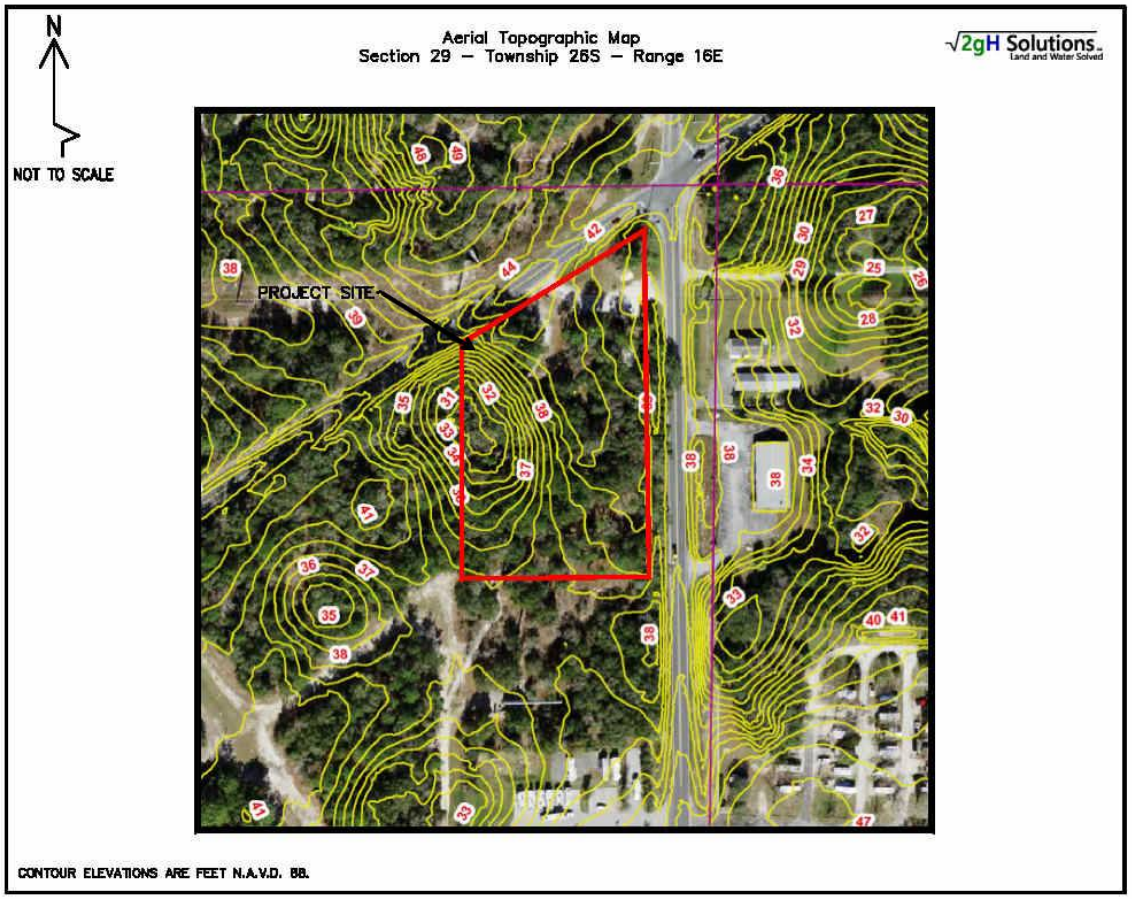
- The West Cross Access stubs at the driveway, approximately 70 feet short of the property line, to ultimately continue to the west via an easement.
- The Grading Plan shows that the elevation drops from 43-ft at the stub to 31-ft at the property line; a 12-ft differential.
- As the Petitioner has no legal right to transition grading past the property line, construction of a 12-ft tall wall or bridge with a dead end barricade would be required if the deviation is not approved. Not only is this infeasible, it is unsafe.
- As shown on the Grading Plan, the West Cross Access will block drainage from the CR 488 ROW that is currently captured by the depression. CR 488 drainage would be forced toward the western property, unless piping or a bridge were proposed.
- The site plan limits drainage pattern disruption and demonstrates no flood stage change in the depression; and provide no disruption to the adjacent property to the West.

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CROSS ACCESS - NORTHWEST

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CROSS ACCESS NORTHWEST



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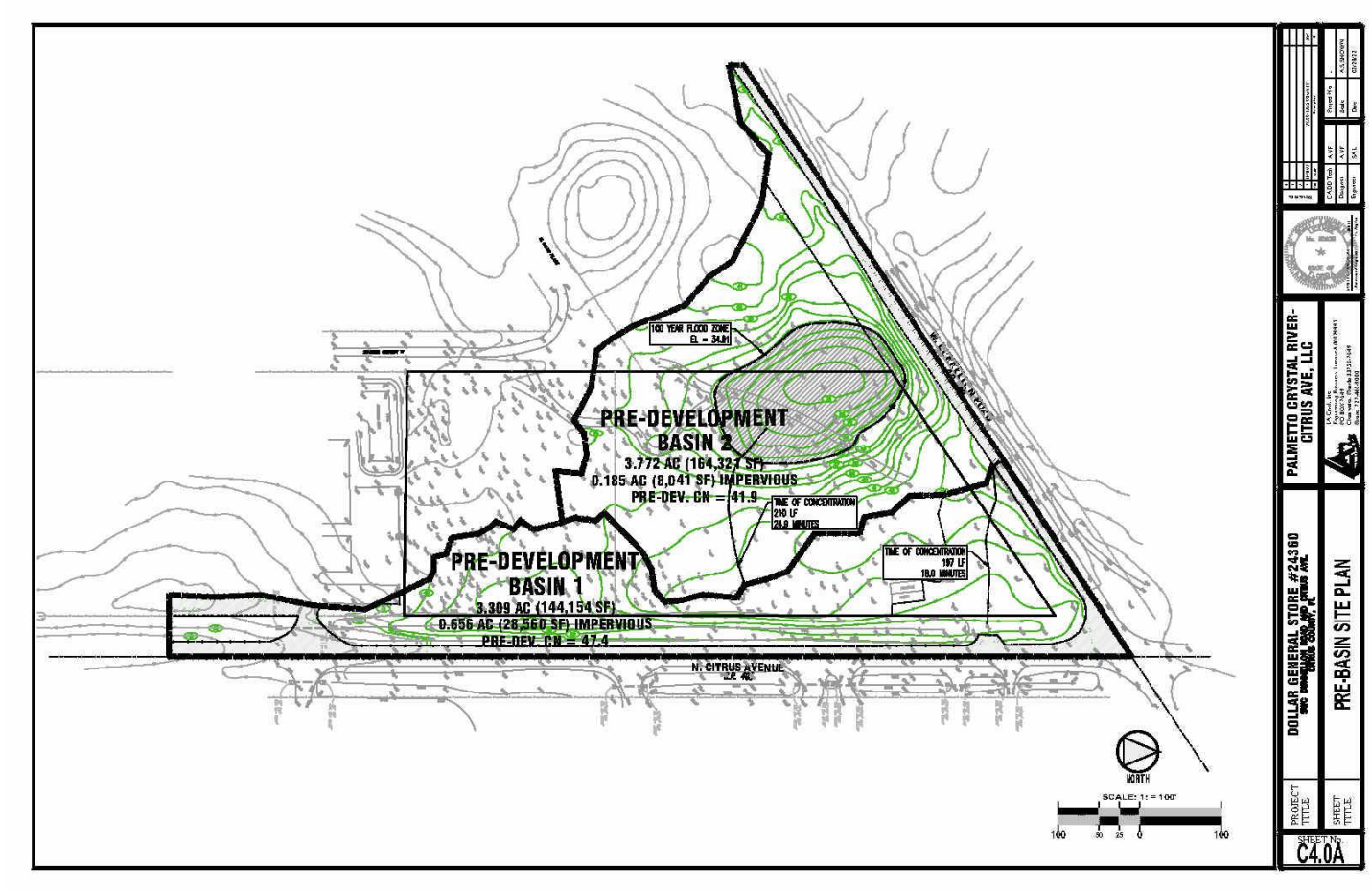

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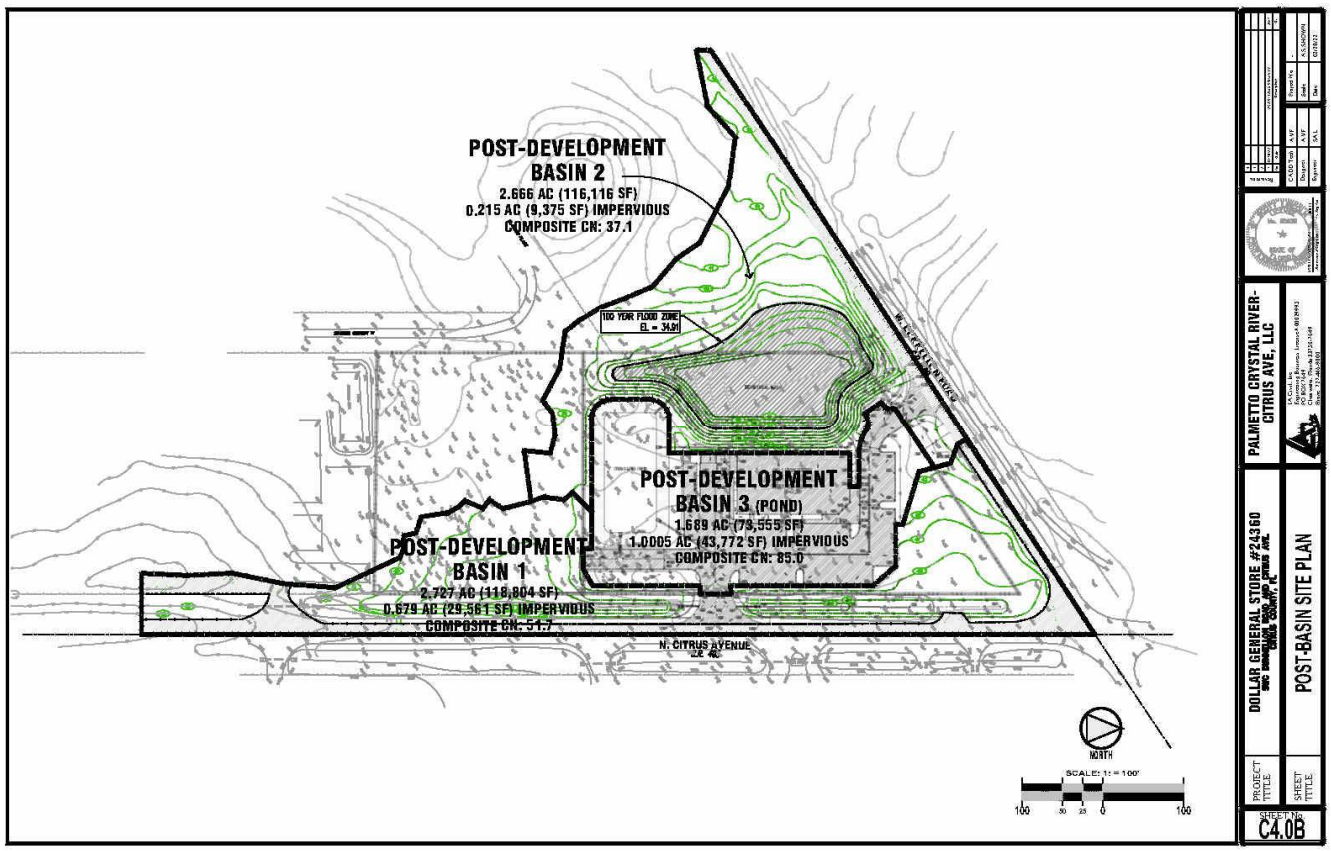

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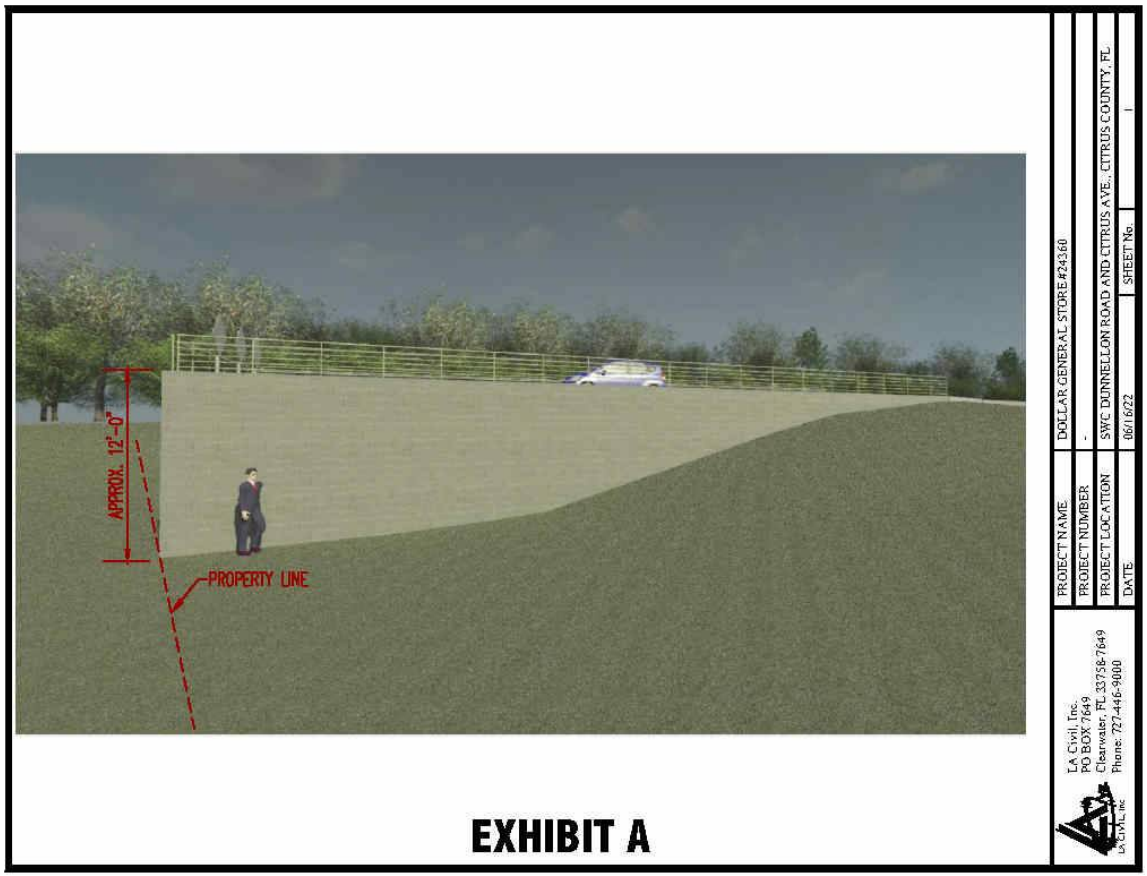

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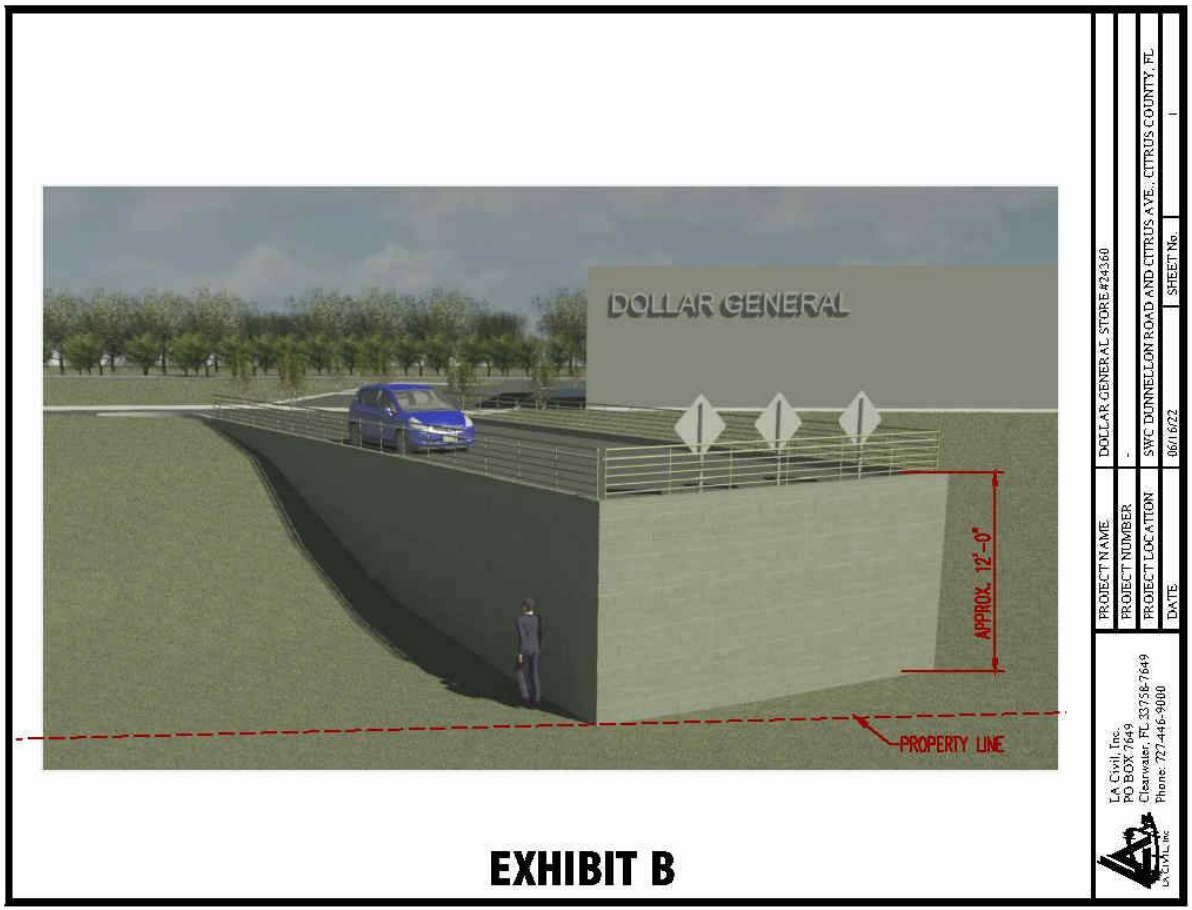

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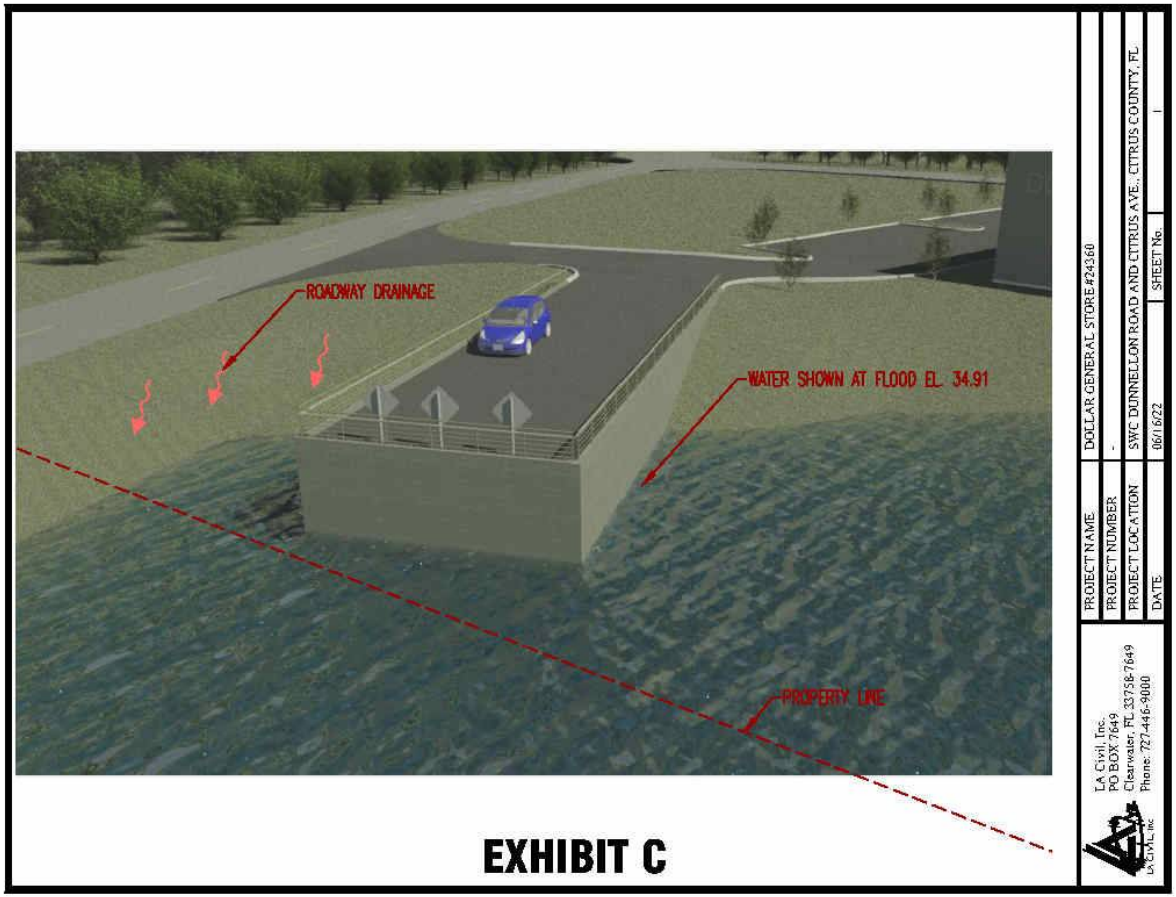

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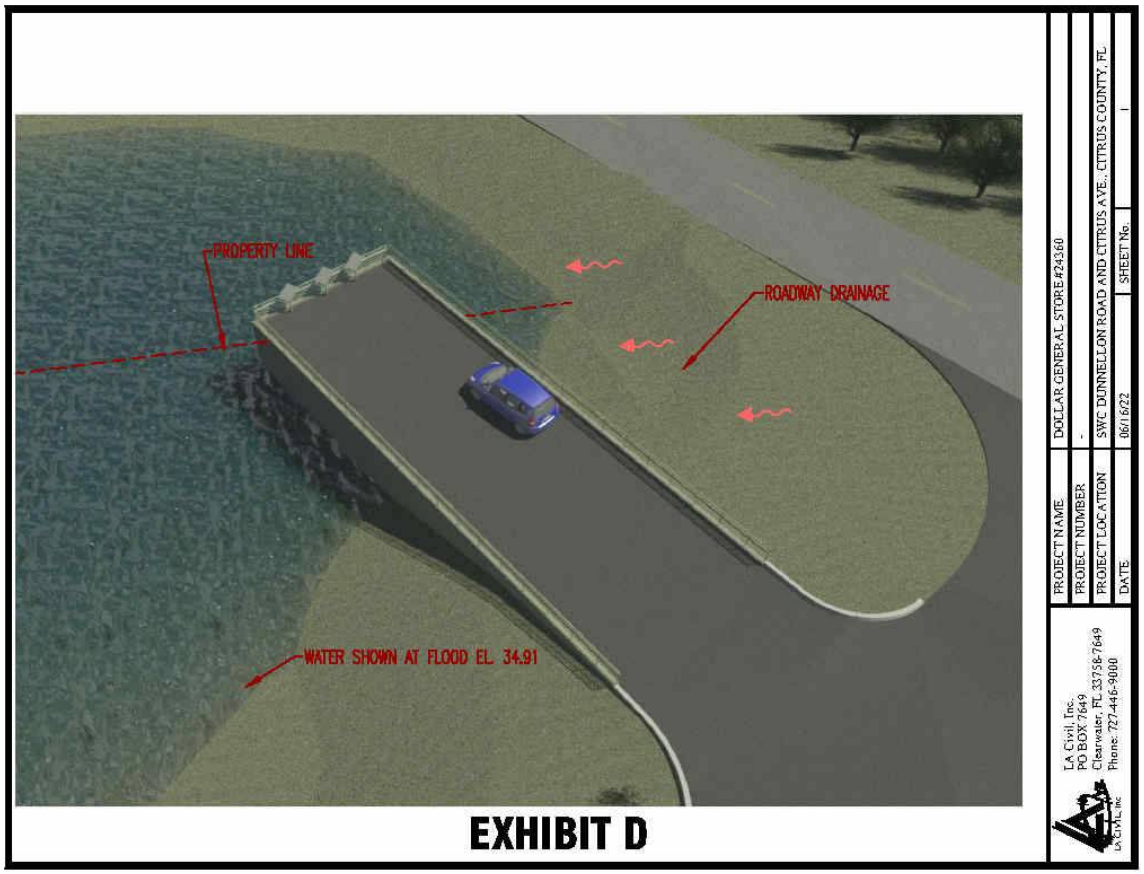

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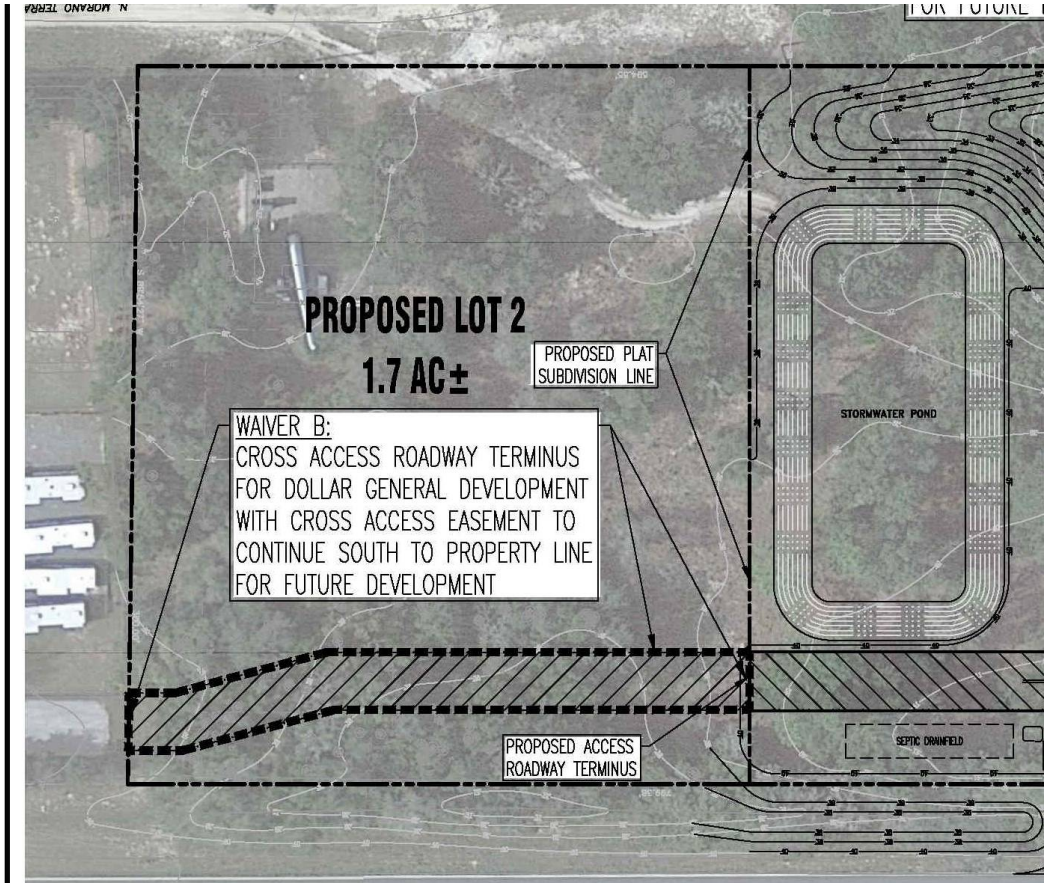
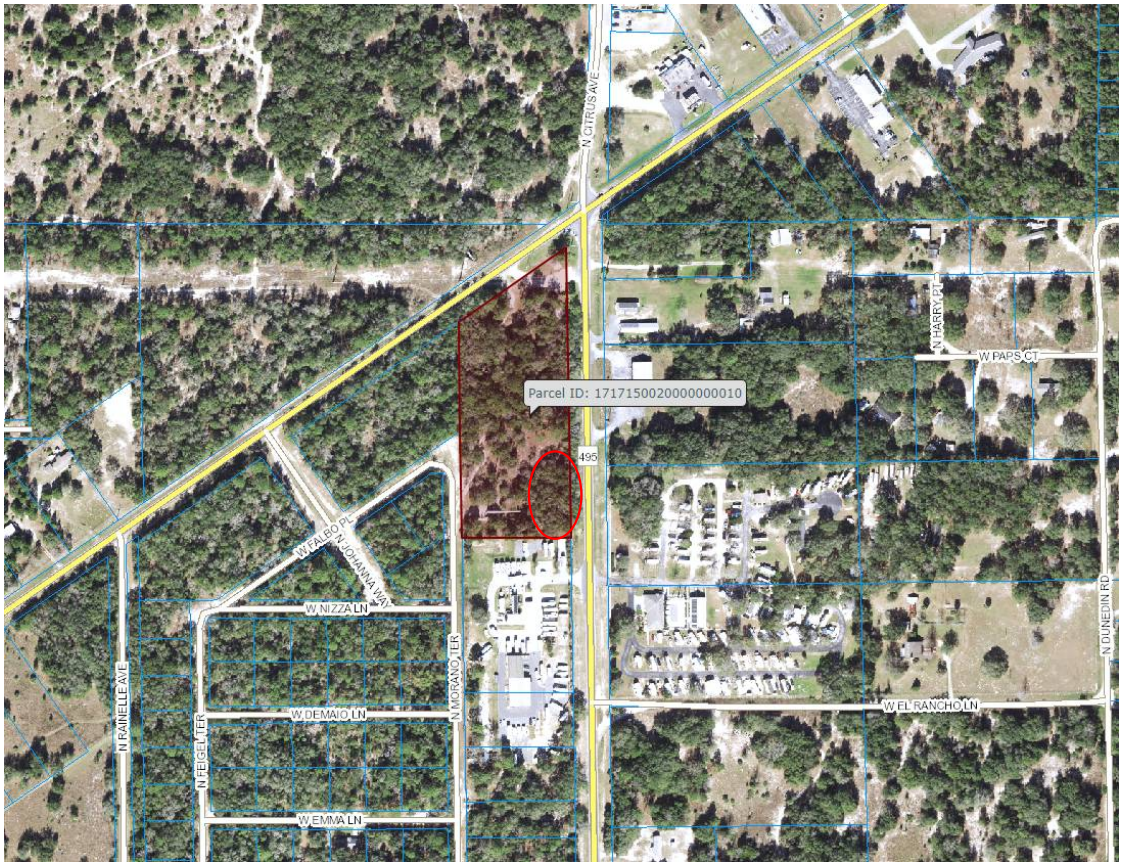
CROSS ACCESS - SOUTH



- A cross access easement will be provided.
- Petitioner only seeks a waiver of the roadway construction requirements.
- This portion of the parcel contains a cell tower, with a required fall radius.
- Conditioning approval of the deviation request on plat approval will needlessly delay the development of the balance of the parcel.

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CROSS ACCESS - SOUTH



- When lot 2 develops, the cross access roadway construction can be completed.
- There is no need or benefit to connect the subject parcel and the RV sales site at this time.
- The cross access to the south terminates outside the gated sales area for the RV sales site; therefore, use of a constructed roadway would be impaired.

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

MODIFICATION TO PROPOSED CONDITIONS

- Petitioner is an agreement with Staff's recommended conditions of approval No. 1 to 4, and 6 to 7.
- Petitioner seeks a modification to Condition No. 5, to read as follows:
  - Cross access easements shall be provided to the west and south. The construction of the cross access roadway shall not be required. The cross-access roadway construction for the cross access to south shall terminate at the lot line for Lot 1, such that construction of the remainder of the cross access roadway from the lot line of Lot 1, across Lot 1, to parcel line to the south shall not be required, until Lot 2 develops.

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CONCLUSION

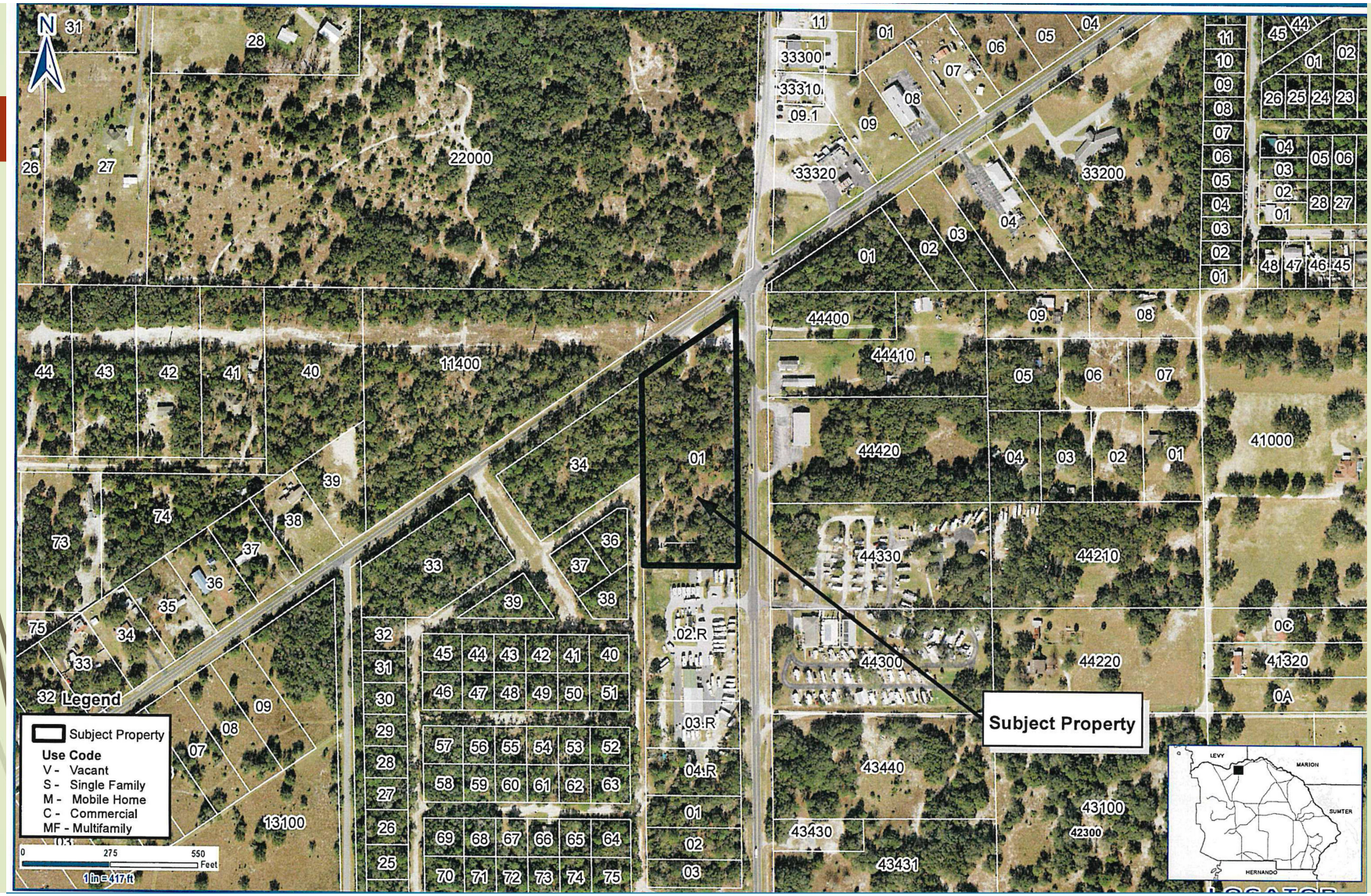
- The Project is consistent with the Comprehensive Plan, Land Use Designations, Zoning Designations; and Land Development Code.
- Granting the two requested deviations will not adversely affect the neighboring properties or transportation concerns.
- Denying the requested deviation for the delay in construction of the Cross Access roadways to the Northwest would adversely affect the adjacent property; and create an unsafe condition until such time as the neighboring property is developed.
- Denying the requested deviation for the waiver of the construction of the cross access roadway to the South would add substantial cost to the project, and result in a roadway that will likely suffer deterioration before it has any useful purpose in mitigating traffic concerns.

Attachment: Applicant's PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

CU-22-08 Palmetto Capital Group, LLC

9976 N. Citrus Ave., Crystal River, Fl

Attachment: Planner PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)



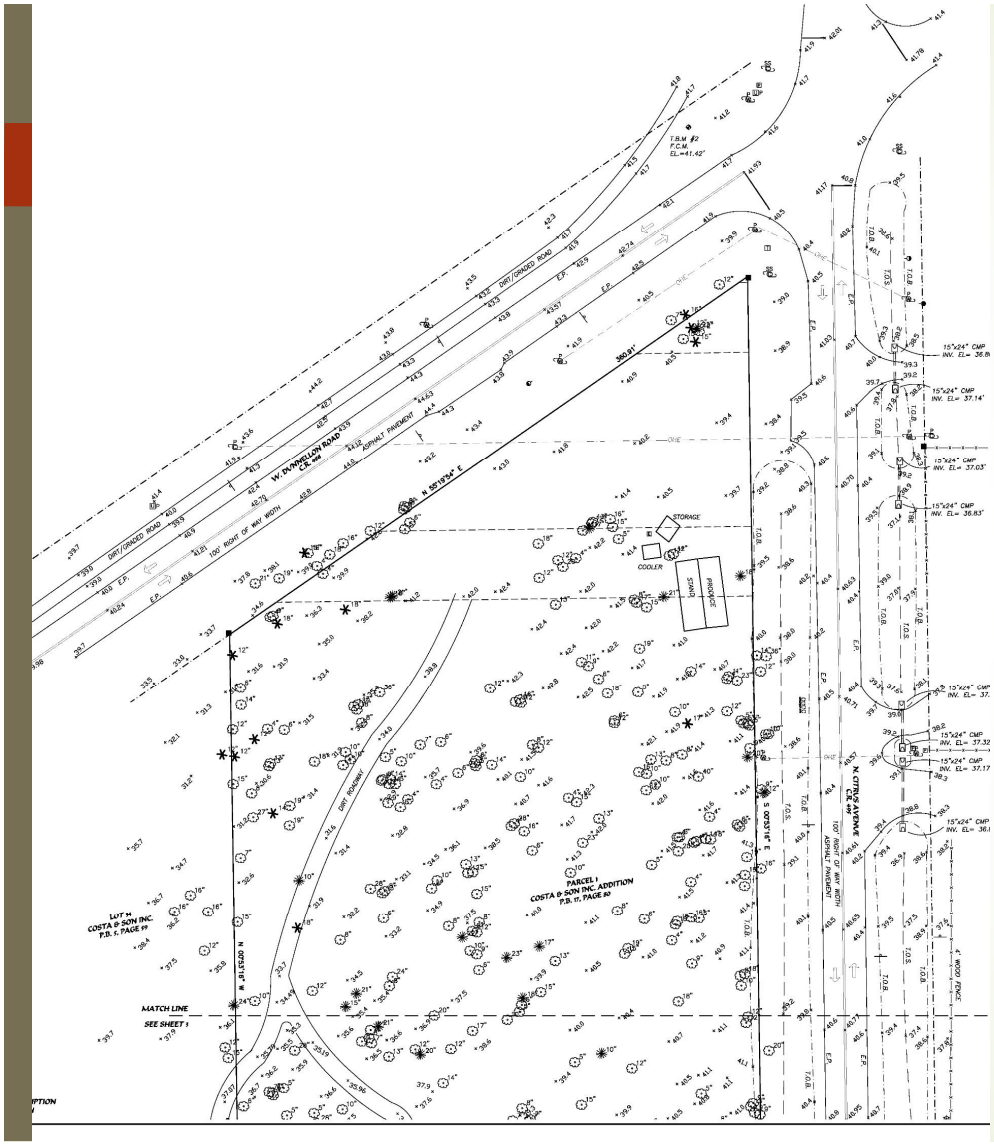
Attachment: Planner PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

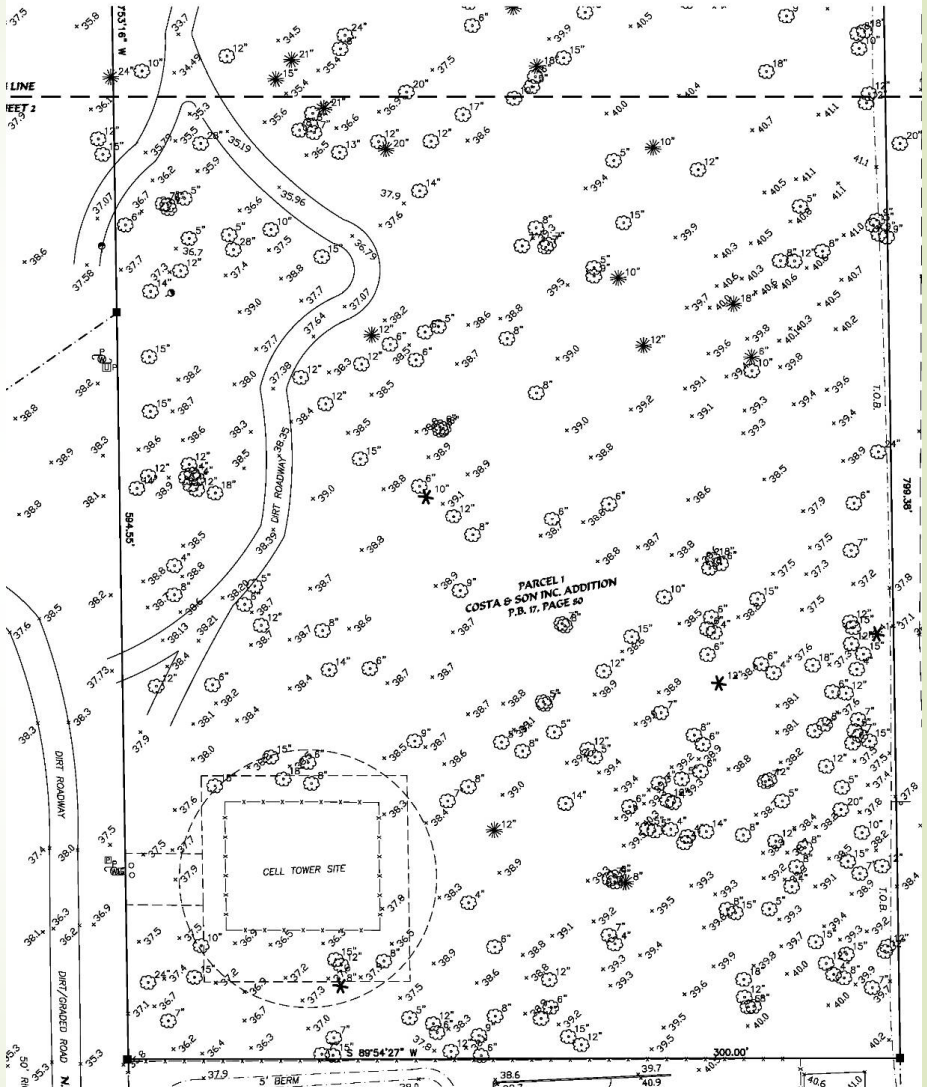
Attachment: Planner PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

U-HAUL
26' SUPERMOVER

N CITRUS AVE

Attachment: Planner PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)





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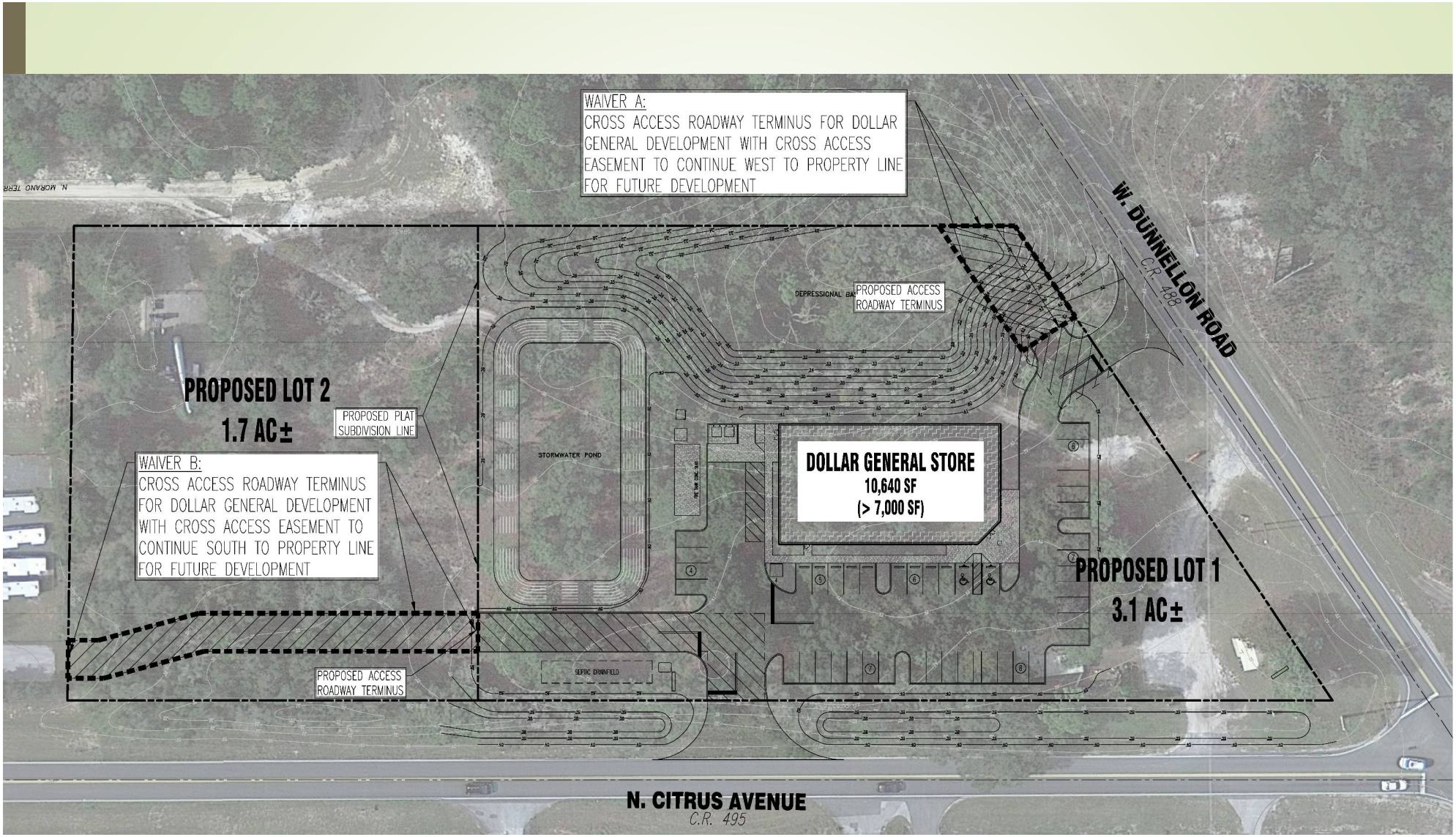


Attachment: Planner PowerPoint (20483 : CU-22-08 Palmetto Capital Group, LLC)

PM2-22-73

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

CONDITIONAL USE APPLICATION NO. - CU-22-08 Palmetto Capital Group, LLC
DATE: June 8, 2022
PREPARED BY: Miranda Anaya, Senior Planner; Land Development Division MA

CONDITIONAL USE REQUESTED	This request is for a Conditional Use to allow for neighborhood commercial use for a discount/grocery retail store in excess of 7,000 square feet in the Rural Activity Center District, pursuant to Section 2500, Types of Uses, as specified in the LDC. Specifically, the applicant is requesting a 10,640 square foot discount/grocery retail store.
SUBJECT PROPERTY	Sections 15, Township 17 South, Range 17 East, Parcel 1, Costa & Son Inc. addition, PB 17, PG 80 (AK 3257150) which address is known as 9976 N. Citrus Ave., Crystal River FL. A complete legal description is on file with the Land Development Division.
ACREAGE	Approximately 4.79 acres
LAND USE/ZONING:	RAC, Rural Activity Center on the Future Land Use Map; GNC, General Commercial District on the LDC Atlas
FLOOD ZONE	According to the Flood Insurance Rate Map (FIRM), the subject property appears to be located in Flood Zone X as found on Community-Panel 12017C0064D.
SURROUNDING LDC ATLAS/FLUM DESIGNATIONS	The subject property is commercial and is surrounded by commercial and residential lots. The surrounding area is RAC, RUR, and RVP on the Future Land Use Map and GNC, RUR, CL and RVP on the LDC Atlas. See attached map for a complete graphic description of the characteristics of the surrounding area.
SURROUNDING EXISTING LAND USE	North – CR-488; then Vacant Commercial South – RV sales East – CR-495; then small shops, retail plaza, and RV park West – Vacant commercial; vacant single-family residence
SOIL INFORMATION:	According to the *Soil Survey of Citrus County* (1988), the soil types in the area consists of Tavares fine sand, 0 to 5 percent slopes. Limitations to building site development are slight.

BACKGROUND AND ANALYSIS:

The subject property is approximately 4.79 acres in Crystal River, located on the corner of N. Citrus Ave. (CR-495), a 100-foot-wide major collector roadway and W. Dunnellon Rd, (CR-488), a 90-foot-wide major collector roadway. The parcel is adjacent to commercial lots to the south and vacant single-

Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)

family lots on the west. The subject property is within the CR-488 Rural Activity Center node. The subject property is not located within the Planned Service Area (PSA).

The majority of the property is wooded but has a cleared area for a produce market at the corner of the intersection. The site has unpermitted truck rental and storage. The site plan indicates these uses and structures will be removed if this application is approved. In 2004, a replat was submitted to subdivide the property to the current configuration we recognize (PLT-04-11). In 2006, a 195-foot alternative tower (flagpole) was approved with 10 conditions (CU-06-25) (see tower conditions attached). In 2007, the tower was constructed and the same year there was a 24X40 carport with electric for the produce stand that was approved as an accessory to the historically existing produce stand.

The applicant is requesting a 10,640 square foot discount/grocery retail store. There is a pending building permit for the site (2022-05312) and a replat application submitted (PLT-22-14). The replat application is to subdivide the 4.7 acres into 3.1- and 1.7-acre parcels. The 3.1-acre parcel (Lot 1) is for the retail store and the 1.7-acre parcel (Lot 2) will be for the existing cell tower and future development.

LDC Section 2500E. Neighborhood Commercial Uses states that grocery stores in excess of 7,000 square feet require a Conditional Use. A Conditional Use expresses an ability for a use to be compatible with the land and the surrounding areas with conditions. The general area is a mixture of residential and commercial uses. Although adjacent to residential districts, it is in close proximity to various commercial developments. The applicant has not provided market area radius data or minimum population support criteria for the use. There is another store located approximately 1.85 miles south of this location. There is also a convenience store with gas stations on the opposite corner of the intersection. However, the applicant states "the project contributes to the convenience and availability of groceries and other household items in support of neighborhood living". The applicant has provided justification for exceeding the 3,000+ square foot limit:

> "The 10,640 square foot building is the latest floor plan, which is now the standard size for this type of store. The smaller store sizes were more congested. The larger square footage is necessary since the COVID pandemic and gives customers the amount of spacing needed for a safe and enjoyable shopping experience without eliminating merchandise. It also provides for more space in the office and breakroom areas for the manager's work, staff meetings, and lunch breaks."

The zoning for the property is General Commercial District and that allows for a range of commercial uses; however, the property's Future Land Use is Rural Activity Center. The Comprehensive Plan states:

> "The Rural Activity Center provides for a nodal type development pattern of commercial uses at such locations. Nonresidential uses are permitted but shall be limited to an intensity and scale necessary to provide the immediate rural population with retail and personal services, uses which are generally classified as neighborhood commercial and professional services and offices, including medical offices, clinics, and pharmacies."

With the proposed conditions in this staff report, this building and use will meet the intent of the Comprehensive Plan and Land Development Code.

Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)

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

Consistency with the Comprehensive Plan - All development applications shall demonstrate complete compliance with the Comprehensive Plan. This application is subject to the following policies and objectives of the Comprehensive Plan: The application is consistent with the Comprehensive Plan goals, policies, and objectives including:

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.

Policy 17.1.4 The GFLUM shall be recognized as the primary document used by Citrus County in Land use regulation and to guide future growth.

Staff Comment: *The RAC district is intended to serve the immediate rural community and this proposal's intent appears to serve the communities' needs. With this property located in a rural area, central utilities are not available. This project is outside of the Coastal, Lakes, and Rivers region and does not appear to have environmental limitations. The project is compatible with the surrounding area and consistent with the Comprehensive Plan so long as the conditions are adhered to.*

REQUEST FOR CONDITIONAL USE

The applicant is requesting a 10,640 square feet retail store on proposed Lot 1. The following standards are based on proposed Lot 1 (3.1 acres) unless specifically outlined for Lot 2 and as discussed elsewhere in this report.

Consistency with the Land Development Code (LDC) - Staff reviewed this application under the standards of Section 2500, Types of Uses, and Section 3745, Small Non-Residential Standards, as specified in the LDC.

2500.E Neighborhood Commercial Uses. 1) Grocery and discount retail stores having less than 7,000 square feet gross floor area. A grocery or discount store can exceed the gross floor area standard by securing a conditional use approval.

Staff comment: *The applicant is exceeding the 7,000 square foot limitation for a discount/grocery retail store. The intent is for retail stores to serve the local community and the applicant has indicated such service.*

Parking Standards: The Land Development Code requires 43 spaces at a rate of 1 space per 250 SF for independent retail uses. According to the site plan, the applicant is proposing to provide 43 parking spaces.

LDC Section 7280, Bicycle Parking, requires all multi-family and commercial uses to provide bicycle parking, at least one bicycle parking space for every ten required vehicle spaces. This will be demonstrated at time of permitting.

Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)

***Setbacks*:** The minimum building setbacks for structures is 75 feet from the centerline of a major collector roadway (34 feet from the property line from CR-488 and 25 feet from CR-495). The proposed building exceeds these standards.

Access Management/Transportation: The submitted site plan indicates access from CR-495 and CR-488. The applicant is requesting a deviation from cross-access from both the southern and western required connections. With the proposed driveway for the retail store on CR-488 and CR-495, proposed Lot 2 may not be allowed to have a driveway apron in the future.

The Engineering Division has provided the following comments:

- The proposed driveway apron spacing exceeds the minimum corner parcel spacing requirements of Table 7-2 of the LDC.

- General Cross Access Comment: The provision of cross access at this intersection is vitally important as this is the first project to come in at the corner and it would establish the location of the cross access within the Rural Activity Center. Ideally, the cross access connection at the southwest side of the intersection would extend north from 9800 N Citrus Ave. (Nature Coast RV), north through the cell tower site and the Doller General site, then extending westward through vacant RAC/GNC property to a driveway connection onto W. Johanna Way. The cross access connection would serve this commercial area and reduce the number of vehicular conflict points that lead to accidents.

- Cross access to the south: The applicant has submitted application PLT-22-14 to subdivide the parcel into proposed Lot 1 and 2. Once application PLT-22-14 has been approved subdividing into Lots 1 and 2, the Engineering Division would be able to approve a cross access connection stopping at the south lot line of proposed Lot 1. The building permit for site development would also need to be revised to reflect the development of only Lot 1.

- Cross access to the west: The subject property contains a depressional area along the west lot line. Based on the applicant's recent non-residential submittal, the depressional area is not in the flood zone and does not contain a wetland area. The applicant would have the option of using the depressional area of the site as part of the required drainage retention area. The applicant could regrade the site to install the cross access to the west and could install a berm along the west lot line to provide the required drainage retention. There were some areas that flooded in this area; however, the small amount of fill needed to establish the cross access could be provided elsewhere onsite. All options should be considered prior to a deviation being granted.

The Engineering Division cannot support the deviation request from the requirement to provide cross access.

- Deviation - Cross-access from west (not supported by staff)
- Deviation - Cross-access from south (staff can support if replat is approved)

Impervious Surface Ratio/Floor Area Ratio: Per Section 2412 of the LDC, the maximum Impervious Surface Ratio (ISR) for GNC is 70%. The submitted site plan indicates a proposal of approximately 35% for Lot 1 (without cross access to the west) which meets LDC requirements. If cross-access is required to the west, it appears the project can still meet ISR requirements.

Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)

The Floor Area Ratio (FAR) is determined by dividing the gross floor area of a building by parcel area. The proposed Master Plan indicates a FAR of 0.07, where the maximum FAR for the RAC District is 0.5 compared to GNC FAR of 1.0.

Landscaping/Buffers: The Master Plan does not indicate external buffers or internal landscaping; this will be reviewed during the permitting process. The applicant will need to meet a 10-foot Type A buffer along the collector roadways, a Type A where abutting commercial, and a Type C where abutting residential.

This proposal must also comply with the Small Non-Residential design projects according to LDC Section 3745 (Projects less than 25,000 square feet of Gross Floor Area), including foundation landscaping, DRA buffer, and parking areas.

- Parking areas - Parking area landscaping per the LDC standards will be required at the time of permitting.
- Foundation landscaping - for at least 50% of each façade length located along an improved right-of-way, parking area, or includes a customer entrance. The foundation landscaping must be installed per LDC standards at the time of permitting.
- Type A buffer shall be adjacent to improved rights-of-ways, parking spaces, and/or access drives with an approved DRA.

Loading zones: The off-street loading requirements are intended to provide minimum standards necessary for loading and unloading of goods for commercial and industrial uses permitted to protect the capacity of the County's street system, to avoid undue congestion resulting from loading and unloading activities, and to lessen unnecessary conflicts between trucks and other vehicles. The four buildings total 10,640 square feet. The LDC requires commercial uses to have loading area ratio of one space for the first 10,000 square feet of gross floor area and one for each additional 20,000 square feet. This requirement will need to be met at time of permitting.

Lighting/Signage: If lighting is proposed, the applicant will need to provide a photometric plan and meet LDC standards. Signage will be assessed at the time of permitting under a separate permit.

Façade Standards: At time of permitting, the applicant will need to meet Section 3745 Small Non-Residential design projects criteria for façade. No deviations have been requested.

Environmental/Tree Preservation – The applicant will need to submit a Tree Preservation Plan for tree removal. The applicant has submitted a survey that delineates numerous specimen trees that will need to be mitigated. If any protected species are found on the property, the applicant will need to coordinate with the Florida Fish and Wildlife Conservation Commission (FWC).

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

Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)

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 not violate the land uses, densities, or other directives of the adopted Comprehensive Plan or the LDC.*** *The proposed discount/grocery retail store can meet the requirements of the Comprehensive Plan and the Land Development Code. LDC standards for Small Non-residential Development will need to be demonstrated at the time of permitting.*

2. ***The proposed uses and structures would not be incompatible with the uses, structures, and activities on adjacent and nearby lands.*** *The surrounding area includes other commercial uses, and the project is compatible with conditions. The applicant is requesting deviations from cross-access which the Engineering Division does not support.*

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.*** *As proposed, the Impervious Surface Ratio (ISR) and FAR will not exceed the LDC requirements. This site may require an amendment to this CU for future uses or modification if conditions are not met and maintained.*

   b. ***The use or structure would impair pedestrian or vehicular movement in adjoining streets so as to violate adopted level of service standards.*** *The site is located along CR-488 and CR-495, both major collector roadways. The retail store project on the Master Plan date-stamped March 18, 2022, is consistent with the Comprehensive Plan as discussed above, provided the LDC standards and proposed conditions are adhered to. The cross-access deviation to the west is not supported by the Engineering Division.*

   c. ***The use or structure would not create a fire hazard.*** *The application as proposed would not create a fire hazard as long as Fire Code requirements are met at the time of permitting.*

   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.*** *The use is not anticipated to result in noise, odor, glare, vibration, or other similar characteristic detectable at the property line as long as the development standards of the LDC are adhered to.*

   e. ***The use or structure may prevent an adjoining landowner from the legal use of his property pursuant to the LDC.*** *The use as proposed may limit access to the proposed southern lot (Lot 2). The lot may not be able to have a driveway apron if the retail store on proposed Lot 1 pursues two driveway aprons, one on CR-488 and CR-495 at their proposed locations. If this occurs, Lot 2 may have to use cross-access as a primary access.*

   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.*

Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)

g. ***The use or structure would not result in the inadequacy or inability of any public facility or service to meet adopted standards.*** *The site is not in the PSA and appears it will have well and septic. Solid waste and drainage have not been addressed.*

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.*

PROPOSED CONDITIONS (if this application is approved):

1. This Conditional Use shall allow for a discount/grocery retail store up to 10,640 square feet as outlined on the Master Plan date-stamped received March 18, 2022, by the Land Development Division. Construction shall take place in accordance with the criteria and requirements of the Citrus County Land Development Code, unless as otherwise outlined within these conditions.

2. If proposed Lot 2 is created via PLT-22-14, this CU shall allow for uses as allowable in the GNC/RAC land use district as outlined on the Master Plan date-stamped received March 18, 2022, by the Land Development Division. Proposed Lot 2 may continue the existing tower use and CU-06-25 tower conditions must be maintained.

3. The site must provide at least 43 parking spaces or as otherwise allowable in the LDC with an approved parking study.

4. At the time of permitting, the applicant must demonstrate compliance with applicable development standards per LDC Section 3745, Design Standards for Small Non-Residential Development Projects, including but not limited to, standards for landscaping, buffering, signage, façade, pedestrian circulation, dumpsters, drainage, and lighting or unless otherwise outlined in these conditions.

5. Cross-access must be provided or as otherwise approved by the Engineering Division.

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. Where standards are not specified herein, the Citrus County Land Development Code standards (or current code standards) will apply.

MA/cb

Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)

PL1-06-170

October 20, 2006

Mr. Charles W. Dean, Jr.
Charlie Dean Towers, Inc.
10032 Brompton Drive
Tampa, FL 33626

RE: Application No. CU-06-25
LOCATION: Section 15, Township 17 South, Range 17 East; more specifically, Parcel 1 of Costa & Son Inc. Addition, as recorded in Plat Book 17, Page 80, Public Records of Citrus County, Florida, which property is located at 9895 North Morano Terrace. (Crystal River)

Dear Mr. Dean:

At the October 19, 2006, hearing of the Citrus County Planning and Development Review Board (PDRB), your request for a conditional use 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 to allow for the construction of a telecommunications tower in excess of 150 feet for more than three service providers, in an GNC, General Commercial District, pursuant to Section 4673 Table 1 (Table of Permitted Towers), and Section 4673.F.Height Standards of the Citrus County Land Development Code (LDC) was **APPROVED** subject to the following conditions:

1. The site plan and all other documentation required by the Land Development Code (LDC) shall be submitted to the Technical Review Team for final review and all other conditions and requirements of the LDC shall be met before building approval.
2. The tower shall be a five carrier alternative (flag pole) tower and limited to a maximum height of 195-feet above existing grade.
3. The flag shall be flown at the discretion of the operator.
4. A tree preservation site plan shall be submitted to and approved by the Department of Development Services, and no trees shall be removed from the site except as specifically required for tower construction.
5. The buffer shall reach 80 percent opacity within five years as required around the base of the tower compound.
6. A minimum 15-foot wide stabilized access driveway will be provided for connection to North Morano Terrace.
7. A chain link fence, not less than six feet in height, nor greater than eight feet in height from finished grade, shall be provided around the compound and any associated equipment buildings.
8. The applicant shall provide proof of notification to the owner of the private use aviation facility FAA ID#66FD, located east-south east of tower site

Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)

9. The Conditional Use Approval shall be null and void of the tower is found to be abandoned or is removed from the site.
10. Noncompliance with or violation of the above referenced conditions, as may be determined by the Citrus County Code Enforcement Board (CEB) may, in addition to any other penalty imposed by the CEB and subsequent to the procedural requirements of Section 2223 of the Land Development Code being satisfied, render this Conditional Use null, void, and of no force or effect.

It is the responsibility of the property owner to obtain a Development Order 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 PDRB are available for your inspection at the Department of Development Services Office, 3600 West Sovereign Path, Suite 140, Lecanto, Florida. If copies are desired, they may be secured upon request and payment of transcription costs.

Section 2500 Appeals, of the LDC establishes the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the PDRB and all appeals must be filed within 30 days after rendition of the decision by the PDRB.

If any person decides to appeal any decision made by the PDRB 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 Community Development Division (352-527-5239).

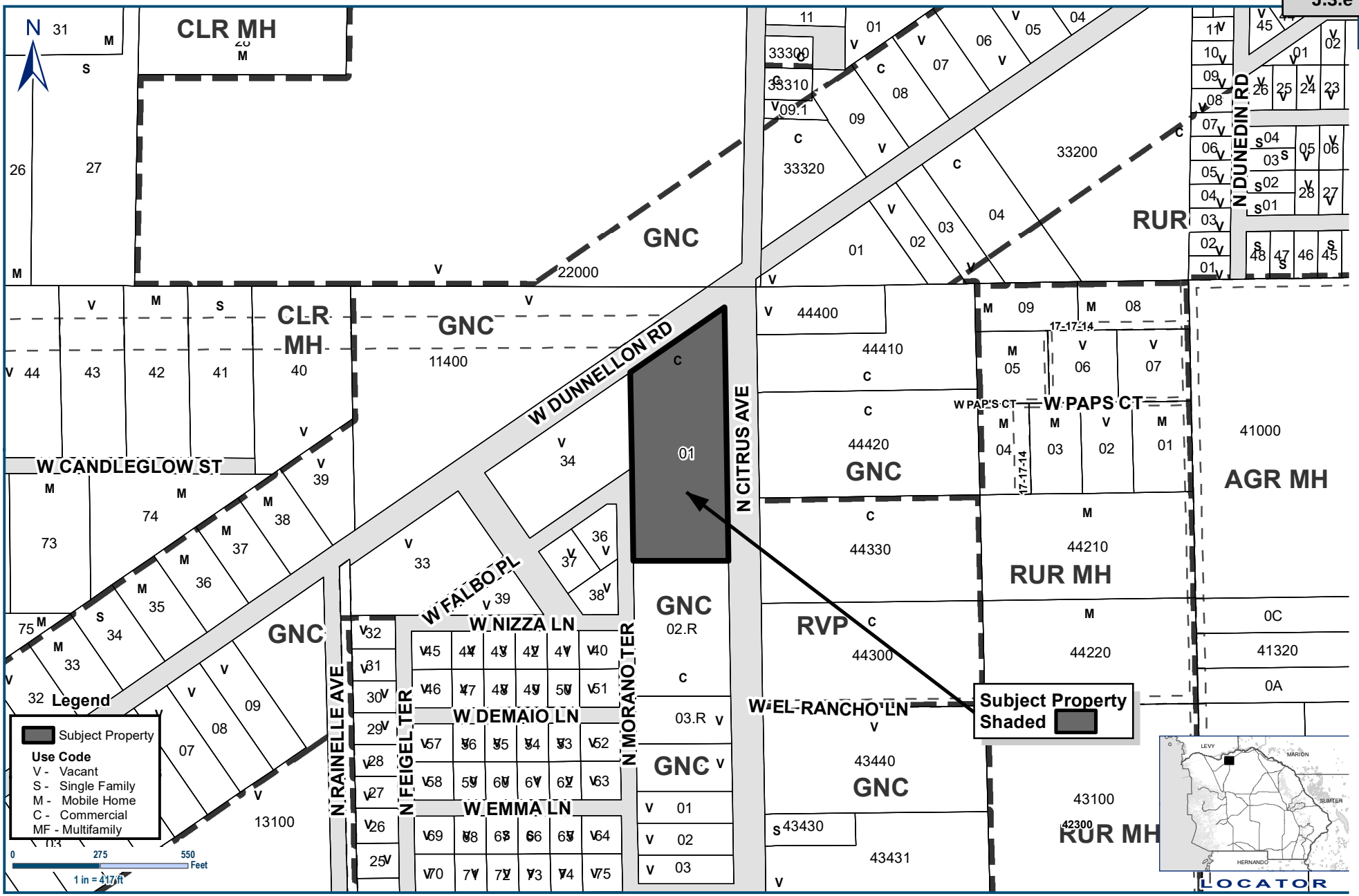
Respectfully,

Cynthia L. Jones, E.I.
Planner
Community Development Division

CLJ/ds

cc: Assistant County Attorney
Officer of Code Enforcement; Department of Public Safety
Community Development Coordinator, Community Development Division
Graphics Coordinator, Community Development Division
Customer Service Supervisor, Building Division

Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)



Application #: CU-22-08	**Applicant: Palmetto Capital Group, LLC for Smith Family Trust**
Proposal: Conditional use to construct discount retail/grocery store in excess of 7000 sq ft	**Location: 9976 N. Citrus Ave Crystal River**
	Land Use Atlas: RAC / **S-T-R - 15-17-17 NE**

Planner Initials: _____ **Date:** _____

Geographic Information Systems

Cynthia P. Skelhorn
Director

Prepared By : William Braunsch
Date: April 5, 2022
Source: Enterprise Geodatabase
Map Number: WB0000803

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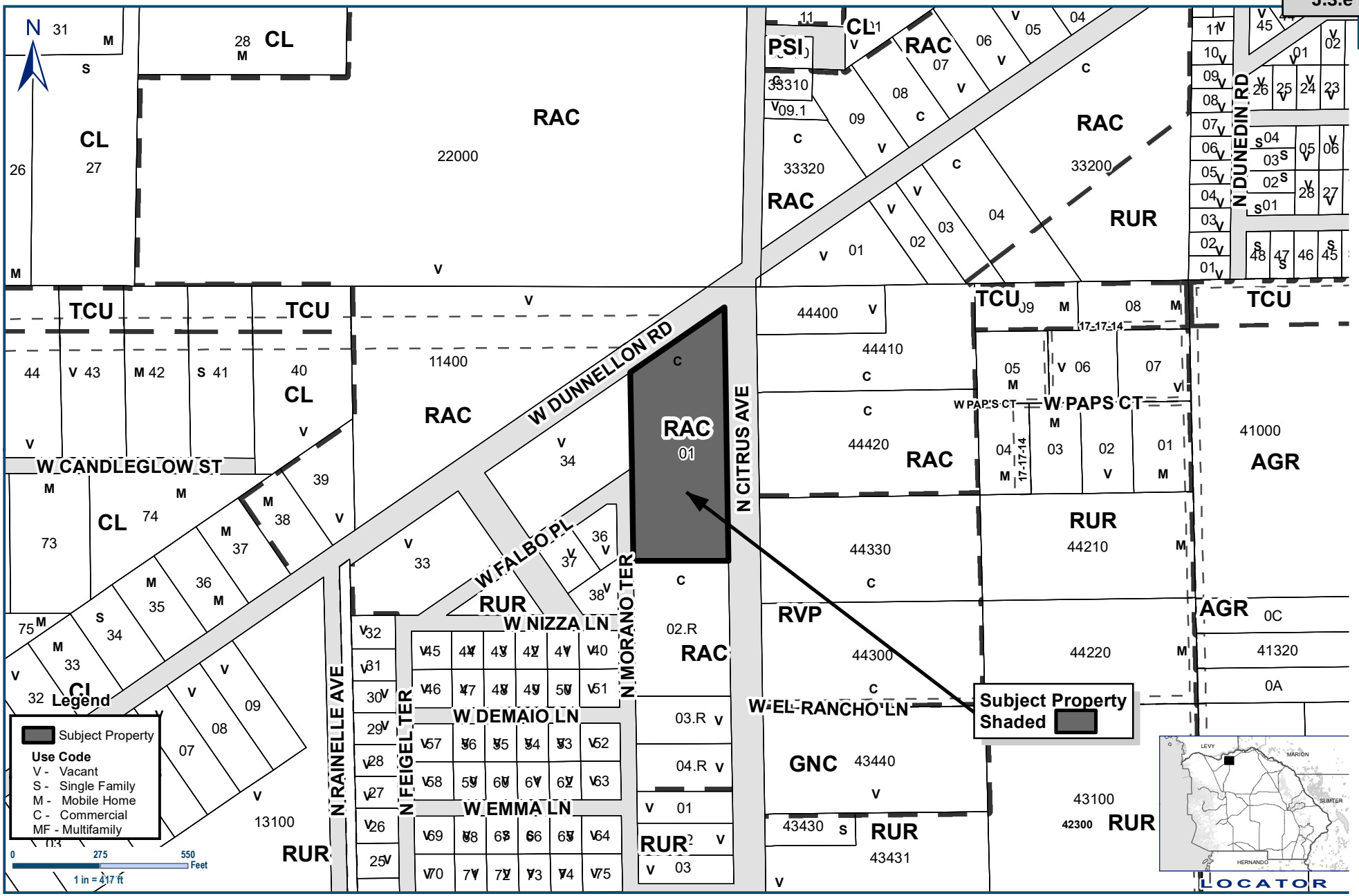
Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)



Application #: CU-22-08

Applicant: Palmetto Capital Group, LLC for Smith Family Trust

Proposal: Conditional use to construct discount retail/grocery store in excess of 7000 sq ft

Location: 9976 N. Citrus Ave Crystal River

Future Land Use: RAC

S-T-R - 15-17-17 NE

Planner Initials: _____ **Date:** _____

Geographic Information Systems

Cynthia P. Skelhorn
Director

Prepared By : William Braunsch
Date: April 5, 2022
Source: Enterprise Geodatabase
Map Number: WB0000785

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Kristi Fuller

Attachment: Staff Report and Locator Maps (20483 : CU-22-08 Palmetto Capital Group, LLC)