

**Planning Commission  
Minutes  
November 6 2014  
6:30 p.m.**



*Robert Froehling, Chairman  
Robert Mercer, Vice Chairman  
Doug Smith  
Keith Raym, Alternate Seat 1  
Phillip Jannarone, Alternate Seat 2*

*George Dluhy  
William "Dude" Phelan  
Charles Kish  
Dee Atkins*

**1. Roll Call**

Vice Chairman Mercer called the meeting to order at 6:30 p.m.

*Commissioners Present:* Vice Chairman Mercer, Commissioner Atkins, Commissioner Jannarone, Commissioner Smith, Commissioner Kish, Commissioner Raym, Commissioner Phelan

*Commissioners Absent:* Chairman Froehling, Commissioner Dluhy, City Attorney Brannigan

**2. Moment of Silence**

Vice Chairman Mercer held a moment of silence.

**3. Pledge of Allegiance**

Vice Chairman Mercer led in the Pledge of Allegiance.

**4. Adoption of Agenda**

Motion to adopt the Agenda was made by Commissioner Atkins, seconded by Commissioner Smith. Motion carried on a 7/0 vote.

**5. Approval of Minutes - October 2, 2014**

Motion to approve minutes of the meeting held October 2, 2014 was made by Commissioner Phelan; seconded by Commissioner Kish. Motion carried on a 7/0 vote.

**6. Citizen Input**

There was none.

**7. Public Hearing - Quasi-Judicial (see attached procedures)**

*A variance request to reduce the side yard waterfront setback from 25' to 5' to allow for a new restaurant/bar. Applicant- PKC Landholdings LLC- 513 NW 2<sup>nd</sup> Ave. (Part of Charlie's Fishhouse & Seafood Market)*

Vice Chairman Mercer read into the record the following instructions to the Commission:

*If any individual plans to speak or offer testimony during any of the public hearings listed on the agenda, which are quasi-judicial in nature, please rise and be sworn in by the Clerk.*

Ms. Gorman and Mr. Donnelly were sworn in by the City Clerk.

Vice Chairman Mercer continued with the quasi-judicial procedure:

*Please note that only competent, substantial, fact-based testimony or evidence will be considered by the Commission in deciding the quasi-judicial matters listed on today's agenda. Pure speculation or mere opinion, not based on competent facts, cannot be legally considered by the Commission in weighing the appropriateness of the quasi-judicial application. Lay testimony with fact-based support (e.g. minutes, surveys, engineering reports, etc.) may be considered competent and substantial evidence. If you intend to speak or offer testimony on a public hearing agenda item that is "quasi-judicial", please keep this in mind. Finally, when you approach the podium to speak on a quasi-judicial matter please state your name, complete physical and mailing address, and whether or not you have been sworn in.*

*Conflict of Interest Disclosure:* All Commissioners responded there was not

*Ex Parte Communications:* All Commissioners responded that there were no communications, written or verbal, related to this item.

*Expert Witnesses:* There were no expert witnesses present for the hearing.

**Jackie Gorman, Planning Services Director- 123 NW Hwy. 19, Crystal River, FL 34429-**

Ms. Gorman read the staff report into the record, (ATTACHED), and advised that the application was submitted by PCK Land Holdings, LLC to request an allowance for setback reduction for the development of the "Crystal River Tiki Lounge" on a peninsular portion of the lot. Ms. Gorman advised that staff recommends approval of the request subject to roof drains being redirected away from the waterfront and the stormwater for the proposed deck be designed to be held underneath the deck.

**Chris Donnelly, Donnelly Architecture- 1483 W Pine Ridge Blvd., Beverly Hills, FL 34465-** Mr.

Donnelly advised that he was representing the property owners, who are requesting the variance to reduce the side yard setback from 25' to 5'. He stated that the existing structure is located 5' from the water, and if the property owners were required to meet 25' on all sides, it would be impossible to develop. He noted that Ms. Gorman had provided a thorough explanation of the request in the staff report, and reiterated some of the highlights, including the irregularity in the size and shape of the parcel, the orientation of the variance side and the existing 5' foot setback, which is facing the current property owner, and consistency of the proposed use with current use and general CRA requirements.

Commissioner Jannarone asked if there had been any objections and Ms. Gorman confirmed that there were none. He then asked if there would be a railing around the entire perimeter of the water, and Mr. Donnelly advised that the intention was not to have a railing, as part of the development plan was to have boat parking along that edge of the seawall, assuring Commissioner Jannarone that the 5' area will not have pedestrian access, but will include a raised platform for tarpon viewing and feeding enclosed by a safety rail. Mr. Jannarone then asked if this project would have any effect on the Riverwalk, and Mr. Donnelly advised that the Riverwalk plan does not extend around peninsula. Commissioner Jannarone then asked for clarification regarding stormwater and Ms. Gorman confirmed that the collection area would be located beneath the deck, and assured the Planning Commission that details like impervious surface rations would be addressed during site plan review and would be code compliant.

Commissioner Kish recalled a past issue relating to the sale of alcohol at Charlie's Fishhouse with in close proximity of a park, and Ms. Gorman advised that the code had been revised to make exceptions for businesses that sell food, as well, and confirmed that the proposed project would be part of Charlie's Fishhouse and serve food, as well.

Commissioner Smith asked how much the building would be raised and if there would there be a second floor. Mr. Donnelly advised that it would be raised to base flood level and confirmed that the project would be low-rise, low-scale and would not include a second floor, as the existing building would only serve as a kitchen and a restroom.

Commissioner Raym asked if the plan was to build a tiki bar with music and lighting, and Mr. Donnelly advised that the kitchen and bar will be located inside, with outdoor seating, confirming that the possibility of outdoor music and the need for sound barriers had been discussed.

Commissioner Raym asked Ms. Gorman if there is a decibel level requirement for outdoor activities or music for establishments, and she confirmed that there was and it is enforced by the Sherriff's Department. Mr. Raym stated that he previously looked at a home located near Crackers Restaurant, but did not purchase it because of the noise on Friday and Saturday night, and asked if this tiki bar would be in competition, volume-wise, with other nearby establishments.

Mr. Donnelly advised that the volume level would be about the same and does not believe the character of the activities at the proposed establishment would be any different from what has already been allowed at adjacent sites, adding that the plan is to have sound buffering panels.

Ms. Gorman stated that the city has worked with Crackers and similar establishments in the past and has had to remind them to project the noise away from the water and encourage the businesses to be mindful of that.

Commissioner Raym stated that his second concern pertains to lighting, as light pollution is a concern of his and some of the restaurants have what he considers high-intensity lighting. He asked if there will be a plan in place to direct light only for those that need it, and Mr. Connelly confirmed that there was.

Commissioner Phelan asked for clarification regarding the dimensions of the building following phases both 1 and 2, as the parking load calculation does not seem consistent with the intensity of use, and asked how matters of health and safety may be affected in their attempt to utilize this long, narrow strip of land for such an establishment. Mr. Connelly provided clarification regarding the square footage of the building, stating that the parking numbers for phase 1 are based on what is available prior to demolition of the house on the property. He stated that after the house is demolished there will be additional parking available.

Commissioner Phelan asked what the anticipated number of customers would be during peak hours for phase one, making note of provision #6 in the staff report. Mr. Connelly stated that typically for a restaurant the assumption is 15 square feet per occupant, and Ms. Gorman advised that the CRA has invested in properties all over the downtown for the creation of overflow parking, including lots on 1<sup>st</sup> street and a potential pathway connecting the parking area to the project site via an adjacent property. She also advised that consultants already identified that we have more than enough parking to fit the needs of our developing CRA district.

Commissioner Smith asked when Phase 2 was planned to take place if Phase 1 is approved, as the post-demolition creation of additional on-site parking is vital. Ms. Connelly advised that the timeline would be based on demand, customer flow, etc.

Commissioner Jannarone asked what the house will be used for during phase 1, and Mr. Connelly confirmed that it will remain a residence.

He then asked Ms. Gorman about current standards for impervious ratios, and she advised that with the upcoming CRA Plan update and code revision process, staff will be addressing changes in the impervious surfaces and setbacks to accommodate waterfront development.

Commissioner Atkins stated that she is excited and thinks the project is a great idea.

Commissioner Kish concurred, stating that the City needs more projects like these as a community with a tourism-based economy.

Vice Chairman Mercer concurred that this a great thing for the community, and however small, this project is a real advance of some of the things that will be happening with the CRA district. On-site parking for any of these parcels is a problem, but will be addressed throughout the upcoming CRA redevelopment process as it moves forward. He is concerned about run-off and concerned that what is planned today will not be consistent with the upcoming stormwater changes.

Mr. Connelly advised that the entire project will be compliant with the most current codes and requirements, reminding him that the variance request is only for the existing five foot setback

Vice Chairman Mercer advised that if it meets the current codes he is all for it, requests that they please consider the possibility of future expense for stormwater management, and concludes that the project will be grandly successful and looks forward to the opening.

Commissioner Jannarone asked for clarification regarding the general objection to roof drains, and Ms. Gorman advised that based on past experience, birds seem to have been the major concern for SWFWMD.

Commissioner Raym stated that he is still troubled by the potential for noise, as some of the existing restaurants create an atrocious amount of noise, which devalues some of the adjacent homes, and he would like to see how that could be addressed before he approves. He also reiterated his concerns pertaining to light pollution. He went on to discuss an additional concern related to the outdoor seating and the potential for breeze to blow trash into the bay. Mr. Connelly responded with potential mitigation measures, like minimizing the use of paper.

Commissioner Kish stated that boats in the bay bring down property value, not the restaurants.

Further discussion ensued pertaining to the processing of variance requests.

*Public Comments:*

**Casey Kofmehl- 10335 N. Gulfview Terrace, Crystal River** – Stated that he would like to set the Commissioner's minds at ease by providing assurance that it is not the intent to compete with Cracker's, regarding music or noise, adding that the idea is to have an acoustic guitar duo with no drums or bass. He also stated that there is a total of 21 parking spots along that side of the property, not 13.

*Intervening Parties:* There were none.

*Applicants Rebuttal:* There was none

A motion for the Planning Commission to approve the variance request for V2014-01 to reduce the side yard waterfront setback at 513 NW 2<sup>nd</sup> Avenue from 25' to 5' to allow for a new restaurant/bar was made by Commissioner Atkins; seconded by Commissioner Kish.

Commissioner Phelan reiterated the circumstances of the request and the potential outcomes, concluding that he will vote in favor with the expectation that the Kofmehl's will take the previously expressed concerns to heart and make a great project.

Commissioner Jannarone advised that he has no objection and is all for it

Motion carried on a 6/1 vote with Commissioner Raym in opposition.

Commissioner Jannarone inquired why Mr. Raym voted in opposition and Mr. Raym advised that he believes the 5 foot setback will create a hardship by increasing pollution in the bay and is also concerned about light pollution.

Commissioner Jannarone advised that although he said he had no objections, he does agree with those concerns.

Commissioner Kish stated that there is trash in all of the waterways, which he also picks up.

Vice Chairman Mercer stated that hopefully there is a way to minimize that, adding that it is a matter of employee training, and ultimately the public decides, as trashy operators eventually lose customers.

Ms. Gorman advised that litter is a problem everywhere and there are ways to educate residents and customers, suggesting the possibility of a program within the CRA plan. She thanked Commissioner Raym for raising concerns regarding light pollution, advising that it will be considered throughout the ordinance update process.

**8. New Business**

**9. Unfinished Business - None**

**10. Committee Reports**

**11. Staff Comments - There were none**

**12. Commissioner's Comments**

Vice Chairman Mercer invited Mr. Chrietzburg to offer input.

**Joe Chrietzburg- 304 NW Crystal St., Crystal River-** Stated that it was a very good meeting tonight and that Vice Chairman Mercer hit the nail on the head: if the city progresses in the area of development, lights on the water may become much more than you can imagine now, with the possibility that even homes will be disappearing from the sides.

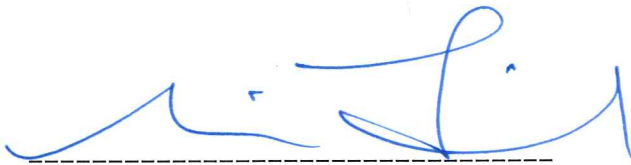
Vice Chairman Mercer announced a King's Bay clean up event scheduled for Saturday, November 8, 2014 from 10:00 a.m. to 3 p.m., a combined effort of the Kings Bay Rotary, SWFWMD and Save Crystal River, adding that Gator Dredging and paid rakers will attend, and free beer and brats will be offered to participants. He stated that everything will be done by the book, as homeowners surrounding the focus area possess the proper permits from FWC, and

Save Crystal River will be assisting by putting a turbidity barrier across the bay and taking turbidity measurements.

**13. Chairman's Comments**

**14. Adjournment**

*Motion to adjourn the meeting was made by Commissioner Jannarone; seconded by Commissioner Kish. Motion carried unanimously. Meeting was adjourned at 7:46 p.m.*



MIA FINK, CITY CLERK

  
ROBERT FROEHLING, CHAIR